

Introduced: 1/30/73
Referred: Judiciary

BY HUBER, RANDOLPH, CARROL
AND M. MILLER

1 IN THE HOUSE

2 HOUSE BILL NO. 155

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the age of majority and responsi-
7 bility."

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

9 * Section 1. AS 04.10.040(b) is amended to read:

10 (b) A citizen of the United States, over the age of 18 [19] years
11 and of good moral character, may be regularly employed as a waiter or
12 waitress in an establishment operating under a beverage dispensary
13 license. The duties of waitresses employed therein shall be confined
14 to taking orders and serving beverages, alcoholic or otherwise, and
15 food. Waitresses employed under this section may not solicit or
16 encourage the purchase of beverages, alcoholic or otherwise, by a patron
17 of the premises, whether the beverage is for the patron or for another.
18 No waitress may accept any beverage, alcoholic or otherwise, purchased
19 for her by a patron of the establishment. The licensed premises must
20 apply for and receive a permit from the board to employ female persons
21 as waitresses.

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

23 Sec. 04.10.440. CONSENT OF RESIDENTS OUTSIDE OF INCORPORATED CITIES
24 OR TOWNS. No new license for the sale of intoxicating liquor may be
25 issued under this title in areas outside incorporated cities or towns
26 unless a petition containing signatures of a majority of the bona fide
27 residents residing within one mile of the place where intoxicating
28 liquor is to be sold, and over the age of 18 [19] years, is filed with
29 the board asking that a license be issued within the said area. The

1 board may not require the petition for a reissuance of the license.

2 * Sec. 3. AS 04.15.020(a) is amended to read:

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

12 * Sec. 4. AS 04.15.020(d) is amended to read:

13 (d) Presence of minors on premises. It is unlawful to permit a
14 person under the age of 18 [19] years to enter or remain upon licensed
15 premises unless he is accompanied by his parent, guardian or spouse
16 who has attained the age of 18 [19] years. [HOWEVER, A PERSON 18 YEARS
17 OF AGE OR OLDER MAY ENTER AND REMAIN UPON LICENSED PREMISES IN THE
18 COURSE OF HIS EMPLOYMENT AS A MUSICIAN, ENTERTAINER OR BUSBOY.] In
19 addition, a person under the age of 18 [19] years may enter and remain
20 upon licensed premises which are also recognized as a restaurant for
21 the purpose of dining or dancing if accompanied by his parent or
22 guardian or by the parent or guardian of any other minor also present,
23 or by any other adult with the consent of the minor's parent or guardian.
24 The Alcoholic Beverage Control Board, with the approval of the city
25 council if the premises are within the city or with the approval of
26 the borough assembly if the premises are outside the city but within a
27 borough, shall designate which premises are restaurants for the purposes
28 of this section. Licensed premises are premises holding licenses under
29 AS 04.10.020(a) - 04.10.020(d). The Alcoholic Beverage Control Board

1 shall promulgate regulations for the designation of restaurants and
2 the continuation or withdrawal of the designation. No establishment
3 may be designated as a restaurant for purposes of dining without the
4 consent of the licensee.

5 * Sec. 5. AS 04.15.060 is amended to read:

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

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

19 (c) A person under the age of 18 [19] years who enters a licensed
20 premises where intoxicating liquor is sold and who offers or presents
21 to a licensee or his employee a fraudulent or false certificate of
22 birth or other written evidence of age, which is not actually his or
23 her own, or who otherwise misrepresents his or her age, for the purpose
24 of inducing the licensee or his employee to sell, give, serve, or
25 furnish intoxicating liquor contrary to law, is guilty of a misdemeanor.

26 (d) A licensee or his employee who questions, or has reason to
27 question, whether a person entering upon licensed premises, or ordering,
28 purchasing, attempting to purchase or otherwise procuring or attempting
29 to procure the serving or delivery of intoxicating liquor, has attained

1 the age of 18 [19] years, shall require that person to sign a statement
2 that he is over the age of 18 [19] years. This statement shall be made
3 upon a form prepared by and furnished to the licensee by the board. If
4 a licensee, or his employee, in good faith, secures the signed state-
5 ment he is not subject to criminal prosecution for violation of the
6 provisions of [SUBSECTIONS] (b) and (c) of this section.

