

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES B.DAVIS, Boyer, Ellis, Brown, Lincoln, Mackie, Choquette, C.Davis, Finkelstein, Navarre, Parnell, Ulmer, Gonzales, Donley, Hanley**

Introduced: 2/27/91

Referred: Health, Education and Social Services, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of controlled substances and imitation controlled sub-  
2 stances, to misconduct involving controlled substances and imitation controlled substances  
3 by minors, and to the provision of information that apprises students about controlled  
4 substances and the penalties applicable to misconduct involving controlled substances; and  
5 requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-  
6 free school zones'; and providing for an effective date."

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

8 \* **Section 1.** AS 11.71.030(a) is amended to read:

9 (a) Except as authorized in AS 17.30, a person commits the crime of misconduct  
10 involving a controlled substance in the third degree if the person

11 (1) manufactures or delivers any amount of a schedule IIA or IIIA controlled  
12 substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to  
13 manufacture or deliver;

1 (2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to  
2 a person under 19 years of age who is at least three years younger than the person delivering the  
3 substance; or

4 (3) [BEING 18 YEARS OF AGE OR OLDER,] possesses any amount of a  
5 schedule IA or IIA controlled substance

6 (A) with reckless disregard that the possession occurs on or within 500  
7 feet of school [THE] grounds; or

8 (B) on a school bus [OF OR ON A PARKING LOT IMMEDIATELY  
9 ADJACENT TO A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR  
10 HIGH, OR SECONDARY SCHOOL].

11 \* Sec. 2. AS 11.71.030(b) is repealed and reenacted to read:

12 (b) It is an affirmative defense to a prosecution under (a)(3)(A), (a)(4)(A) of this section  
13 that the prohibited conduct took place entirely within a private residence located within 500 feet  
14 of the school grounds, and that the prohibited conduct did not involve distributing, dispensing,  
15 or possessing with the intent to distribute or dispense a controlled substance for profit.

16 \* Sec. 3. AS 11.71.040(a) is amended to read:

17 (a) Except as authorized in AS 17.30, a person commits the crime of misconduct  
18 involving a controlled substance in the fourth degree if the person

19 (1) manufactures or delivers any amount of a schedule IVA or VA controlled  
20 substance or possesses any amount of a schedule IVA or VA controlled substance with intent to  
21 manufacture or deliver;

22 (2) manufactures or delivers, or possesses with the intent to manufacture or  
23 deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight  
24 of one ounce or more containing a schedule VIA controlled substance;

25 (3) possesses

26 (A) any amount of a schedule IA or IIA controlled substance;

27 (B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or  
28 IVA controlled substance;

29 (C) one or more preparations, compounds, mixtures, or substances of an  
30 aggregate weight of three grams or more containing a schedule IIIA or IVA controlled  
31 substance;

1 (D) 50 or more tablets, ampules, or syrettes containing a schedule VA  
2 controlled substance;

3 (E) one or more preparations, compounds, mixtures, or substances of an  
4 aggregate weight of six grams or more containing a schedule VA controlled substance;  
5 or

6 (F) one or more preparations, compounds, mixtures, or substances of an  
7 aggregate weight of one pound or more containing a schedule VIA controlled substance;

8 (4) [BEING 18 YEARS OF AGE OR OLDER,] possesses a schedule IIIA, IVA,  
9 VA, or VIA controlled substance

10 (A) with reckless disregard that the possession occurs on or within 500  
11 feet of school [THE] grounds [OF OR ON A PARKING LOT IMMEDIATELY  
12 ADJACENT TO A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR  
13 HIGH, OR SECONDARY SCHOOL]; or

14 (B) on a school bus;

15 (5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building,  
16 vehicle, boat, aircraft, or other structure or place which is used for keeping or distributing  
17 controlled substances in violation of a felony offense under this chapter or AS 17.30;

18 (6) makes, delivers, or possesses a punch, die, plate, stone, or other thing which  
19 prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or  
20 device of another or any likeness of any of these upon a drug, drug container, or labeling so as  
21 to render the drug a counterfeit substance;

22 (7) knowingly uses in the course of the manufacture or distribution of a controlled  
23 substance a registration number which is fictitious, revoked, suspended, or issued to another  
24 person;

25 (8) knowingly furnishes false or fraudulent information in or omits material  
26 information from any application, report, record, or other document required to be kept or filed  
27 under AS 17.30;

28 (9) obtains possession of a controlled substance by misrepresentation, fraud,  
29 forgery, deception or subterfuge; or

30 (10) affixes a false or forged label to a package or other container containing any  
31 controlled substance.

1 \* Sec. 4. AS 11.71.040(b) is repealed and reenacted to read:

2 (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the  
3 prohibited conduct took place entirely within a private residence located within 500 feet of the  
4 school grounds.

