

Original sponsor: Huber, Bradner, Chance, et al

CS AM

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 97

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the age of jurors and the age of majority and responsibility."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

* Section 1. AS 04.10.190(a)(5) is amended to read:

10

(5) the consent of a majority of the citizens over the age of 18 [19] years, residing within one mile of the place where the intoxicating liquor is to be manufactured, bartered, sold and exchanged, or bartered, sold and exchanged, but an applicant for a license outside the corporate boundaries of an incorporated town need not obtain the consent for a reissuance of the license.

11

12

13

14

15

16

* Sec. 2. AS 04.10.440 is amended to read:

17

Sec. 04.10.440. CONSENT OF RESIDENTS OUTSIDE OF INCORPORATED CITIES OR TOWNS. No new license for the sale of intoxicating liquor may be issued under this title in areas outside incorporated cities or towns unless a petition containing signatures of a majority of the bona fide residents residing within one mile of the place where intoxicating liquor is to be sold, and over the age of 18 [19] years, is filed with the board asking that a license be issued within the said area. The board may not require the petition for a reissuance of the license.

18

19

20

21

22

23

24

25

* Sec. 3. AS 08.04.110(3) is amended to read:

26

(3) at least 18 [19] years of age; and

27

* Sec. 4. AS 08.04.280(3) is amended to read:

28

(3) at least 18 [19] years of age; and

29

* Sec. 5. AS 08.36.170 is amended to read:

CS AM

1 Sec. 08.36.170. PARTIAL EXAMINATION. A student [AT LEAST 19 YEARS
2 OF AGE] who has satisfactorily completed regular courses of instruction
3 in dentistry in an least two different school years at an approved den-
4 tal school, and who is certified by the dean of the college as having
5 satisfactorily completed the subjects included in section I of the ex-
6 amination may take section I of the examination. If the student passes
7 section I and subsequently takes the full examination, the requirements
8 of section I are waived.

9 * Sec. 6. AS 08.88.211(b)(1) is amended to read:

10 (1) is at least 18 [19] years old;

11 * Sec. 7. AS 09.10.140 is amended to read:

12 Sec. 09.10.140. DISABILITIES OF MINORITY, INSANITY, AND IMPRISON-
13 MENT. If a person entitled to bring an action mentioned in this chapter
14 is at the time the cause of action accrues either (1) under the age of
15 18 [19] years, or (2) insane, or (3) imprisoned on a criminal charge, or
16 in execution under sentence of a court for a term less than his natural
17 life, the time of the disability is not a part of the time limited for
18 the commencement of the action. But the period within which the action
19 may be brought is not extended in any case longer than two years after
20 the disability ceases.

21 * Sec. 8. AS 09.20.010(3) is amended to read:

22 (3) at least 18 [19] years of age;

23 * Sec. 9. AS 10.05.252 is amended to read:

24 Sec. 10.05.252. INCORPORATORS. Three or more natural persons
25 at least 18 [19] years of age may act as incorporators of a corporation
26 by signing, verifying and delivering in duplicate to the commissioner
27 articles of incorporation for the corporation.

28 * Sec. 10. AS 10.20.146 is amended to read:

29 Sec. 10.20.146. INCORPORATORS. Three or more natural persons at
least 18 [19] years of age may act as incorporators of a corporation by

1 signing, verifying and delivering in duplicate to the commissioner
2 articles of incorporation for the corporation.

3 * Sec. 11. AS 11.15.130 is amended to read:

4 Sec. 11.15.130. PUNISHMENT FOR RAPE. (a) A person 18 [19] years
5 of age or older convicted of rape upon his daughter or sister, or upon
6 a female person under 16 years of age, is punishable by imprisonment
7 in the penitentiary for any term of years.

8 (b) A person less than 18 [19] years of age who is found, in ac-
9 cordance with procedures set out in AS 47.10, to have committed [CON-
10 VICTED OF] rape upon his daughter, or sister, or a female person under
11 16 years of age, is punishable in accordance with AS 47.10. If the case
12 is closed under AS 47.10.060 and he is convicted, he is punishable by
13 imprisonment in the penitentiary for not more than 20 years.