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

17 * Sec. 6. AS 04.15.063 is amended to read:

18 Sec. 04.15.063. LIQUOR IDENTIFICATION CARD. Upon reaching the
19 age of 18 [19], a person may apply to the department for a nontransfer-
20 able liquor identification card. In addition to the requirements of
21 sec. 65 of this chapter, the department shall provide by regulation for
22 the issuance of the card specified in this section, including but not
23 limited to a fee for issuance, the format of the card, and the procedure
24 for issuance.

25 * Sec. 7. AS 04.15.065 is amended to read:

26 Sec. 04.15.065. DRIVER'S LICENSE AS PROOF OF AGE. A valid Alaska
27 driver's license or a liquor identification card issued under sec. 63 of
28 this chapter is acceptable as proof of age when used for identification
29 in the purchase of liquor and for presence in establishments where

1 liquor is sold if the license or identification card is made of or en-
2 cased in plastic and contains a photograph of the license holder and
3 a statement of his age or date of birth. The liquor licensee may not
4 be held liable for any of the penalties imposed for serving minors or
5 permitting minors on the premises when such a driver's license or
6 identification card indicates that the owner and possessor of the
7 license is 18 [19] years of age or over.

8 * Sec. 8. AS 04.15.080 is amended to read:

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

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

19 * Sec. 9. AS 08.04.110(3) is amended to read:

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

21 * Sec. 10. AS 08.04.280(3) is amended to read:

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

23 * Sec. 11. AS 08.36.170 is amended to read:

24 Sec. 08.36.170. PARTIAL EXAMINATION. A student [AT LEAST 19 YEARS
25 OF AGE] who has satisfactorily completed regular courses of instruction
26 in dentistry in at least two different school years at an approved den-
27 tal school, and who is certified by the dean of the college as having
28 satisfactorily completed the subjects included in section I of the ex-
29 amination may take section I of the examination. If the student passes

1 section I and subsequently takes the full examination, the requirements
2 of section I are waived.

3 * Sec. 12. AS 08.88.211(b)(1) is amended to read:

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

5 * Sec. 13. AS 09.10.140 is amended to read:

6 Sec. 09.10.140. DISABILITIES OF MINORITY, INSANITY, AND IMPRISON-
7 MENT. If a person entitled to bring an action mentioned in this chapter
8 is at the time the cause of action accrues either (1) under the age of
9 18 [19] years, or (2) insane, or (3) imprisoned on a criminal charge, or
10 in execution under sentence of a court for a term less than his natural
11 life, the time of the disability is not a part of the time limited for
12 the commencement of the action. But the period within which the action
13 may be brought is not extended in any case longer than two years after
14 the disability ceases.

15 * Sec. 14. AS 09.20.010(3) is amended to read:

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

17 * Sec. 15. AS 10.05.252 is amended to read:

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

22 * Sec. 16. AS 10.20.146 is amended to read:

23 Sec. 10.20.146. INCORPORATORS. Three or more natural persons at
24 least 18 [19] years of age may act as incorporators of a corporation by
25 signing, verifying and delivering in duplicate to the commissioner
26 articles of incorporation for the corporation.

27 * Sec. 17. AS 11.15.130 is amended to read:

28 Sec. 11.15.130. PUNISHMENT FOR RAPE. (a) A person 18 [19] years
29 of age or older convicted of rape upon his daughter or sister, or upon

1 a female person under 16 years of age, is punishable by imprisonment
2 in the penitentiary for any term of years.

3 (b) A person less than 18 [19] years of age who is found, in
4 accordance with procedures set out in AS 47.10, to have committed
5 [CONVICTED OF] rape upon his daughter, or sister, or a female person
6 under 16 years of age, is punishable in accordance with AS 47.10. If
7 the case is closed under AS 47.10.060 and he is convicted, he is punish-
8 able by imprisonment in the penitentiary for not more than 20 years.

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

12 * Sec. 18. AS 13.06.050(24) is amended to read:

13 (24) "minor" means a person who is under 18 [19] years of age.

14 * Sec. 19. AS 13.11.150 is amended to read:

15 Sec. 13.11.150. WHO MAY MAKE A WILL. Any person 18 [19] or more
16 years of age who is of sound mind may make a will.

17 * Sec. 20. AS 13.16.065(c) is amended to read:

18 (c) A person entitled to letters under (a)(2) - (5) of this
19 section [, AND A PERSON AGED 19 AND OVER WHO WOULD BE ENTITLED TO
20 LETTERS BUT FOR HIS AGE,] may nominate a qualified person to act as
21 personal representative. Any person aged 18 [19] and over may renounce
22 his right to nominate or to an appointment by appropriate writing filed
23 with the court. When two or more persons share a priority, those of
24 them who do not renounce must concur in nominating another to act for
25 them, or in applying for appointment.

