

Original sponsor: Miller and Hohman

Offered: 5/12/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 350

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 penalties for unauthorized posses-  
7 sion and control of certain drugs."

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

9 \* Section 1. AS 17.12.110 is amended to read:

10 Sec. 17.12.110. PENALTIES. (a) A person who violates a provision  
11 of this chapter relating to the possession or control of depressant,  
12 hallucinogenic and stimulant drugs, other than marijuana as specified  
13 in (d) of this section, when his possession or control is for his own  
14 use, is guilty of a misdemeanor and upon conviction is punishable by  
15 imprisonment for not more than one year, or by a fine of not more than  
16 \$1,000, or by both.

17 (b) A person who violates a provision of this chapter other than  
18 those [ONE] mentioned in (a) and (d) of this section, or a person who  
19 violates a provision of this chapter relating to the possession or  
20 control of depressant, hallucinogenic and stimulant drugs, when his  
21 possession or control is for the purpose of sale or other disposal to  
22 another person, is guilty of a felony and upon conviction is punishable  
23 as follows:

24 (1) for the first offense, by imprisonment for not more  
25 than 25 years, or by a fine of not more than \$20,000, or by both;

26 (2) for the second and subsequent offenses, by imprisonment  
27 for any term of years or life, or by a fine of not more than \$25,000,  
28 or by both.

29 (c) A person who violates a provision of this chapter by selling

1 or otherwise disposing of a depressant, hallucinogenic or stimulant  
2 drug to a person less than 19 years of age is guilty of a felony and  
3 upon conviction is punishable by imprisonment for any term of years or  
4 life, or by a fine of not more than \$25,000, or by both.

5 (d) A person 18 years of age or older who violates this chapter by  
6 possession or control of no more than one ounce of marijuana, when his  
7 possession or control is for his own use, is punishable by a civil fine  
8 of not more than \$100. Punishment under this subsection shall be  
9 initiated only by civil complaint or citation. The court may establish  
10 procedures for payment of fines by mail.

11 (e) In the event a peace officer issues a citation to an individual  
12 who is at the time in possession of less than one ounce of marijuana,  
13 the officer may

14 (1) confiscate the marijuana possessed by the individual;

15 (2) search the individual to determine whether or not the  
16 individual possesses any additional quantities of marijuana, and

17 (3) require identification of the individual for the purpose  
18 of issuing the citation.