14 (c) A person convicted of rape upon any other female person is
15 punishable by imprisonment in the penitentiary for not more than 20
16 years nor less than one year.

17 * Sec. 12. AS 13.05.010 is amended to read:

18 Sec. 13.05.010. WHO MAY MAKE. Every person of sound mind who is
19 18 [19] or more years of age may devise by last will all his property,
20 real or personal, under the rules and limitations provided by law.

21 * Sec. 13. AS 14.14.180(a)(2) is amended to read:

22 (2) has passed his 18th [19TH] birthday;

23 * Sec. 14. AS 18.20.085(a) is amended to read:

24 (a) Unless specified otherwise by the department a hospital shall
25 retain and preserve records which relate directly to the care and
26 treatment of a patient for a period of seven years following the dis-
27 charge of the patient. However, the records of a patient under 18 [19]
28 years of age shall be kept until at least two years after the patient
29 has reached the age of 18 [19] years or until seven years following the

1 discharge of the patient, whichever is longer. Records consisting of
2 X-ray film are required to be retained for five years.

3 * Sec. 15. AS 18.65.010(a) is amended to read:

4 (a) The commissioner of public safety may appoint as special
5 officers qualified police officers of the federal, state or local gov-
6 ernment units or other persons with adequate police training over the
7 age of 18 [19] years, as he considers necessary to aid and assist the
8 division of state troopers in the enforcement of the criminal laws of
9 the state. Each special officer appointed serves without compensation
10 and at the pleasure of the commissioner of public safety and appoint-
11 ments shall be of limited duration.

12 * Sec. 16. AS 20.05.040 is amended to read:

13 Sec. 20.05.040. POWERS AND DUTIES OF GUARDIANS AND RIGHT OF PARENTS
14 TO CUSTODY AND EDUCATION. A guardian has the custody and tuition of the
15 minor and the care and management of his estate. He continues as guardian
16 until the minor reaches 18 [19] years of age, or until the guardian is
17 discharged according to law. However, the father of the minor or, in
18 case of his death, the mother while she remains unmarried, if competent
19 to transact his or her own business, is entitled to the custody of the
20 person of the minor and is in charge of the education of the minor.

21 * Sec. 17. AS 21.27.090(a)(1) is amended to read:

22 (1) be 18 [19] years of age or over, if an individual;

23 * Sec. 18. AS 21.27.290(1) is amended to read:

24 (1) is 18 [19] or more years of age;

25 * Sec. 19. AS 23.30.215(a)(3) is amended to read:

26 (3) if there is one or more surviving children of the de-
27 ceased, but no surviving wife or dependent husband, then for the support
28 of the child or children 35 per cent of the average weekly wages of the
29 deceased [OR UNTIL THE CHILD OR CHILDREN REACH THE AGE OF 19];

1 * Sec. 20. AS 23.30.265(7) is amended to read:

2 (7) "child," "grandchild," "brother," and "sister," include
3 only persons who are under 18 [19] years of age, persons who, though 18
4 [19] years of age or over, are wholly dependent upon the deceased em-
5 ployee and incapable of self-support by reason of mental or physical
6 disability, and persons of any age while they are attending the first
7 four years of vocational school, trade school, or college, and persons
8 of any age while they are attending high school;

9 * Sec. 21. AS 24.25.020 is amended to read:

10 Sec. 24.25.020. SERVICE OF SUBPOENA. A person over the age of 18
11 [19] years who is competent as a witness in the state courts may serve
12 the subpoena. His affidavit that he delivered a copy to the witness is
13 evidence of service.

14 * Sec. 22. AS 25.05.011(a)(1) is amended to read:

15 (1) a male who is 18 [19] years of age or older with a female
16 who is 18 years of age or older, who are otherwise capable, or

17 * Sec. 23. AS 25.20.010 is amended to read:

18 Sec. 25.20.010. AGE OF MAJORITY. A person is considered to have
19 arrived at majority at the age of 18 [19] years, and thereafter has
20 control of his own actions and business and has all the rights and is
21 subject to all the liabilities of citizens of full age, except as
22 otherwise provided by statute.

