

H B

2 8

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____ Dept. Affected: Department of Corrections
 Title: "An Act relating to increasing the BRU: Statewide Programs
penalty for providing alcoholic beverages to a minor Component: _____
 Sponsor: Rep. Williams
 Requestor: Rep. Williams COMPONENT SERIAL NO. 1858

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | 600. | 600. | 600. | 600. | 600. | 600. |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 600 | 600. | 600. | 600. | 600. | 600. |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|-----------------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 600. | 600. | 600. | 600. | 600. | 600. |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 600. | 600. | 600. | 600. | 600. | 600. |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary)
 See attached page

Prepared by: Dana LaTour Phone: 465-3376
 Division: Commissioner's Office Date: 2-12-93
 Approved by Commissioner: Lloyd G. Rupp Date: 2-12-93
 Agency: Department of Corrections

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

Fiscal Note

HB 28: An Act relating to the penalty for providing beverages to a person under the age of 21;..."

Page 2

This bill amends AS 04.16.051 and AS 04.16.180(a) to raise the penalty for furnishing alcoholic beverages to a person under the age of 21 from a class A misdemeanor to a class C felony.

The Department of Law has estimated that approximately 200 complaints involving furnishing alcoholic beverages to minors are referred to their department for prosecution each year. About 100 of those complaints will include sufficient evidence to bring a felony prosecution.

For the purpose of this fiscal note it is assumed that the lowest mean sentence for a class C felony of this type is 7.5 months or 225 bed-days. The average mean sentence length for the class A misdemeanor of providing alcoholic beverages to a minor is 1.5 months or 45 bed-days. Thus it is assumed that raising the offense from a class A misdemeanor to a class C felony would result in an increase in sentence of 180 bed-days. Subtracting one-third of the sentence for statutory good time results in an increase of 120 bed-days per offense. It is assumed that these offenders could be placed in contract community residential center beds at an average cost of \$50 per day.

The following calculation is used to compute the fiscal impact to the Department of Corrections:

100 convictions per year x 120 additional bed days x \$50 =
\$600,000 per year

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____
 Title: "An Act relating to the penalty for providing
alcoholic beverages to a person under 21."
 Sponsor: Reps. Williams, Phillips, Davis, Nicholia
 Requestor: _____

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 67.3 | 69.3 | 71.4 | 73.5 | 75.7 | 78.0 |
| TRAVEL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CONTRACTUAL | 4.0 | 4.1 | 4.2 | 4.3 | 4.4 | 4.5 |
| SUPPLIES | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| EQUIPMENT | 4.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| LAND & STRUCTURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GRANTS, CLAIMS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| MISCELLANEOUS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 77.3 | 75.4 | 77.6 | 79.8 | 82.1 | 84.5 |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|----------------------|-----|-----|-----|-----|-----|-----|
| REVENUE FUND SOURCE: | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|----------------------|-----|-----|-----|-----|-----|-----|

FUNDING:

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 77.3 | 75.4 | 77.6 | 79.8 | 82.1 | 84.5 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1006 GF/MHTIA | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 77.3 | 75.4 | 77.6 | 79.8 | 82.1 | 84.5 |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| TEMPORARY | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

Prepared by: John Salemi, Public Defender
 Division: Public Defender Agency

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/12/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 28

This bill amends Title 4 (A.S. 04.16.051 and A.S. 04.16.180) as a means of enhancing the penalty for furnishing alcohol to an individual under the age of 21 years. The actual penalty increase is significant; from a class A misdemeanor, a crime carrying a maximum sentence of one year in jail and a \$5,000 fine, to a class C felony, a category of crime with a jail sentence of up to five years in prison and a fine of up to \$50,000.

The Department of Law has indicated in their fiscal analysis that 200 complaints per year are processed involving furnishing alcoholic beverages to minors. They estimate that 100 of these "will include evidence sufficient enough to permit (the District Attorney's office) to bring a felony prosecution." Assuming that the Public Defender would eventually take on representation of the vast majority of these felony cases a significant fiscal impact will be realized.

