

Original sponsor: Judiciary Committee

Offered: 4/25/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 567

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to intoxicated persons."

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

8 * Section 1. AS 47.37.170(i) is amended to read:

9 (1) A person taken to a detention facility under (a) or (b) of
10 this section may be detained only (1) until a treatment facility or
11 emergency medical service is made available, or (2) until he is no
12 longer intoxicated or incapacitated by alcohol, or (3) for a maximum
13 period of 24 [12] hours, whichever occurs first. A detaining officer or
14 a detention facility official may release a person who is detained under
15 (a) or (b) of this section at any time to the custody of a responsible
16 adult. A peace officer or a member of the emergency service patrol, in
17 detaining a person under (a) or (b) of this section and in taking him to
18 a treatment facility, an emergency medical service or a detention facil-
19 ity, is taking him into protective custody and he shall make reasonable
20 efforts to provide for and protect the health and safety of the detainee.
21 In taking a person into protective custody under (a) and (b) of this
22 section, a detaining officer, a member of the emergency service patrol
23 or a detention facility official may take reasonable steps to protect
24 himself, including a full protective search of the person of a detainee.
25 Protective custody under (a) and (b) of this section does not constitute
26 an arrest and no entry or other record may be made to indicate that the
27 person detained has been arrested or charged with a crime, except that a
28 confidential record may be made which is necessary for the administrative
29 purposes of the facility to which the person has been taken, [OR] which

1 is necessary for statistical purposes where the person's name may not be
2 disclosed, or which is necessary to establish under AS 47.37.200 whether
3 grounds for involuntary commitment exist under AS 47.37.190(a).

4 * Sec. 2. AS 47.37.190(a) is amended to read:

5 (a) After a hearing initiated by petition of his spouse or guar-
6 dian, a relative, the certifying physician, or the administrator in
7 charge of an approved public treatment facility, a person may be com-
8 mitted to the custody of the office by the superior court. The petition
9 shall allege that the person is an alcoholic who habitually lacks self-
10 control in using alcoholic beverages and that he (1) has threatened,
11 attempted to inflict, or inflicted physical harm on another and that
12 unless committed is likely to inflict physical harm on another; [OR] (2)
13 is incapacitated by alcohol; or (3) has been taken into protective cus-
14 tody under AS 47.37.170(b) three times in the preceding six months and is
15 in need of a more sustained treatment program. [A REFUSAL TO UNDERGO
16 TREATMENT DOES NOT CONSTITUTE EVIDENCE OF LACK OF JUDGMENT AS TO THE
17 NEED FOR TREATMENT.] The petition shall be accompanied by a certificate
18 of a licensed physician who has examined the person within two days
19 before submission of the petition, unless the person whose commitment is
20 sought has refused to submit to a medical examination, in which case the
21 fact of refusal shall be alleged in the petition. The certificate shall
22 set out the physician's findings in support of the allegations of the
23 petition.

24 * Sec. 3. AS 47.37.270(8) is repealed and re-enacted to read:

25 (8) "incapacitated by alcohol" means a person who, as a
26 result of consumption of alcohol, is rendered unconscious or has his
27 judgment or physical mobility so impaired that he cannot recognize or
28 extricate himself from conditions of apparent or imminent danger to his
29 health or safety.

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* Sec. 4. AS 47.37.270(10) is repealed and re-enacted to read:

(10) "intoxicated" or "intoxicated person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage into his body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the use of alcoholic beverages.

* Sec. 5. AS 47.37.170(j) is repealed.