

Introduced: 4/2/75  
Referred: Health, Education  
and Social Services

1 IN THE SENATE

BY RAY AND MILLER

2 *CS SS* SENATE BILL NO. 336 *amtl*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the treatment of intoxicated  
7 persons."

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 shall [, IF HE CONSENTS, MAY] be assisted by a peace officer or a  
14 member of the emergency service patrol to his home, an approved public  
15 treatment facility, an approved private treatment facility, or, if  
16 none of the preceding is known or available, another appropriate  
17 secure and comfortable place which, if possible, is a public facility.  
18 Notwithstanding (d) of this section, a person assisted in this manner  
19 may be detained in protective custody for up to 24 hours depending  
20 on the circumstances and the extent of his intoxication. The safe-  
21 guards which apply and the rights which accrue to a person held in  
22 protective custody in other situations under this chapter shall apply  
23 to persons held in protective custody under this subsection [ANOTHER  
24 APPROPRIATE HEALTH FACILITY].

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

26 (b) A person who appears to be incapacitated by alcohol shall be  
27 taken into protective custody by a peace officer or a member of the  
28 emergency service patrol and immediately brought to an approved public  
29 treatment facility for emergency treatment. If no approved public

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1 treatment facility is readily available he shall be taken to an  
2 emergency medical service customarily used for incapacitated persons.  
3 If no emergency medical service is readily available, he shall be taken  
4 to the nearest jail or similar detention facility. The peace officer  
5 or a member of the emergency service patrol, in detaining the person  
6 and in taking him to an approved public treatment facility, emergency  
7 medical service or similar detention facility, is taking him into  
8 protective custody and he shall make every reasonable effort to protect  
9 his health and safety. In taking the person into protective custody,  
10 the detaining officer may take reasonable steps to protect himself.  
11 Protective custody does not constitute an arrest under this section  
12 and no entry or other record shall be made to indicate that the person  
13 has been arrested or charged with a crime.

14 \* Sec. 3. AS 47.37.170 is amended by adding a new subsection to read:

15 (i) A person who on four occasions in any one year is assisted  
16 for intoxication under (a) of this section shall, upon his fourth  
17 occasion, either (1) voluntarily commit himself to an approved public  
18 treatment facility or (2) be involuntarily committed to an approved  
19 public treatment facility with the protection provided, and in the  
20 manner specified, by secs. 190 - 900 of this chapter.

21 \* Sec. 4. AS 47.37.200(g) is amended by adding a new paragraph to read:

22 (3) when, in the case of a person committed under sec. 170(i)  
23 of this chapter, further treatment is no longer appropriate.  
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