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STATE OF ALASKA  
THE LEGISLATURE

FOURTH FLOOR - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3900

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD. 3-24-88 1:30p.m.  
H. JUD 3-23-88 1:30p.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/26/88

FURTHER REFERRALS:

DATE: March 24, 1988

The Judiciary Committee has considered HB 498

"An Act relating to the delivery of controlled substances and imitation controlled substances to minors."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 2/26/88
- zero with analysis

**SIGNING DO PASS:**

Mr. Ulmer  
Sen. Costa  
Mike Havane  
Chadron Taylor  
Mr. P. Schubert

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Mr. Ulmer  
 Vice Chairman's signature

1 IN THE HOUSE

BY ULMER AND SWACKHAMMER

2

HOUSE BILL NO. 498

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the delivery of controlled sub-  
7 stances and imitation controlled substances to mi-  
8 nors."

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

10 \* Section 1. AS 11.71.010(a) is amended to read:

11 (a) Except as authorized in AS 17.30, a person commits the crime  
12 of misconduct involving a controlled substance in the first degree if  
13 the person

14 (1) delivers any amount of a schedule IA controlled sub-  
15 stance to a person under 21 [19] years of age who is at least three  
16 years younger than the person delivering the substance; [OR]

17 (2) delivers any amount of a schedule IIA or IIIA controlled  
18 substance to a person under 21 [19] years of age who is at least three  
19 years younger than the ~~person delivering the substance;~~ or

20 (3) engages in a continuing criminal enterprise.

21 \* Sec. 2. AS 11.71.030(a) is amended to read:

22 (a) Except as authorized in AS 17.30, a person ~~commits the~~ crime  
23 of misconduct involving a controlled substance in the third degree if  
24 the person

25 (1) manufactures or delivers any amount of a schedule IIA or  
26 IIIA controlled substance or possesses any amount of a schedule IIA or  
27 IIIA controlled substance with intent to manufacture ~~or deliver;~~

28 (2) delivers any amount of a ~~schedule IVA, VA, or VIA con-~~  
29 trolled substance to a person under 21 [19] years of age who is at

1       least three years younger than the person delivering the substance; or  
2               (3) being 18 years of age or older, possesses any amount of  
3       a schedule IA or IIA controlled substance within the grounds of or on  
4       a parking lot immediately adjacent to a public or private preschool,  
5       elementary, junior high, or secondary school.

6       \* Sec. 3. AS 11.73.030(a) is amended to read:

7               (a) Except as provided in AS 11.73.050, a person 21 [19] years of  
8       age or older may not deliver an imitation controlled substance to a  
9       person under 21 [19] years of age, who is at least three years younger  
10      than the person delivering the substance.

DRUG	PROHIBITED ACT	CLASS OF OFFENSE
I A Heroin	Delivery of any amount to anyone under 19 and 3 years younger	Unclassified-1° 11.71.010(a)(1)
	Manufacture or delivery or possession with intent to manufacture or deliver any amount	A-2° 11.71.020(a)
	Defendant 18 or older, possession on school grounds, etc.	B-3° 11.71.030(a)(3)
	Possession of any amount	C-4° 11.71.040(a)(3)(4)
II A Cocaine	Delivery of any amount to anyone under 19 and 3 years younger	Unclassified-1° 11.71.010(a)(2)
	Manufacture or delivery or possession with intent to manufacture or deliver any amount	B-3° 11.71.030(a)(1)
	Defendant 18 or older, possession on school grounds, etc.	B-3° 11.71.030(a)(3)
	Possession of any amount	C-4° 11.71.040(a)(3)(4)
III Depressants Narcotics Codeine Hashish	Delivery of any amount to anyone under 19 and 3 years younger	Unclassified-1° 11.71.010(a)(2)
	Manufacture or delivery or possession with intent to manufacture or deliver any amount.	B-3° 11.71.030(a)(1)
	Possession of certain amounts	C-4° 11.71.040(a)(3)(B), (C)
	Defendant 18 or older, possession on school grounds, etc.	C-4° 11.71.040(a)(4)
	Possession of certain amounts	A-5° 11.71.050(a)(3)(A), (B)

DRUG	PROHIBITED ACT	CLASS OF OFFENSE
IV	Delivery of any amount to anyone under 19 and 3 years younger	B-3° 11.71.030(a)(2)
	Manufacture or delivery or possession with intent to manufacture or deliver any amount	C-4° 11.71.040(a)(1)
	Possession of certain amounts	C-4° 11.71.040(a)(3)(B), (C)
	Defendant 18 or older, possession on school grounds, etc.	C-4° 11.71.040(a)(4)
	Possession of certain amounts	A-5° 11.71.050(a)(3)(A), (B)
V Limited quantities of narcotic drugs and opium	Delivery of any amount to anyone under 19 and 3 years younger	B-3° 11.71.030(a)(2)
	Manufacture or delivery or possession with intent to manufacture or deliver any amount	C-4° 11.71.040(a)(1)
	Possession of certain amounts	C-4° 11.71.040(a)(3)(D), (E)
	Possession of certain amounts	A-5° 11.71.050(a)(3)(D)

