

Original sponsor: Miller and Hohman

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1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE  
2 FREE CONFERENCE CS FOR 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, 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: (1) uses marijuana on a public street or side-  
4 walk or on the premises of a public carrier or business establishment or  
5 any other public place, or (2) possesses or controls more than an ounce  
6 of marijuana on a public street or sidewalk or on the premises of a  
7 public carrier or business establishment or any other public place, or  
8 (3) possesses any amount of marijuana while operating a motor vehicle  
9 or airplane, or (4) while under the age of 18, possesses, controls or  
10 uses any amount of marijuana is, upon conviction, guilty of a misde-  
11 meanor punishable by a fine of not more than \$1,000.

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

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