

**CS FOR HOUSE BILL NO. 337(HES)**

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

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 3/4/94**

**Referred: Judiciary**

**Sponsor(s): REPRESENTATIVES NORDLUND, Porter, Finkelstein, Martin, Brown, Ulmer, Brice, Hudson, Menard, Sitton, Navarre, Davies, Phillips, B.Davis, Green, Nicholla, G.Davis**

**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; and permitting municipalities to install 'drug-free  
3 recreation and youth center zone' signs."

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

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

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

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

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

14 (3) possesses any amount of a schedule IA or IIA controlled substance

- 1 (A) with reckless disregard that the possession occurs  
2 (i) on or within 500 feet of school grounds; or  
3 (ii) at or within 500 feet of a recreation or youth

4 center; or

- 5 (B) on a school bus.

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

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

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

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

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

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

24 (3) possesses

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

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

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

31 (D) 50 or more tablets, ampules, or syrettes containing a

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schedule VA controlled substance;

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

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

(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth

center; or

(B) on a school bus;

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

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

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

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

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

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

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

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

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

8 (30) "recreation or youth center" means a building, structure, athletic  
9 playing field, or playground run or created by a municipality or the state to provide  
10 athletic, recreational, or leisure activities for minors.

11 \* Sec. 6. AS 28.01.010(d) is amended to read:

12 (d) A municipality shall erect necessary official traffic control devices on  
13 streets and highways within its jurisdiction that as far as practicable conform to the  
14 current edition of the Alaska Traffic Manual prepared by the Department of  
15 Transportation and Public Facilities. The municipality

16 (1) shall post a sign indicating that the school is a "drug-free school  
17 zone" at each location in which it has installed a sign identifying the location of a  
18 school;

19 (2) may post a sign at each recreation and youth center indicating  
20 that the center is a "drug-free recreation and youth center zone"; in this  
21 paragraph, "recreation or youth center" has the meaning given in AS 11.71.900.