

Introduced: 6/7/75  
Referred: Judiciary

1 IN THE SENATE

BY HUBER, MILLER AND CROFT

2 SENATE BILL NO. 472

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 age of jurors, the age of  
7 majority and responsibility; and providing for an  
8 effective date."

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

10 \* Section 1. AS 04.10.040(b) is amended to read:

11 (b) A citizen of the United States, over the age of 18 [19] years  
12 and of good moral character, may be regularly employed as a waiter or  
13 waitress in an establishment operating under a beverage dispensary  
14 license. The duties of waiters and waitresses employed therein shall be  
15 confined to taking orders and serving beverages, alcoholic or otherwise,  
16 and food. Waiters and waitresses employed under this section may not  
17 solicit or encourage the purchase of beverages, alcoholic or otherwise,  
18 by the patron of the premises, whether the beverage is for the patron or  
19 for another. No waiter or waitress may accept any beverage, alcoholic  
20 or otherwise, purchased for him or her by a patron of the establishment.

21 \* Sec. 2. AS 04.10.440 is amended to read:

22 Sec. 04.10.440. CONSENT OF RESIDENTS OUTSIDE INCORPORATED CITIES.  
23 No new license for the sale of intoxicating liquor may be issued under  
24 this title in areas outside incorporated cities unless a petition  
25 containing signatures of a majority of the bona fide residents residing  
26 within one mile of the place where intoxicating liquor is to be sold,  
27 and over the age of 18 [19] years, is filed with the board asking that  
28 a license be issued within the said area. The board may not require the  
29 petition for a reissuance of the license.

1 \* Sec. 3. AS 04.15.020(a) is amended to read:

2 (a) Sale to minors or intoxicated persons. It is unlawful to give,  
3 barter or sell any intoxicating liquors, including beer and wine, to a  
4 person under the age of 18 [19] years or to an intoxicated person, and it  
5 is unlawful for a licensee to permit the giving, selling, bartering or  
6 drinking of any intoxicating liquor within the premises covered by a  
7 license to or by either of the forbidden classes, nor shall the licensee  
8 permit the drinking of hard or distilled liquors by any person upon the  
9 premises covered by his license, unless it is permitted under the  
10 classification of his license.

11 \* Sec. 4. AS 04.15.020(d) is amended to read:

12 (d) Presence of minors on premises. It is unlawful to permit a  
13 person under the age of 18 [19] years to enter or remain upon licensed  
14 premises unless he is accompanied by his parent, guardian or spouse who  
15 has attained the age of 18 [19] years. [HOWEVER, A PERSON 18 YEARS OF  
16 AGE OR OLDER MAY ENTER AND REMAIN UPON LICENSED PREMISES IN THE COURSE OF  
17 HIS EMPLOYMENT AS A MUSICIAN, ENTERTAINER OR BUSBOY.] In addition, a  
18 person under the age of 18 [19] years may enter and remain upon licensed  
19 premises which are also recognized as a restaurant for the purpose of  
20 dining or dancing if accompanied by his parent or guardian or by the  
21 parent or guardian of any other minor also present, or by any other adult  
22 with the consent of the minor's parent or guardian. The Alcoholic  
23 Beverage Control Board, with the approval of the city council if the  
24 premises are within the city or with the approval of the borough  
25 assembly if the premises are outside the city but within a borough, shall  
26 designate which premises are restaurants for the purposes of this  
27 section. Licensed premises are premises holding licenses under  
28 AS 04.10.020(a) - 04.10.020(d). The Alcoholic Beverage Control Board  
29 shall promulgate regulations for the designation of restaurants and the

1 continuation or withdrawal of the designation. No establishment may be  
2 designated as a restaurant for purposes of dining without the consent  
3 of the licensee.

4 \* Sec. 5. AS 04.15.060 is amended to read:

5 Sec. 04.15.060. PURCHASE BY MINORS. (a) It is unlawful for a  
6 person under the age of 18 [19] years to solicit the purchase of or in  
7 any other way to attempt to purchase or otherwise secure any intoxicating  
8 liquor. A person violating the provisions of this section is guilty of  
9 a misdemeanor, and upon conviction is punishable as provided in sec. 100  
10 of this chapter.

11 (b) A person who influences or attempts to influence the sale,  
12 giving or serving of intoxicating liquor to a person under 18 [19] years  
13 of age, by misrepresenting the age of that person, or who orders,  
14 requests, receives, or procures intoxicating liquor from a licensee,  
15 employee, or other person, for the purpose of selling, giving, or serving  
16 it to a person under 18 [19] years of age, is guilty of a misdemeanor.

