

**HOUSE BILL NO. 337**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES NORDLUND, Porter, Finkelstein, Martin, Brown, Ulmer, Brice, Hudson, Menard, Sitton, Navarre, Davies, Phillips**

**Introduced: 1/10/94**

**Referred: Health, Education & Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of controlled substances within 500 feet of  
2 recreation and youth centers."

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

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

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

7 (1) manufactures or delivers any amount of a schedule IIA or IIIA  
8 controlled substance or possesses any amount of a schedule IIA or IIIA controlled  
9 substance with intent to manufacture or deliver;

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

13 (3) possesses any amount of a schedule IA or IIA controlled substance  
14 (A) with reckless disregard that the possession occurs

1 (i) on or within 500 feet of school grounds; or  
2 (ii) at or within 500 feet of a recreation or youth  
3 center; or

4 (B) on a school bus.

5 \* Sec. 2. AS 11.71.030(b) is amended to read:

6 (b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section  
7 that the prohibited conduct took place entirely within a private residence located within  
8 500 feet of the school grounds or recreation or youth center, and that the prohibited  
9 conduct did not involve distributing, dispensing, or possessing with the intent to  
10 distribute or dispense a controlled substance for profit. Nothing in this subsection  
11 precludes a prosecution under any other provision of this section or any other section  
12 of this chapter.

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

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

16 (1) manufactures or delivers any amount of a schedule IVA or VA  
17 controlled substance or possesses any amount of a schedule IVA or VA controlled  
18 substance with intent to manufacture or deliver;

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

23 (3) possesses

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

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

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

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

- 1 (E) one or more preparations, compounds, mixtures, or  
2 substances of an aggregate weight of six grams or more containing a schedule  
3 VA controlled substance; or
- 4 (F) one or more preparations, compounds, mixtures, or  
5 substances of an aggregate weight of one pound or more containing a schedule  
6 VIA controlled substance;
- 7 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
- 8 (A) with reckless disregard that the possession occurs
- 9 (i) on or within 500 feet of school grounds; or
- 10 (ii) at or within 500 feet of a recreation or youth  
11 center; or
- 12 (B) on a school bus;
- 13 (5) knowingly keeps or maintains any store, shop, warehouse, dwelling,  
14 building, vehicle, boat, aircraft, or other structure or place which is used for keeping  
15 or distributing controlled substances in violation of a felony offense under this chapter  
16 or AS 17.30;
- 17 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
18 thing which prints, imprints, or reproduces a trademark, trade name, or other  
19 identifying mark, imprint, or device of another or any likeness of any of these upon  
20 a drug, drug container, or labeling so as to render the drug a counterfeit substance;
- 21 (7) knowingly uses in the course of the manufacture or distribution of  
22 a controlled substance a registration number which is fictitious, revoked, suspended,  
23 or issued to another person;
- 24 (8) knowingly furnishes false or fraudulent information in or omits  
25 material information from any application, report, record, or other document required  
26 to be kept or filed under AS 17.30;
- 27 (9) obtains possession of a controlled substance by misrepresentation,  
28 fraud, forgery, deception or subterfuge; or
- 29 (10) affixes a false or forged label to a package or other container  
30 containing any controlled substance.

31 \* Sec. 4. AS 11.71.040(b) is amended to read:

1           (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section  
2           that the prohibited conduct took place entirely within a private residence located within  
3           500 feet of the school grounds or recreation or youth center. Nothing in this  
4           subsection precludes a prosecution under any other provision of this section or any  
5           other section of this chapter.

6           \* Sec. 5. AS 11.71.900 is amended by adding a new paragraph to read:

7                       (30) "recreation or youth center" means a building, structure, athletic  
8           playing field, or playground designed or utilized by a public or nonprofit entity to  
9           provide athletic, recreational, or leisure activities for minors.