The National Advisory Commission on Criminal Justice Standards, established by the administrator of the Law Enforcement Assistance Administration, has established national caseload standards applicable to Public Defender agencies. With respect to felony cases, the standards indicate that the felony caseload of a Public Defender attorney should not exceed that of 150 cases per year. Using this standard of measurement the anticipated impact on this agency if this proposal becomes law will be the equivalent of one half-time attorney position (75 new felony cases per year). Some support staffing is also necessary to absorb a significant felony caseload increase. Therefore a half-time paralegal position would also be necessary. (It should be noted that in 1992 the Public Defender Agency submitted an indeterminate fiscal note with respect to a similar legislative proposal. That fiscal note was prepared without the benefit of the Department of Law's estimates with respect to felony prosecutions that would be initiated if this bill were to become law).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 28

BUDGET ANALYSIS

| | | | |
|-----|----------------------------|-------|------------|
| 100 | Personal Services | | |
| | 1/2 Attorney IV | 41.5 | |
| | 1/2 Paralegal Assistant II | 25.8 | |
| | | | 67.3 |
| 200 | Travel | | -0- |
| 300 | Contractual | | 4.0 |
| 400 | Supplies | | 2.0 |
| 500 | Equipment (one time) | | <u>4.0</u> |
| | | TOTAL | 77.3 |

| | | | | |
|---|---------------------|-----------------------|----------------------|------------------------|
| Position Title Paralegal Assistant II | | No. of Positions 1 | Range / Step 16/A | Barg. Unit GGU |
| Time Status PPT | Staff Months 6.0 | Location Anchorage | | Election District 7 |
| TYPE OF EXPENDITURE | | Amount | | |
| Salary | | 18,222 | | |
| Benefits | | 7,535 | | |
| Premium Pay | | | | |
| Other | | | | |
| Total Personal Services | | 25,757 | | |
| Travel | | -0- | | |
| Contractual | | -0- | | |
| Commodities | | 1.0 | | |
| Equipment | | 2.0 | | |
| Other | | | | |
| Total Cost | | 28,757 | | |
| FUNDING SOURCE FOR TOTAL COST | | | | |
| Federal Receipts 1002 | | | | |
| G.F. Match 1003 | | | | |
| General Fund 1004 | | 28,757 | | |
| I-A Receipts 1007 | | | | |
| CIP Receipts 1061 | | | | |
| Other | | | | |
| Justification This bill, HB 28, amends Title 4 (A.S. 04.16.051 and A.S. 04.16.180) as a means of enhancing the penalty for furnishing alcohol to an individual under the age of 21 years. The actual penalty increase is significant; from a class A misdemeanor, a crime carrying a maximum sentence of one year in jail and a \$5,000 fine, to a class C felony, a category of crime with a jail sentence of up to five years in prison and a fine of up to \$50,000. The anticipated impact on this agency if this proposal becomes law will be the equivalent of one half-time attorney position (75 new felony cases per year). Some support staffing is also necessary to absorb a significant felony caseload increase. Therefore a half-time paralegal position would also be necessary. | | | | |

**Request For
New Position**

AGENCY Administration
BRU Public Defender Agency
COMPONENT Public Defender Agency

FY _____

Page 5 of 5
Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: January 28, 1993
Title: *...penalty for providing alcoholic beverages to a person under the age of 21...
Sponsor: Representative Williams
Requestor: Representative Williams

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING:

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: January 28, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: January 28, 1993

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

Fiscal Note - Law - Prosecution

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

ANALYSIS (Continued):

This bill amends AS 04.16.051 and AS 04.16.180(a) to raise the penalty for furnishing an alcoholic beverage to a person under the age of 21 years from a class A misdemeanor to a class C felony.

About 2,000 misdemeanor liquor violations are referred to the Department of Law for prosecution each year. Most of these are minor consuming complaints and about 10 percent, or 200 of these complaints, involve furnishing alcoholic beverages to minors. About one-half of this latter number of complaints, or 100, will include evidence sufficient enough to permit us to bring a felony prosecution.

Although bringing a felony prosecution is somewhat more time-consuming and costly than bringing a misdemeanor prosecution, when the work that will be caused by this bill is spread throughout the entire criminal division we cannot show a significant fiscal impact at any particular location. However, in a time of substantially diminishing resources, such as now, we strongly caution against creating additional workload for our prosecutors. Any new workload can only be handled at the expense of decreasing prosecutorial efforts in other areas, such as violent crimes and drug trafficking.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 28

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to the penalty for providing alcoholic beverages to a person under 21." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Williams
 Requestor: Representative Williams COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

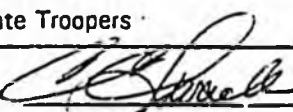
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 1/29/93
 Approved by Commissioner:  Date: 2/10/93
 Agency: Richard A. Burton Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Fiscal Note - Public Safety - Troopers