23 * Sec. 24. AS 38.05.190(a)(1) is amended to read:

24 (1) citizens of the United States at least 18 [19] years of
25 age;

26 * Sec. 25. AS 38.05.190(a)(2) is amended to read:

27 (2) legal guardians or trustees of citizens of the United
28 States under 18 [19] years of age on behalf of such citizens;

29 * Sec. 26. AS 38.05.190(a)(3) is amended to read:

1 (3) persons at least 18 [19] years of age who have declared
2 their intention to become citizens of the United States;

3 * Sec. 27. AS 38.05.190(a)(4) is amended to read:

4 (4) aliens at least 18 [19] years of age if the laws of
5 their country grant like privileges to citizens of the United States;

6 * Sec. 28. AS 43.45.010(a) is amended to read:

7 (a) There is imposed a school tax of \$10 a year upon each person
8 18 [19] years of age or older gainfully employed in the state or on
9 the waters of the state, except (1) a married woman who is unemployed
10 and entirely dependent upon the income of her husband and whose husband
11 has paid a school tax, and (2) a person exempt under sec. 20 of this
12 chapter.

13 * Sec. 29. AS 44.50.020 is amended to read:

14 Sec. 44.50.020. QUALIFICATIONS. A person appointed as notary public
15 shall be, at the time of his appointment, a citizen of the United States
16 and of this state and a resident at least 18 [19] years of age.

17 * Sec. 30. AS 47.10.080(b)(1) is amended to read:

18 (1) order the minor committed to the Department of Health
19 and Welfare for an indeterminate period of time not to extend past
20 a specified date or in any event past the day the minor becomes
21 18 [19], except that the department may petition the court for con-
22 tinued supervision for an additional one-year period for minors who
23 have not responded to treatment, and may direct the minor's place-
24 ment in a juvenile correctional school, detention home, or
25 detention facility designated by the department; the minor may be
26 released from placement or detention and placed on probation on
27 order of the court; or

28 * Sec. 31. AS 47.10.080(b)(2) is amended to read:

29 (2) order the minor placed on probation, to be supervised by

1 the department, and release him to his parents, guardian, or a suitable
2 person; if the court orders the minor placed on probation, it may
3 specify the terms and conditions of probation; the probation may be for
4 an indeterminate period of time, not to extend past a specified date
5 and in no event past the day the minor becomes 18 [19], except that the
6 department may petition the court for continued supervision for an
7 additional one-year period for minors who have not responded to
8 treatment.

9 * Sec. 32. AS 47.10.080(c)(1) is amended to read:

10 (1) order the minor committed to the department for an
11 indeterminate period of time not to exceed the date the minor becomes
12 18 [19] years of age, except that the department may petition the court
13 for continued supervision for an additional one-year period for minors
14 who have not responded to treatment;

15 * Sec. 33. AS 47.10.080(c)(2) is amended to read:

16 (2) order the minor released to his parents, guardian, or
17 some other suitable person; if the court releases the minor, it shall
18 direct the department to supervise the care and treatment given to the
19 minor; the department's supervision may not extend past the date the
20 minor becomes 18 [19] years of age, except that the department may
21 petition the court for continued supervision for an additional one-year
22 period for minors who have not responded to treatment; or

23 * Sec. 34. AS 47.10.100(a) is amended to read:

24 (a) The court retains jurisdiction over the case and may at any
25 time stay execution, modify, set aside, revoke, or enlarge a judgment
26 or order, or grant a new hearing, in the exercise of its power of pro-
27 tection over the minor and for his best interest, until he becomes 18
28 [19] years of age, unless sooner discharged by the court, except that
29 the department may petition the court for continued supervision for an

1 additional one-year period for minors who have not responded to treat-
2 ment. An application for any of these purposes may be made by the
3 parent, guardian, or custodian acting in behalf of the minor, or the
4 court may, on its own motion, and after reasonable notice to interested
5 parties and the appropriate department, take action which it considers
6 appropriate.