17 (c) A person under the age of 18 [19] years who enters a licensed  
18 premises where intoxicating liquor is sold and who offers or presents to  
19 a licensee or his employee a fraudulent or false certificate of birth or  
20 other written evidence of age, which is not actually his or her own, or  
21 who otherwise misrepresents his or her age, for the purpose of inducing  
22 the licensee or his employee to sell, give, serve, or furnish intoxica-  
23 ting liquor contrary to law, is guilty of a misdemeanor.

24 (d) A licensee or his employee who questions, or has reason to  
25 question, whether a person entering upon licensed premises, or ordering,  
26 purchasing, attempting to purchase or otherwise procuring or attempting  
27 to procure the serving or delivery of intoxicating liquor, has attained  
28 the age of 18 [19] years, shall require that person to sign a statement  
29 that he is over the age of 18 [19] years. This statement shall be made

1 upon a form prepared by and furnished to the licensee by the board. If  
2 a licensee, or his employee, in good faith, secures the signed statement  
3 he is not subject to criminal prosecution for violation of the provisions  
4 of [SUBSECTIONS] (b) and (c) of this section.

5 (e) A licensee, or his employee, who allows to remain upon  
6 licensed premises where intoxicating liquor is sold, a person under the  
7 age of 18 [19] years not in company of his parent or legal guardian or  
8 spouse who has attained the age of 18 [19] years, or sells, gives or  
9 serves intoxicating liquor to a person under the age of 18 [19] years  
10 without having procured the signature of the person upon a statement as  
11 provided in this section, or who knowingly sells, gives, or serves  
12 intoxicating liquor to or allows the person to remain on licensed  
13 premises where intoxicating liquor is sold, is guilty of a misdemeanor.

14 \* Sec. 6. AS 04.15.065 is amended to read:

15 Sec. 04.15.065. DRIVER'S LICENSE AS PROOF OF AGE. A valid Alaska  
16 driver's license or an identification card issued under AS 18.65.310(a)  
17 is acceptable as proof of age when used for identification in the purchase  
18 of liquor and for presence in establishments where liquor is sold if the  
19 license or identification card is made of or encased in plastic and  
20 contains a photograph of the license holder and a statement of his age  
21 or date of birth. The liquor licensee may not be held liable for any of  
22 the penalties imposed for serving minors or permitting minors on the  
23 premises when such a driver's license or identification card indicates  
24 that the owner and possessor of the license is 18 [19] years of age or  
25 over.

26 \* Sec. 7. AS. 08.04.110(3) is repealed.

27 \* Sec. 8. AS 08.04.280(3) is repealed.

28 \* Sec. 9. AS 08.36.170 is amended to read:

29 Sec. 08.36.170. PARTIAL EXAMINATION. A student [AT LEAST 19 YEARS  
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1 OF AGE] who has satisfactorily completed regular courses of instruction  
2 in denistry in at least two different school years at an approved dental  
3 school, and who is certified by the dean of the college as having  
4 satisfactorily completed the subjects included in section I of the exam-  
5 ination may take section I of the examination. If the student passes  
6 section I and subsequently takes the full examination, the requirements  
7 of section I are waived.

8 \* Sec. 10. AS 08.88.211(b)(1) is repealed.

9 \* Sec. 11. AS 09.10.140 is amended to read:

10 Sec. 09.10.140. DISABILITIES OF MINORITY, INSANITY, AND IMPRISON-  
11 MENT. If a person entitled to bring an action mentioned in this chapter  
12 is at the time the cause of action accrues either (1) under the age of  
13 18 [19] years, or (2) insane, or (3) imprisoned on a criminal charge, or  
14 in execution under sentence of a court for a term less than his natural  
15 life, the time of the disability is not a part of the time limited for  
16 the commencement of the action. But the period within which the action  
17 may be brought is not extended in any case longer than two years after  
18 the disability ceases.

19 \* Sec. 12. AS 09.20.010(3) is amended to read:

20 (3) at least 18 [19] years of age;

21 \* Sec. 13. AS 10.05.252 is amended to read:

22 Sec. 10.05.252. INCORPORATORS. Three or more natural persons at  
23 least 18 [19] years of age may act as incorporators of a corporation by  
24 signing, verifying and delivering in duplicate to the commissioner  
25 articles of incorporation for the corporation.

26 \* Sec. 14. AS 10.20.146 is amended to read:

27 Sec. 10.20.146. INCORPORATORS. Three or more natural persons at  
28 least 18 [19] years of age may act as incorporators of a corporation by  
29 signing, verifying and delivering in duplicate to the commissioner

1 articles of incorporation for the corporation.

2 \* Sec. 15. AS 11.15.130 is amended to read:

3 Sec. 11.15.130. PUNISHMENT FOR RAPE. (a) A person 18 [19] years  
4 of age or older convicted of rape upon his daughter, son, sister or  
5 brother, or upon a person under 16 years of age, is punishable by  
6 imprisonment in the penitentiary for any term of years.