5 \* Sec. 5. AS 11.71.900 is amended by adding new paragraphs to read:

6 (28) "school bus" means a motor vehicle operated by a school district or private  
7 school, directly or by contract, to transport students;

8 (29) "school grounds" means a building, structure, athletic playing field,  
9 playground, parking area, or land contained within the real property boundary line of a public  
10 or private preschool, elementary, or secondary school.

11 \* Sec. 6. AS 14.07 is amended by adding a new section to read:

12 Sec. 14.07.181. ADDITIONAL DUTIES OF BOARD. The board shall direct the  
13 department to develop, adopt, periodically review, and distribute annually to each student enrolled  
14 in a public or private school an information pamphlet. The pamphlet must be written in easily  
15 understandable language, must be designed to educate the student about controlled substances,  
16 and must summarize information relating to the criminal penalties applicable to the possession  
17 and sale of controlled substances in public and private schools, in areas adjacent to schools, and  
18 on school buses.

19 \* Sec. 7. AS 19.10 is amended by adding a new section to read:

20 Sec. 19.10.045. INSTALLATION OF "DRUG-FREE SCHOOL ZONE" SIGNS NEAR  
21 SCHOOLS. The department shall post a sign indicating that the school is a "drug-free school  
22 zone" at each location in which it has installed a sign identifying the location of a school.

23 \* Sec. 8. AS 28.01.010(d) is amended to read:

24 (d) A municipality shall erect necessary official traffic control devices on streets and  
25 highways within its jurisdiction which as far as practicable conform to the current edition of the  
26 Alaska Traffic Manual prepared by the Department of Transportation and Public Facilities. **The**  
27 **municipality shall post a sign indicating that the school is a "drug-free school zone" at each**  
28 **location in which it has installed a sign identifying the location of a school.**

29 \* Sec. 9. AS 47.10.080(b) is amended to read:

30 (b) If the court finds that the minor is delinquent, it shall

31 (1) order the minor committed to the department for a period of time not to

1 exceed two years or in any event extend past the day the minor becomes 19, except that the  
2 department may petition for and the court may grant in a hearing (A) two-year extensions of  
3 commitment that do not extend beyond the child's 19th birthday if the extension is in the best  
4 interests of the minor and the public; and (B) an additional one-year period of supervision past  
5 age 19 if continued supervision is in the best interests of the person and the person consents to  
6 it; the department shall place the minor in the juvenile facility that the department considers  
7 appropriate and that may include a juvenile correctional school, detention home, or detention  
8 facility; the minor may be released from placement or detention and placed on probation on order  
9 of the court and may also be released by the department, in its discretion, under AS 47.10.200;

10 (2) order the minor placed on probation, to be supervised by the department, and  
11 released to the minor's parents, guardian, or a suitable person; if the court orders the minor  
12 placed on probation, it may specify the terms and conditions of probation; the probation may be  
13 for a period of time, not to exceed two years and in no event extend past the day the minor  
14 becomes 19, except that the department may petition for and the court may grant in a hearing

15 (A) two-year extensions of supervision that do not extend beyond the  
16 child's 19th birthday if the extension is in the best interests of the minor and the public;  
17 and

18 (B) an additional one-year period of supervision past age 19 if the  
19 continued supervision is in the best interests of the person and the person consents to it;

20 (3) order the minor committed to the department and placed on probation, to be  
21 supervised by the department, and released to the minor's parents, guardian, other suitable person,  
22 or suitable nondetention setting such as a family home, group care facility, or child care facility,  
23 whichever the department considers appropriate to implement the treatment plan of the  
24 predisposition report; if the court orders the minor placed on probation, it may specify the terms  
25 and conditions of probation; the department may transfer the minor, in the minor's best interests,  
26 from one of the probationary placement settings listed in this paragraph to another, and the  
27 minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice  
28 of the transfer; the probation may be for a period of time, not to exceed two years and in no  
29 event extend past the day the minor becomes 19, except that the department may petition for and  
30 the court may grant in a hearing

31 (A) two-year extensions of commitment that do not extend beyond the

1 child's 19th birthday if the extension is in the best interests of the minor and the public;  
2 and

3 (B) an additional one-year period of supervision past age 19 if the  
4 continued supervision is in the best interests of the person and the person consents to it;  
5 [OR]

6 (4) order the minor to make suitable restitution in lieu of or in addition to the  
7 court's order under (1), (2), or (3) of this subsection; [.]

8 (5) order the minor committed to the department for placement in an adventure  
9 based education program established under AS 47.21.020 with conditions the court considers  
10 appropriate concerning release upon satisfactory completion of the program or commitment under  
11 (1) of this subsection if the program is not satisfactorily completed; or

12 (6) in addition to an order under (1) - (5) of this subsection, if the  
13 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
14 11.71.040(a)(4), order the minor to perform 50 hours of community service; for purposes  
15 of this paragraph, "community service" has the meaning given in AS 33.30.901.

16 \* Sec. 10. Sections 7 and 8 of this Act take effect August 16, 1992.