

1 IN THE HOUSE

BY SHULTZ, MENARD, ULMER  
AND HUDSON

2

HOUSE BILL NO. 243

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act prohibiting certain sale and consumption of  
7 alcoholic beverages."

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

9 \* Section 1. AS 04.16 is amended by adding a new section to read:

10 Sec. 04.16.035. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS  
11 PROHIBITED FROM CONSUMING. (a) A licensee, agent, or employee may  
12 not knowingly

13 (1) sell, give, or barter alcoholic beverages to a person  
14 prohibited from consuming an alcoholic beverage under AS 12.55.077;

15 (2) allow another person to sell, give, or barter an alco-  
16 holic beverage to a person prohibited from consuming an alcoholic  
17 beverage under AS 12.55.077;

18 (3) allow a person prohibited from consuming an alcoholic  
19 beverage under AS 12.55.077 to consume an alcoholic beverage within  
20 licensed premises; or

21 (4) permit a person prohibited from consuming alcoholic  
22 beverages under AS 12.55.077 to sell or serve alcoholic beverages.

23 (b) Except alcoholic beverages furnished by a licensed physician  
24 or nurse to a patient in the course of administering medical treat-  
25 ment, a person may not knowingly furnish an alcoholic beverage to a  
26 person prohibited from consuming alcoholic beverages under AS 12.55.-  
27 077.

28 \* Sec. 2. AS 12.55.015(a) is amended to read:

29 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in

1 imposing sentence on a defendant convicted of an offense, may singly  
2 or in combination

3 (1) impose a fine when authorized by law and as provided in  
4 AS 12.55.035;

5 (2) order the defendant to be placed on probation under  
6 conditions specified by the court which may include provision for  
7 active supervision;

8 (3) impose a definite term of periodic imprisonment;

9 (4) impose a definite term of continuous imprisonment;

10 (5) order the defendant to make restitution as provided in  
11 AS 12.55.045;

12 (6) order the defendant to carry out a continuous or peri-  
13 odic program of community work as provided in AS 12.55.055;

14 (7) suspend execution of all or a portion of the sentence  
15 imposed as provided in AS 12.55.080;

16 (8) prohibit a defendant from consuming alcoholic beverages  
17 as provided in AS 12.55.077;

18 (9) suspend imposition of sentence as provided in AS 12.-  
19 55.085.

20 \* Sec. 3. AS 12.55 is amended by adding a new section to read:

21 Sec. 12.55.077. ALCOHOL-RELATED FELONY OFFENSES. (a) When  
22 imposing sentence on a defendant convicted of a felony offense, if the  
23 court determines by clear and convincing evidence that the defendant's  
24 conduct constituting the offense was substantially influenced by the  
25 consumption of an alcoholic beverage, the court may order that the  
26 defendant be prohibited from consuming alcoholic beverages

27 (1) permanently; or

28 (2) as a condition of probation, suspended sentence, or  
29 suspended imposition of sentence.

1           (b) When imposing sentence on a defendant convicted of a felony  
2 offense under AS 11.41, if the court determines by clear and convinc-  
3 ing evidence that the defendant's conduct constituting the offense was  
4 substantially influenced by the consumption of an alcoholic beverage,  
5 the court shall order that the defendant be permanently prohibited  
6 from consuming alcoholic beverages.

7           (c) A court order under (a) or (b) of this section does not  
8 apply to alcoholic substances furnished by a licensed physician or  
9 nurse as part of medical treatment.

10          (d) A sentence imposed under (a) or (b) of this section is in  
11 addition to any other penalty authorized by law.

12          (e) A defendant convicted of consuming alcohol in violation of a  
13 sentence imposed under this section, other than a violation of a  
14 condition of probation, suspended sentence, or suspended imposition of  
15 sentence, is guilty of a class A misdemeanor. A defendant convicted  
16 of consuming alcohol in violation of a sentence imposed under this  
17 section who has been previously convicted of violating this section is  
18 guilty of a class C felony.