DRUG	PROHIBITED ACT	CLASS OF OFFENSE
VI Marijuana	Delivery of any amount to anyone under 19 and 3 years younger	B-3° 11.71.030(a)(2)
	Manufacture or delivery or possession with intent to manufacture or deliver equal to or greater than 1 oz.	C-4° 11.71.040(a)(2)
	Possession of equal to or greater than 1 lb.	C-4° 11.71.040(a)(3)(F)
	Defendant 18 or older, possession on school grounds, etc.	C-4° 11.71.040(a)(4)
	Manufacture or delivery or possession with intent to manufacture or deliver equal to or greater than 1/2 oz.	A-5° 11.71.050(a)(1)
	Manufacture or delivery or possession with intent to manufacture or deliver less than 1/2 oz. for remuneration	A-5° 11.71.050(a)(2)
	Possession of equal to or greater than 1/2 lb.	A-5° 11.71.050(a)(3)(E)
	Use or display any amount or possess equal to or greater than 1 oz. in public	B-6° 11.71.060(a)(1)
	Possession of any amount in motor vehicle	B-6° 11.71.060(a)(2)
	Defendant under 19, possesses less than 4 oz.	B-6° 11.71.060(a)(3)
	Possession equal to or greater than 4 oz.	B-6° 11.71.060(a)(4)
	Manufacture or delivery or possession with intent to manufacture or deliver less than 1/2 oz.	Violation-7° 11.71.070(a)(1)
	Possession of less than 1 oz. in public	Violation-7° 11.71.070(a)(2)

Analysis/Impact of House Bill 498

AS 11.71.010(a)

Controlled substance            IA, IIA, IIIA

AS 11.71.030(a)

Controlled substance            IVA, VA, VIA

AS 11.73.030(a)

Imitation controlled substance

Present Law

Seller's Age

Buyer's Age

At least 3 years older

Under 19  
(18 and under)

HB 498

Seller's Age

Buyer's Age

At least 3 years older

Under 21

Examples

Seller's Age

Buyer's Age

At least:

23

20

Added by

22

19

HB 498

---

21

18

20

17

Current Law

19

16

18

15

STATE OF ALASKA  
THE LEGISLATURE

COPY

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 18, 1988

SUBJECT: HB 498, sectional analysis  
TO: Representative Fran Ulmer  
FROM: Jack Chenoweth  
Legislative Counsel

You have requested a sectional analysis of HB 498.

Stringent penalties are imposed for transactions involving delivery of controlled substances and imitation controlled substances to minors. Under current law, those penalties apply, generally, to delivery to persons under 19 years of age who are at least three years younger than the person delivering the substance. (The three year distinction arises out of concern that the proscribed transaction subject to more stringent penalties involve a genuine sale to a minor rather than a transmittal between persons of approximately the same age, one of whom is 19 or over and one of whom is just under that age.)

The changes made in HB 498 raise the age of persons to whom delivery is made from 19 to 21, maintaining the requirement that the person to whom the controlled substance or imitation controlled substance is delivered is at least three years younger than the person delivering the substance.

The changes apply as follows:

Section 1 amends AS 11.71.010(a), the provision defining misconduct involving controlled substances in the first degree by increasing the age of persons to whom delivery is made from 19 to 21. The provision is applicable to controlled substances on schedules IA, IIA, and IIIA, and generally cover transactions involving substances having the highest degree of danger or probable danger to a person or to the public. As a general summary of the most commonly

known drugs and narcotics, the substances covered under this provision include opium and morphine (schedule IA), LSD, cocaine, and amphetamines (schedule IIA), and hashish and similar substances (schedule IIIA). Violation of AS 11.71.-010 is an unclassified felony.

Section 2 amends AS 11.71.030(a), the provision defining misconduct involving controlled substances in the third degree by increasing the age of persons to whom deliver is made from 19 to 21. The provision is applicable to controlled substances on schedules IVA, VA, and VIA, and generally cover transactions involving substances having significantly lesser danger or probable danger to a person or the public. As a general summary of the most commonly known drugs and narcotics, the substances covered under this provision include salts chemically related to phenobarbital (schedule IVA), certain designated narcotics listed on other schedules that are present in limited quantities (schedule VA), and, of course, marijuana (schedule VIA). Violation of AS 11.71.030 is a class B felony.

Section 3 amends AS 11.73.030, the provision defining misconduct involving imitation controlled substances. Violation of AS 11.73.030 is a class B felony.

JBC:gc  
WKG1:0091

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_  
Title: "..delivery of controlled substances..  
to minors."  
Sponsor: Reps. Ulmer and Swackhammer  
Requestor: State Affairs

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Criminal Investigation Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan F.C.A.  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 2/22/88

Approved by Commissioner: Walter Hoatski, Dep. Commr. Date: 2-24-88  
Agency: Public Safety

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