

Offered: 4/7/75
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY RAY AND MILLER

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 336

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 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 appears
12 to be intoxicated in a public place and to be in need of help [, IF
13 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 appropri-
16 ate health facility, or, if the preceding are unavailable, a detention
17 facility. Detention under this provision does not constitute an arrest
18 and may not exceed 12 hours.

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

20 (b) A person who appears to be incapacitated by alcohol shall be
21 taken into protective custody by a peace officer or a member of the
22 emergency service patrol and immediately brought to an approved public
23 treatment facility for emergency treatment. If no approved public
24 treatment facility is readily available he shall be taken to an emer-
25 gency medical service customarily used for incapacitated persons. If
26 no emergency medical service is readily available, he shall be taken
27 to a detention facility. The peace officer or a member of the emergency
28 service patrol, in detaining the person and in taking him to an approved
29 public treatment facility, emergency medical service or detention

1 facility, is taking him into protective custody and he shall make every
2 reasonable effort to protect his health and safety. In taking the
3 person into protective custody, the detaining officer may take reason-
4 able steps to protect himself. Protective custody does not constitute
5 an arrest under this section and no entry or other record shall be made
6 to indicate that the person has been arrested or charged with a crime.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29