7 (b) A person less than 18 [19] years of age who is found, in  
8 accordance with procedures set out in AS 47.10, to have committed [CON-  
9 VICTED FOR] rape upon his daughter, son, sister or brother, or a person  
10 under 16 years of age, is punishable in accordance with AS 47.10. If the  
11 case is closed under AS 47.10.060 and he is convicted, he is punishable  
12 by imprisonment in the penitentiary for not more than 20 years.

13 (c) A person convicted of rape upon any other person is punishable  
14 by imprisonment in the penitentiary for not more than 20 years nor less  
15 than one year.

16 \* Sec. 16. AS 13.06.050(24) is amended to read:

17 (24) "minor" means a person who is under 18 [19] years of age;

18 \* Sec. 17. AS 13.50.010(a) is amended to read:

19 (a) A person of sound mind who is 18 [19] or more years of age may  
20 make a gift to take effect upon death, of all or a part of his body for  
21 a purpose specified in sec. 20 of this chapter.

22 \* Sec. 18. AS 18.20.085(a) is amended to read:

23 (a) Unless specified otherwise by the department a hospital shall  
24 retain and preserve records which relate directly to the care and treat-  
25 ment of a patient for a period of seven years following the discharge of  
26 the patient. However, the records of a patient under 18 [19] years of  
27 age shall be kept until at least two years after the patient has reached  
28 the age of 18 [19] years or until seven years following the discharge of  
29 the patient, whichever is longer. Records consisting of X-ray film are

1 required to be retained for five years.

2 \* Sec. 19. AS 18.65.010(a) is amended to read:

3 (a) The commissioner of public safety may appoint as special  
4 officers qualified police officers of the federal, state or local govern-  
5 ment units or other persons with adequate police training over the age of  
6 18 [19] years, as he considers necessary to aid and assist the division  
7 of state troopers in the enforcement of the criminal laws of the state.  
8 Each special officer appointed serves without compensation and at the  
9 pleasure of the commissioner of public safety and appointments shall be  
10 of limited duration.

11 \* Sec. 20. AS 21.27.090(a)(1) is repealed.

12 \* Sec. 21. AS 21.27.290(1) is repealed.

13 \* Sec. 22. AS 23.10.355 is amended to read:

14 Sec. 23.10.355. PERSONS UNDER 18 [19]. No person under 18 [19] may  
15 be employed or allowed to sell or serve intoxicating liquors or to work  
16 in any room or other place where intoxicating liquors are sold for  
17 consumption on the premises, except as provided in AS 04.15.020(d).

18 \* Sec. 23. AS 23.30.265(7) is amended to read:

19 (7) "child," "grandchild," "brother," and "sister," include  
20 only persons who are under 18 [19] years of age, persons who, though 18  
21 [19] years of age or over, are wholly dependent upon the deceased  
22 employee and incapable of self-support by reason of mental or physical  
23 disability, and persons of any age while they are attending the first  
24 four years of vocational school, trade school, or college, and persons  
25 of any age while they are attending high school;

26 \* Sec. 24. AS 24.25.020 is amended to read:

27 Sec. 24.25.020. SERVICE OF SUBPOENA. A person over the age of 18  
28 [19] years who is competent as a witness in the state courts may serve  
29 the subpoena. His affidavit that he delivered a copy to the witness is

1 evidence of service.

2 \* Sec. 25. AS 24.55.030(a)(4) is amended to read:

3 (4) unless he is at least 18 [21] years of age and is a  
4 qualified voter who has been a resident of the state for at least three  
5 years.

6 \* Sec. 26. AS 25.20.010 is amended to read:

7 Sec. 25.20.010. AGE OF MAJORITY. A person is considered to have  
8 arrived at majority at the age of 18 [19] years, and thereafter has  
9 control of his own actions and business and has all the rights and is  
10 subject to all the liabilities of citizens of full age, except as  
11 otherwise provided by statute.

12 \* Sec. 27. AS 25.20.020 is repealed.

13 \* Sec. 28. AS 38.05.190(a)(1) is amended to read:

14 (1) citizens of the United States at least 18 [19] years of  
15 age;

16 \* Sec. 29. AS 38.05.190(a)(2) is amended to read:

17 (2) legal guardians or trustees of citizens of the United  
18 States under 18 [19] years of age on behalf of such citizens;

19 \* Sec. 30. AS 38.05.190(a)(3) is amended to read:

20 (3) persons at least 18 [19] years of age who have declared  
21 their intention to become citizens of the United States;

22 \* Sec. 31. AS 38.05.190(a)(4) is amended to read:

23 (4) aliens at least 18 [19] years of age if the laws of  
24 their country grant like privileges to citizens of the United States;

25 \* Sec. 32. AS 43.45.010(a) is amended to read:

26 (a) There is imposed a school tax of \$10 a year upon each person  
27 18 [19] years of age or older gainfully employed in the state or on  
28 the waters of the state, except (1) a married person who is unemployed  
29 and entirely dependent upon the income of the spouse and whose spouse has

1 paid a school tax, and (2) a person exempt under sec. 20 of this chapter.