7 * Sec. 35. AS 47.10.100(c) is amended to read:

8 (c) If a minor is adjudicated a delinquent, a child in need of
9 supervision, or a dependent before his seventeenth [EIGHTEENTH] birth-
10 day, the court may retain jurisdiction over him after his seventeenth
11 [EIGHTEENTH] birthday for the purpose of supervising his rehabilitation,
12 but the court's jurisdiction over him under this chapter never extends
13 beyond his eighteenth [NINETEENTH] birthday, except that the department
14 may petition the court for continued supervision for an additional
15 one-year period for minors who have not responded to treatment. The
16 department may retain jurisdiction over a child between his seventeenth
17 and eighteenth [EIGHTEENTH AND NINETEENTH] birthdays for the purpose of
18 supervising his rehabilitation, if he is committed to the custody of
19 the department before his seventeenth [EIGHTEENTH] birthday, except
20 that the department may petition the court for continued supervision
21 for an additional one-year period for minors who have not responded
22 to treatment.

23 * Sec. 36. AS 04.10.040(b) is amended to read:

24 (b) A citizen of the United States, over the age of 18 [19] years
25 and of good moral character, may be regularly employed as a waiter or
26 waitress in an establishment operating under a beverage dispensary
27 license. The duties of waitresses employed therein shall be confined
28 to taking orders and serving beverages, alcoholic or otherwise, and
29 food. Waitresses employed under this section may not solicit or

1 encourage the purchase of beverages, alcoholic or otherwise, by a
2 patron of the premises, whether the beverage is for the patron or for
3 another. No waitress may accept any beverage, alcoholic or otherwise,
4 purchased for her by a patron of the establishment. The licensed
5 premises must apply for and receive a permit from the board to employ
6 female persons as waitresses.

7 * Sec. 37. AS 04.15.020(a) is amended to read:

8 (a) Sale to minors or intoxicated persons. It is unlawful to
9 give, barter or sell any intoxicating liquors, including beer and wine,
10 to a person under the age of 18 [19] years or to an intoxicated person,
11 and it is unlawful for a licensee to permit the giving, selling, barter-
12 ing or drinking of any intoxicating liquor within the premises covered
13 by a license to or by either of the forbidden classes, nor shall the
14 licensee permit the drinking of hard or distilled liquors by any person
15 upon the premises covered by his license, unless it is permitted under
16 the classification of his license.

17 * Sec. 38. AS 04.15.020(d) is amended to read:

18 (d) Presence of minors on premises. It is unlawful to permit a
19 person under the age of 18 [19] years to enter or remain upon licensed
20 premises unless he is accompanied by his parent, guardian or spouse
21 who has attained the age of 18 [19] years. [HOWEVER, A PERSON 18 YEARS
22 OF AGE OR OLDER MAY ENTER AND REMAIN UPON LICENSED PREMISES IN THE
23 COURSE OF HIS EMPLOYMENT AS A MUSICIAN, ENTERTAINER OR BUSBOY.] In
24 addition, a person under the age of 18 [19] years may enter and remain
25 upon licensed premises which are also recognized as a restaurant for
26 the purpose of dining or dancing if accompanied by his parent or
27 guardian or by the parent or guardian of any other minor also present,
28 or by any other adult with the consent of the minor's parent or guardian.
29 The Alcoholic Beverage Control Board, with the approval of the city

1 council if the premises are within the city or with the approval of
2 the borough assembly if the premises are outside the city but within a
3 borough, shall designate which premises are restaurants for the purposes
4 of this section. Licensed premises are premises holding licenses under
5 AS 04.10.020(a) - 04.10.020(d). The Alcoholic Beverage Control Board
6 shall promulgate regulations for the designation of restaurants and
7 the continuation or withdrawal of the designation. No establishment
8 may be designated as a restaurant for purposes of dining without the
9 consent of the licensee.

10 * Sec. 39. AS 04.15.060 is amended to read:

11 Sec. 04.15.060. PURCHASE BY MINORS. (a) It is unlawful for a
12 person under the age of 18 [19] years to solicit the purchase of or in
13 any other way to attempt to purchase or otherwise secure any intoxicat-
14 ing liquor. A person violating the provisions of this section is
15 guilty of a misdemeanor, and upon conviction is punishable as provided
16 in sec. 100 of this chapter.