26 * Sec. 21. AS 13.16.065(f)(1) is amended to read:

27 (1) under the age of 18 [19];

28 * Sec. 22. AS 13.26.015(1) is amended to read:

29 (1) the minor, if he [HAS ATTAINED THE AGE OF 19 YEARS OR]

1 is married;

2 * Sec. 23. AS 13.26.280(a) is amended to read:

3 (a) A conservator has all of the powers conferred herein and any
4 additional powers conferred by law on trustees in this state. In
5 addition, a conservator of the estate of an unmarried minor under the
6 age of 18 [19] years, as to whom no one has parental rights, has the
7 duties and powers of a guardian of a minor described in sec. 70 of this
8 chapter until the minor attains the age of 18 [19] or marries, but the
9 parental rights so conferred on a conservator do not preclude appoint-
10 ment of a guardian as provided by secs. 30 - 85 of this chapter.

11 * Sec. 24. AS 13.50.010(a) is amended to read:

12 (a) A person of sound mind who is 18 [19] or more years of age
13 may make a gift to take effect upon death, of all or a part of his body
14 for a purpose specified in sec. 20 of this chapter.

15 * Sec. 25. AS 17.10.200(c) is amended to read:

16 (c) A person convicted of illegally selling, giving or supplying
17 narcotic drugs to a person under the age of 18 [21] years is punishable

18 (1) if the offense is a first violation, by imprisonment
19 for not less than 10 nor more than 30 years and by a fine of not less
20 than \$5,000 nor more than \$10,000;

21 (2) if the offense is a second violation or if the offense
22 is a first violation and the offender has previously been convicted of
23 a violation of this chapter or of the laws of the United States or of
24 any other state, territory or district relating to narcotic drugs, by
25 imprisonment for not less than 15 or more than 30 years, and by a fine
26 of not more than \$25,000;

27 (3) if the offense is a third violation or if the offense
28 is a first or second violation and the offender has previously been
29 convicted two or more times of any violation of this chapter or of the

1 laws of the United States, or of any other state, territory or district
2 relating to narcotic drugs, by imprisonment for the remainder of his
3 natural life.

4 * Sec. 26. AS 17.12.110(c) is amended to read:

5 (c) A person who violates a provision of this chapter by selling
6 or otherwise disposing of a depressant, hallucinogenic or stimulant
7 drug to a person less than 18 [19] years of age is guilty of a felony
8 and upon conviction is punishable by imprisonment for any term of
9 years or life, or by a fine of not more than \$25,000, or by both.

10 * Sec. 27. AS 18.20.085(a) is amended to read:

11 (a) Unless specified otherwise by the department a hospital shall
12 retain and preserve records which relate directly to the care and
13 treatment of a patient for a period of seven years following the dis-
14 charge of the patient. However, the records of a patient under 18 [19]
15 years of age shall be kept until at least two years after the patient
16 has reached the age of 18 [19] years or until seven years following the
17 discharge of the patient, whichever is longer. Records consisting of
18 X-ray film are required to be retained for five years.

19 * Sec. 28. AS 18.65.010(a) is amended to read:

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

28 * Sec. 29. AS 21.27.090(a)(1) is amended to read:

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

1 * Sec. 30. AS 21.27.290(1) is amended to read:

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

3 * Sec. 31. AS 23.10.355 is amended to read:

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

8 * Sec. 32. AS 23.30.265(7) is amended to read:

9 (7) "child," "grandchild," "brother," and "sister," include
10 only persons who are under 18 [19] years of age, persons who, though 18
11 [19] years of age or over, are wholly dependent upon the deceased
12 employee and incapable of self-support by reason of mental or physical
13 disability, and persons of any age while they are attending the first
14 four years of vocational school, trade school, or college, and persons
15 of any age while they are attending high school;

16 * Sec. 33. AS 24.25.020 is amended to read:

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

21 * Sec. 34. AS 25.05.011(a)(1) is amended to read:

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

24 * Sec. 35. AS 25.20.010 is amended to read:

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

1 * Sec. 36. AS 38.05.190(a)(1) is amended to read:

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

4 * Sec. 37. AS 38.05.190(a)(2) is amended to read:

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

7 * Sec. 38. AS 38.05.190(a)(3) is amended to read:

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

10 * Sec. 39. AS 38.05.190(a)(4) is amended to read:

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

13 * Sec. 40. AS 43.45.010(a) is amended to read:

14 (a) There is imposed a school tax of \$10 a year upon each person
15 18 [19] years of age or older gainfully employed in the state or on
16 the waters of the state, except (1) a married woman who is unemployed
17 and entirely dependent upon the income of her husband and whose husband
18 has paid a school tax, and (2) a person exempt under sec. 20 of this
19 chapter.