2 \* Sec. 33. AS 44.50.020 is amended to read:

3 Sec. 44.50.020. QUALIFICATIONS. A person appointed a notary public  
4 shall be, at the time of submitting his application, a citizen of the  
5 United States and a resident at least 18 [19] years of age. In this  
6 section, "resident" means a person who maintains his permanent place of  
7 abode in Alaska, and is in fact living here.

8 \* Sec. 34. AS 47.10.060(d) is amended to read:

9 (d) A minor is unamenable to treatment under this chapter if he  
10 probably cannot be rehabilitated by treatment under this chapter before  
11 he reaches 18 [21] years of age. In determining whether a minor is  
12 unamenable to treatment, the court may consider the seriousness of the  
13 offense the minor is alleged to have committed, the minor's history of  
14 delinquency, the probable cause of the minor's delinquent behavior, and  
15 the facilities available to the division of corrections [YOUTH AND ADULT  
16 AUTHORITY] for treating the minor.

17 \* Sec. 35. AS 47.10.080(b)(1) is amended to read:

18 (1) order the minor committed to the Department of Health and  
19 Social Services for an indeterminate period of time not to extend past  
20 a specified date or in any event past the day the minor becomes 18 [19],  
21 except that the department may petition the court for continued super-  
22 vision for an additional one-year period for minors who have not  
23 responded to treatment; the department shall place the minor in the  
24 juvenile facility which the department considers appropriate and which  
25 may include a juvenile correctional school, detention home or detention  
26 facility; the minor may be released from placement or detention and  
27 placed on probation on order of the court and may also be released by  
28 the department, in its discretion, under sec. 200 of this chapter; or

29 \* Sec. 36. AS 47.10.080(b)(2) is amended to read:

1 (2) order the minor placed on probation, to be supervised by  
2 the department, and release him to his parents, guardian, or a suitable  
3 person; if the court orders the minor placed on probation, it may  
4 specify the terms and conditions of probation; the probation may be for  
5 an indeterminate period of time, not to extend past a specified date and  
6 in no event past the day the minor becomes 18 [19], except that the  
7 department may petition the court for continued supervision for an  
8 additional one-year period for minors who have not responded to  
9 treatment.

10 \* Sec. 37. AS 47.10.080(c)(1) is amended to read:

11 (1) order the minor committed to the department for an  
12 indeterminate period of time not to exceed the date the minor becomes  
13 18 [19] years of age, except that the department may petition the court  
14 for continued supervision for an additional one-year period for minors  
15 who have not responded to treatment;

16 \* Sec. 38. AS 47.10.100(a) is amended to read:

17 (a) The court retains jurisdiction over the case and may at any  
18 time stay execution, modify, set aside, revoke, or enlarge a judgment or  
19 order, or grant a new hearing, in the exercise of its power of protection  
20 over the minor and for his best interest, until he becomes 18 [19] years  
21 of age, unless sooner discharged by the court, except that the department  
22 may petition the court for continued supervision for an additional one-  
23 year period for minors who have not responded to treatment. An applica-  
24 tion for any of these purposes may be made by the parent, guardian, or  
25 custodian acting in behalf of the minor, or the court may, on its own  
26 motion, and after reasonable notice to interested parties and the  
27 appropriate department, take action which it considers appropriate.

28 \* Sec. 39. AS 47.10.100(c) is amended to read:

29 (c) If a minor is adjudicated a delinquent, a child in need of

1 supervision, or a dependent before his 17th [18TH] birthday, the court  
2 may retain jurisdiction over him after his 17th [18TH] birthday for the  
3 purpose of supervising his rehabilitation, but the court's jurisdiction  
4 over him under this chapter never extends beyond his 18th [19TH] birthday,  
5 except that the department may petition the court for continued super-  
6 vision for an additional one-year period for minors who have not  
7 responded to treatment. The department may retain jurisdiction over a  
8 child between his 17th and 18th [18TH AND 19TH] birthdays for the  
9 purpose of supervising his rehabilitation, if he is committed to the  
10 custody of the department before his 17th [18TH] birthday, except that  
11 the department may petition the court for continued supervision for an  
12 additional one-year period for minors who have not responded to treatment.

13 \* Sec. 40. This Act takes effect immediately in accordance with  
14 AS 01.10.070(c).