

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 am H

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, when his
13 possession or control is for his own use, is guilty of a misdemeanor and
14 upon conviction is punishable by imprisonment for not more than one
15 year, or by a fine of not more than \$1,000, or by both.

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

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

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

27 (c) A person who violates a provision of this chapter by selling
28 or otherwise disposing of a depressant, hallucinogenic or stimulant
29 drug to a person less than 19 years of age is guilty of a felony and

1 upon conviction is punishable by imprisonment for any term of years or
2 life, or by a fine of not more than \$25,000, or by both.

3 (d) A person who:

4 (1) uses marijuana on a public street or sidewalk or on the
5 premises or a public carrier or business establishment or any other
6 public place, or

7 (2) possesses or controls more than an ounce of marijuana on
8 a public street or sidewalk or on the premises of a public carrier or
9 business establishment or any other public place, or

10 (3) possesses any amount of marijuana on his person while
11 operating a motor vehicle or airplane, or

12 (4) while under the age of 18, possesses, controls or uses
13 any amount of marijuana
14 is, upon conviction, guilty of a misdemeanor punishable by a fine of not
15 more than \$1,000.

16 (e) A person 18 years of age or older who violates this chapter
17 by possession or control of any amount of marijuana in other than a
18 public place, when his possession or control is for his own use, or by
19 possession of less than one ounce of marijuana in a public place, is
20 punishable by a civil fine of not more than \$100. Punishment under this
21 subsection shall be initiated only by civil complaint or citation. The
22 court may establish procedures for payment of fines by mail.

23 (f) In this section, "public place" means a place which is either in
24 public ownership or a place available to public access.

25 (g) For purposes of this section, a gift or gratuity of an ounce
26 or less is not considered sale.