17 (b) A person who influences or attempts to influence the sale,
18 giving or serving of intoxicating liquor to a person under 18 [19]
19 years of age, by misrepresenting the age of that person, or who orders,
20 requests, receives, or procures intoxicating liquor from a licensee,
21 employee, or other person, for the purpose of selling, giving, or
22 serving it to a person under 18 [19] years of age, is guilty of a
23 misdemeanor.

24 (c) A person under the age of 18 [19] years who enters a licensed
25 premises where intoxicating liquor is sold and who offers or presents
26 to a licensee or his employee a fraudulent or false certificate of
27 birth or other written evidence of age, which is not actually his or
28 her own, or who otherwise misrepresents his or her age, for the purpose
29 of inducing the licensee or his employee to sell, give, serve, or

1 furnish intoxicating liquor contrary to law, is guilty of a misdemeanor.

2 (d) A licensee or his employee who questions, or has reason to
3 question, whether a person entering upon licensed premises, or ordering,
4 purchasing, attempting to purchase or otherwise procuring or attempting
5 to procure the serving or delivery of intoxicating liquor, has at-
6 tained the age of 18 [19] years, shall require that person to sign a
7 statement that he is over the age of 18 [19] years. This statement
8 shall be made upon a form prepared by and furnished to the licensee by
9 the board. If a licensee, or his employee, in good faith, secures the
10 signed statement he is not subject to criminal prosecution for
11 violation of the provisions of [SUBSECTIONS] (b) and (c) of this
12 section.

13 (e) A licensee, or his employee, who allows to remain upon
14 licensed premises where intoxicating liquor is sold, a person under
15 the age of 18 [19] years not in company of his parent or legal guardian
16 or spouse who has attained the age of 18 [19] years, or sells, gives
17 or serves intoxicating liquor to a person under the age of 18 [19]
18 years without having procured the signature of the person upon a state-
19 ment as provided in this section, or who knowingly sells, gives, or
20 serves intoxicating liquor to or allows the person to remain on
21 licensed premises where intoxicating liquor is sold, is guilty of a
22 misdemeanor.

23 * Sec. 40. AS 04.15.065 is amended to read:

24 Sec. 04.15.065. DRIVER'S LICENSE AS PROOF OF AGE. A valid Alaska
25 driver's license is acceptable as proof of age when used for identifi-
26 cation in the purchase of liquor and for presence in establishments
27 where liquor is sold if the license is made of or encased in plastic
28 and contains a photograph of the license holder and a statement of
29 his age or date of birth. The liquor licensee may not be held liable

1 for any of the penalties imposed for serving minors or permitting minors
2 on the premises when such a driver's license indicates that the owner
3 and possessor of the license is 18 [19] years of age or over.

4 * Sec. 41. AS 04.15.080 is amended to read:

5 Sec. 04.15.080. GIVING OF INTOXICATING LIQUOR TO PERSONS UNDER
6 THE AGE OF 18 [19] YEARS. (a) A person or firm, company, corporation
7 or an employee thereof who sells, barter, gives or delivers to a
8 person under the age of 18 [19] years, any intoxicating liquor is
9 guilty of a misdemeanor, and upon conviction is punishable by imprison-
10 ment of not more than one year, or by a fine of not more than \$500,
11 or by both.

12 (b) The term "person" as used in this section does not include
13 a parent as to his own child, a guardian as to his ward or a licensed
14 physician or nurse in giving medical treatment.

15 * Sec. 42. AS 23.10.355 is amended to read:

16 Sec. 23.10.355. PERSONS UNDER 18 [19]. No person under 18 [19] may
17 be employed or allowed to sell or serve intoxicating liquors or to
18 work in any room or other place where intoxicating liquors are sold
19 for consumption on the premises, except as provided in AS 04.15.020(d).

20 * Sec. 43. AS 47.10.060(d) is amended to read:

21 (d) A minor is unamenable to treatment under this chapter if he
22 probably cannot be rehabilitated by treatment under this chapter before
23 he reaches 18 [21] years of age. In determining whether a minor is
24 unamenable to treatment, the court may consider the seriousness of the
25 offense the minor is alleged to have committed, the minor's history of
26 delinquency, the probable cause of the minor's delinquent behavior, and
27 the facilities available to the division of corrections [YOUTH AND
28 ADULT AUTHORITY] for treating the minor.
29