20 * Sec. 41. AS 44.50.020 is amended to read:

21 Sec. 44.50.020. QUALIFICATIONS. A person appointed a notary public
22 shall be, at the time of submitting his application, a citizen of the
23 United States and a resident at least 18 [19] years of age. In this
24 section, "resident" means a person who maintains his permanent place of
25 abode in Alaska, and is in fact living here.

26 * Sec. 42. AS 47.10.060(d) is amended to read:

27 (d) A minor is unamenable to treatment under this chapter if he
28 probably cannot be rehabilitated by treatment under this chapter before
29 he reaches 18 [21] years of age. In determining whether a minor is

1 unamenable to treatment, the court may consider the seriousness of the
2 offense the minor is alleged to have committed, the minor's history of
3 delinquency, the probable cause of the minor's delinquent behavior, and
4 the facilities available to the division of corrections [YOUTH AND
5 ADULT AUTHORITY] for treating the minor.

6 * Sec. 43. AS 47.10.080(b)(1) is amended to read:

7 (1) order the minor committed to the Department of Health
8 and Social Services for an indeterminate period of time not to extend
9 past a specified date or in any event past the day the minor becomes
10 18 [19], except that the department may petition the court for continued
11 supervision for an additional one-year period for minors who have not
12 responded to treatment, and may direct the minor's placement in a
13 juvenile correctional school, detention home, or detention facility
14 designated by the department; the minor may be released from placement
15 or detention and placed on probation on order of the court; or

16 * Sec. 44. AS 47.10.080(b)(2) is amended to read:

17 (2) order the minor placed on probation, to be supervised by
18 the department, and release him to his parents, guardian, or a suitable
19 person; if the court orders the minor placed on probation, it may
20 specify the terms and conditions of probation; the probation may be for
21 an indeterminate period of time, not to extend past a specified date
22 and in no event past the day the minor becomes 18 [19], except that the
23 department may petition the court for continued supervision for an
24 additional one-year period for minors who have not responded to
25 treatment.

26 * Sec. 45. AS 47.10.080(c)(1) is amended to read:

27 (1) order the minor committed to the department for an
28 indeterminate period of time not to exceed the date the minor becomes
29 18 [19] years of age, except that the department may petition the court

1 for continued supervision for an additional one-year period for minors
2 who have not responded to treatment;

3 * Sec. 46. AS 47.10.100(a) is amended to read:

4 (a) The court retains jurisdiction over the case and may at any
5 time stay execution, modify, set aside, revoke, or enlarge a judgment
6 or order, or grant a new hearing, in the exercise of its power of pro-
7 tection over the minor and for his best interest, until he becomes 18
8 [19] years of age, unless sooner discharged by the court, except that
9 the department may petition the court for continued supervision for an
10 additional one-year period for minors who have not responded to treat-
11 ment. An application for any of these purposes may be made by the
12 parent, guardian, or custodian acting in behalf of the minor, or the
13 court may, on its own motion, and after reasonable notice to interested
14 parties and the appropriate department, take action which it considers
15 appropriate.

16 * Sec. 47. AS 47.10.100(c) is amended to read:

17 (c) If a minor is adjudicated a delinquent, a child in need of
18 supervision, or a dependent before his 17th [EIGHTEENTH] birthday, the
19 court may retain jurisdiction over him after his 17th [EIGHTEENTH]
20 birthday for the purpose of supervising his rehabilitation, but the
21 court's jurisdiction over him under this chapter never extends beyond
22 his 18th [NINETEENTH] birthday, except that the department may petition
23 the court for continued supervision for an additional one-year period
24 for minors who have not responded to treatment. The department may
25 retain jurisdiction over a child between his 17th and 18th [EIGHTEENTH
26 AND NINETEENTH] birthdays for the purpose of supervising his rehabilita-
27 tion, if he is committed to the custody of the department before his
28 17th [EIGHTEENTH] birthday, except that the department may petition the
29 court for continued supervision for an additional one-year period for

1 minors who have not responded to treatment.
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