

HB

567

CSHB 567 am "An Act relating to <sup>S. HESS 79/80</sup>  
By Judiciary interpreted phrase"

Introduced 4-25-80

Logged 5-15-80

Referrals xme

Comm. Meeting

" Action

1

Drunkness  
(emer. treat-  
ment)

HOUSE BILL NO. 567, by the Judiciary Committee. Adds new section to AS 11.66 relating to committing the crime of public drunkenness, if a person is "intoxicated in a private place, not his own property or his usual place of abode, or in a public place, . . ." and is in danger of loss of life or limb, provokes a violent response, makes unreasonably loud noises, or subject another to offensive physical contact. States that public drunkenness is a class B misdemeanor. Repeals AS 47.--37.170 (Treatment and services for intoxicated persons and persons incapacitated by alcohol)(under the Uniform Alcoholism and Intoxication Treatment Act). Amends the same to read: "DECLARATION OF POLICY. It is the policy of the state that alcoholics and intoxicated persons [SHOULD NOT BE CRIMINALLY PROSECUTED FOR THEIR CONSUMPTION OF ALCOHOLIC BEVERAGES AND THAT THEY] should be afforded a continuum of treatment so they may lead normal lives as productive members of society, however nothing in this chapter is inconsistent with the criminal prosecution of public drunkenness. (Note: underlined material added, bracketed material added). Does not provide for an effective date.

Introduced January 18 and referred to Judiciary.

Public  
Drunkenness  
(emergency  
treatment)  
(SUBSTITUTE  
offered)

HOUSE BILL NO. 567, (see page 38). Reported back to the House on April 25 by Judiciary with a majority recommending it be replaced with a SUBSTITUTE and that it do pass and attaches a fiscal note. The substitute deletes all language of original bill and is entitled "An Act relating to intoxicated persons." Amends the Uniform Alcoholism and Treatment Act (AS 47.37) section 170 (Treatment and services for intoxicated persons and persons incapacitated by alcohol) by changing the length of time for which a person may be detained at a detention facility for a maximum of 24 hours (was 12), and adds language indicating that a confidential record may be made of protective custody for the purpose of establishing grounds for involuntary commitment. Amends section 190 (Involuntary commitment of alcoholics) relating to the petition for commitment, stating that the petition shall allege that the person is an alcoholic who habitually lacks self-control in using alcoholic beverages and that he "(3) has been taken into protective custody under AS 47.-37.170(b) three times in the preceding six months and is in need of a more sustained treatment program.", and deletes language which states "A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment." Adds new definitions of "incapacitated by alcohol" stating: "incapacitated by alcohol" means a person who, as a result of consumption of alcohol, is rendered unconscious or has his judgment or physical mobility so impaired that he cannot recognize or extricate himself from conditions of apparent or imminent danger to his health or safety." (Now reads: "incapacitated by alcohol" means a person who is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment, as evidenced objectively by extreme physical debilitation, physical harm or threats of harm to others or chronic inability to hold regular employment;"). Changes definition of "intoxicated" or "intoxicated person" to read: ". . . 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 or behavior commonly known to be produced by the use of alcoholic beverages." (Now reads: "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;"). Repeals AS 47.37.170(j), the definition of "incapacitated by alcohol" for a person who appears to be incapacitated in a public place. To Rules.

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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 567 - "An Act relating to public drunkenness and  
 Title emergency treatment of intoxicated persons".  
 Requested by \_\_\_\_\_ Date 4/7/80

II. FISCAL DETAIL

Agency Affected Public Safety  
 Program Category Affected \_\_\_\_\_  
 BRIJ, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE April 7, 1980 PREPARED BY Michael J. Clemens  
 AGENCY Public Safety  
 PHONE 465-4336  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)