

Introduced: 1/16/76
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 602

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to treatment and services for intoxi-
7 cated persons and persons incapacitated by alcohol."

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

9 * Section 1. AS 47.37.170(a) is amended to read:

10 (a) An intoxicated person may come voluntarily to an approved
11 public treatment facility for emergency treatment. A person who
12 appears to be intoxicated in a public place and to be in need of help,
13 if he consents, may be assisted by a peace officer or a member of the
14 emergency service patrol to his home, an approved public treatment
15 facility, an approved private treatment facility, or another appro-
16 priate health facility.

17 * Sec. 2. AS 47.37.170(b) is amended to read:

18 (b) A person who appears to be incapacitated by alcohol in a
19 public place shall be taken into protective custody by a peace officer
20 or a member of the emergency service patrol and immediately brought to
21 an approved public treatment facility, an approved private treatment
22 facility, or another appropriate health facility or service for emer-
23 gency medical treatment. If no [APPROVED PUBLIC] treatment facility or
24 service is available, a person who appears to be incapacitated by
25 alcohol in a public place shall be taken to a state or municipal
26 detention facility in the area, if that appears necessary for the
27 protection of the person's health or safety. A person taken to a
28 detention facility under this subsection may be detained (1) until a
29 treatment facility or emergency medical service is made available, or

1 (2) until he is no longer incapacitated by alcohol, or (3) for a
2 maximum period of 12 hours, whichever occurs first. A detaining
3 officer or a detention facility official may release a person who is
4 detained under this subsection at any time to the custody of a responsi-
5 ble adult. [IS READILY AVAILABLE HE SHALL BE TAKEN TO AN EMERGENCY
6 MEDICAL SERVICE CUSTOMARILY USED FOR INCAPACITATED PERSONS.] The
7 peace officer or a member of the emergency service patrol, in detaining
8 the person and in taking him to a [AN APPROVED PUBLIC] treatment
9 facility or service or a detention facility, is taking him into pro-
10 protective custody and he shall make [EVERY] reasonable efforts [EFFORT]
11 to protect the [HIS] health and safety of the detainee. In taking the
12 person into protective custody, the detaining officer may take reason-
13 able steps to protect himself. Protective custody under this sub-
14 section does not constitute an arrest [UNDER THIS SECTION] and no
15 entry or other record may [SHALL] be made to indicate that the person
16 has been arrested or charged with a crime; however, a confidential
17 record which is necessary for administrative purposes of the facility
18 to which the person is taken may be made.

19 * Sec. 3. AS 47.37.270(8) is repealed and re-enacted to read:

20 (8) "incapacitated by alcohol" means a person who, as the
21 result of consumption of alcohol, is rendered unconscious or has his
22 judgment or physical mobility so impaired that he cannot readily
23 recognize or extricate himself from conditions of apparent or imminent
24 danger to his health or safety;