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Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY DANKWORTH, HAYES, KELLY,
LETHIN AND MILES

2 HOUSE BILL NO. 475

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to coca leaves."

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

8 * Section 1. The legislature finds that the use of coca leaves consti-
9 tutes a danger to the persons who use them as well as to the community.
10 Usage is subject to overdoses and causes hallucinations and other erratic and
11 irrational behavior. The use of coca leaves constitutes a hazard to health
12 and to the public safety. Coca leaves are not medically prescribed or
13 obtainable by legal means. As a result, they are significantly expensive and
14 impossible to procure in the legal drug market. The psychological dependency
15 which use of coca leaves develops and the necessity for obtaining access to
16 them in the illegal market results in a multiplier effect in promoting cri-
17 minality among those persons who are dependent upon their use and compelled
18 to support their dependency by illegal means.

19 * Sec. 2. AS 17.10.010 is amended to read:

20 CHAPTER 10. UNIFORM NARCOTIC AND DANGEROUS DRUG ACT.

21 Sec. 17.10.010. ACTS PROHIBITED. It is unlawful for any person to
22 manufacture, possess, have under his control, sell, prescribe, adminis-
23 ter, dispense, give, barter, supply or distribute in any manner, or
24 compound any narcotic drug or coca leaves except as authorized in this
25 chapter.

26 * Sec. 3. AS 17.10.120 is amended to read:

27 Sec. 17.10.120. PERSONS AND CORPORATIONS EXEMPTED. The provisions
28 of this chapter restricting the possessing and control of narcotic drugs
29 and coca leaves do not apply to a common carrier or to a warehouseman,

1 while engaged in lawfully transporting or storing narcotic drugs or coca
2 leaves, or to an employee of a common carrier or warehouseman acting
3 within the scope of his employment; or to a public officer or his em-
4 ployee in the performance of his official duties requiring possession or
5 control of narcotic drugs or coca leaves; or to temporary incidental
6 possession by an employee or agent of a person lawfully entitled to
7 possession; or by a person whose possession is for the purpose of aiding
8 a public officer in performing his official duties.

9 * Sec. 4. AS 17.10.130 is amended to read:

10 Sec. 17.10.130. COMMON NUISANCES. A store, shop, warehouse,
11 dwelling house, building, vehicle, boat, aircraft, or any place whatever,
12 which is resorted to [BY NARCOTIC DRUG ADDICTS] for the purpose of using
13 narcotic drugs or coca leaves or which is used for the illegal keeping
14 or selling of narcotic drugs or coca leaves, is a common nuisance. No
15 person may keep or maintain such a common nuisance.

16 * Sec. 5. AS 17.10.140 is amended to read:

17 Sec. 17.10.140. DISPOSITION OF NARCOTIC DRUGS AND COCA LEAVES IN
18 CUSTODY OF PEACE OFFICER. All narcotic drugs and coca leaves, the lawful
19 possession of which is not established or the title to which cannot be
20 ascertained, which have come into the custody of any peace officer, shall
21 be forfeited and delivered to the United States Commissioner of Narcotics.

22 * Sec. 6. AS 17.10.200(a) and (c) are amended to read:

23 (a) A person who violates any provision of this chapter except a
24 provision relating to the keeping of records, upon conviction, is
25 punishable by a fine of not more than \$5,000 and by imprisonment for not
26 less than two nor more than 10 years. For a second offense, or for a
27 first offense where the offender has previously been convicted of a
28 violation of the laws of the United States or of any other state, terri-
29 tory or district relating to narcotic drugs or coca leaves, the offender

1 is punishable by a fine of not more than \$7,500 and by imprisonment for
2 not less than 10 nor more than 20 years. For a third or subsequent
3 offense, or if the offender has previously been convicted two or more
4 times of a violation of the laws of the United States or of any other
5 state, territory or district relating to narcotic drugs or coca leaves,
6 the offender is punishable by a fine of not more than \$10,000 and by
7 imprisonment for not less than 20 nor more than 40 years.

8 (c) A person convicted of illegally selling, giving or supplying
9 narcotic drugs or coca leaves to a person under the age of 21 years is
10 [IN] punishable

11 (1) if the offense is a first violation, by imprisonment
12 for not less than 10 nor more than 30 years and by a fine of not less
13 than \$5,000 nor more than \$10,000;

14 (2) if the offense is a second violation or if the offense
15 is a first violation and the offender has previously been convicted of
16 a violation of this chapter or of the laws of the United States or of
17 any other state, territory or district relating to narcotic drugs
18 or coca leaves, by imprisonment for not less than 15 or more than 30
19 years, and by a fine of not more than \$25,000;

20 (3) if the offense is a third violation or if the offense
21 is a first or second violation and the offender has previously been
22 convicted two or more times of any violation of this chapter or of the
23 laws of the United States, or of any other state, territory or district
24 relating to narcotic drugs or coca leaves, by imprisonment for the re-
25 mainder of his natural life.

26 * Sec. 7. AS 17.10.212 is amended to read:

27 Sec. 17.10.212. REWARD. (a) A person providing information which
28 leads to the arrest and conviction of another on the charge of unlaw-
29 fully selling narcotic drugs or coca leaves to a minor is eligible for

1 a reward of \$1,000.

2 (b) The district attorney in the judicial district where the pro-
3 secution for the unlawful sale of the narcotic drug or coca leaves takes
4 place shall determine if the person requesting the reward is entitled to
5 it under this section. If the district attorney determines that the
6 person is eligible to receive the reward he shall promptly file a certi-
7 fication to this effect with the Department of Public Safety. Upon
8 receiving certification, the Department of Public Safety shall pay the
9 reward from appropriations made to that department for the purpose of
10 carrying out the provisions of this section.

11 * Sec. 8. AS 17.10.230(13) is amended to read:

12 (13) "narcotic drugs" means [COCA LEAVES,] opium, isonipe-
13 caine, amidone, isoamidone, ketobemidone, and every other substance
14 having similar physiological effects:
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