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____
Title: 'An Act relating to the penalty for providing alcoholic beverages . . .'
Sponsor: Representatives Williams, Phillips, et al.
Requestor: House HESS

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|----------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------|---|---|---|---|---|---|

FUNDING:

| | | | | | | |
|--------------------------|---|---|---|---|---|---|
| 1002 Federal Receipts | 0 | 0 | 0 | 0 | 0 | 0 |
| 1003 GF Match | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 0 | 0 | 0 | 0 | 0 | 0 |
| 1005 GF/Program Receipts | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usher
Agency: Administration

Date: 2/12/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

Alaska State Legislature



During Session
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-2793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

Committees:
House Resources,
Chairman
Community &
Regional Affairs
Labor & Commerce

Representative William K. Williams

SPONSOR STATEMENT HB 28

Honorable Co-Chairs and members of the committee thank you for hearing this bill today.

House Bill 28 is legislation first introduced in the 1992 Legislature by former Representative Cheri Davis in response to the tragic alcohol related deaths of two youths in our community. The purpose of this legislation is to change the penalty for providing alcoholic beverages to a person under the age of 21.

Currently, Furnishing alcohol to a minor is a misdemeanor with a maximum penalty of one year in prison and a \$5,000 fine.

House Bill 28 would make furnishing a minor with alcohol a class "C" felony with a maximum penalty of five years in prison and a \$50,000 fine.

By creating stiffer penalties for providing alcoholic beverages to minors, House Bill 28 will strengthen the deterrent effect of the present laws and enforcement efforts.

Thanks again for hearing this bill today. I'd be glad to try to answer any questions you may have in regard to HB 28.

BILL NO: HB 28

DATE: February 10, 1993

TITLE: "An Act relating to the penalty for providing alcohol to a minor"

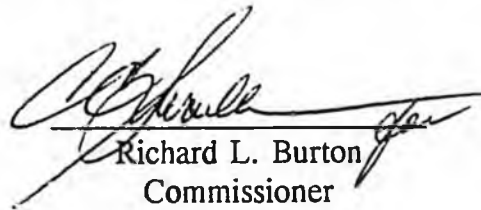
CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

POSITION PAPER - Department of Public Safety

HB 28 amends AS 04.16.051 - Furnishing Alcoholic Beverages to Persons under 21 - by making this offence a Class C felony.

This proposed legislation will affect anyone who furnishes or delivers (not just sells) alcohol to a person under the age of 21 years.

Creating a felony for this offense will require presentation before a Grand Jury to review each case. Additional time will be necessary for Grand Jury preparation, witness coordination and transportation, and Trooper testimony.



Richard L. Burton
Commissioner

Position Paper - Public Safety

(b) A person receiving compensation for transporting alcoholic beverages may not knowingly deliver alcoholic beverages to a drunken person. (§ 3 ch 131 SLA 1980; am § 6 ch 156 SLA 1988)

Effect of amendments. — The 1988 amendment added subsection (b).

Legislative history reports. — For Senate letter of intent relating to the en-

actment of (b) of this section by sec. 6, ch. 156, SLA 1988 (HCS CSSB 371 (Jud) am H), see 1988 Senate Journal 2939.

NOTES TO DECISIONS

Effect of AS 04.21.020. — Section 04.21.020, which provides conditions for the civil liability of persons providing alcoholic beverages, does not immunize vendors who violate this section. *Williford v. L.J. Carr Invs., Inc.*, 783 P.2d 235 (Alaska 1989).

Recognition of bystander's right to

recover damages for negligent infliction of emotional distress caused by injury to another. — See *Tommy's Elbow Room, Inc. v. Kavorkian*, 727 P.2d 1038 (Alaska 1986).

Applied in *Lord v. Fogcutter Bar & Stacy Cap*, 813 P.2d 660 (Alaska 1991).

Sec. 04.16.050. Possession or consumption by persons under the age of 21.

NOTES TO DECISIONS

Comparative negligence. — A licensee who violates this section is not entitled to assert the comparative fault of the minor/consumer, in an action for damages resulting from the unlawful sale of intoxicating liquor. *Loeb v. Rasmussen*, 822 P.2d 914 (Alaska 1991).

Stated in *Shamberg v. State*, 762 P.2d 488 (Alaska Ct. App. 1988).

Cited in *Alfred v. State*, 758 P.2d 130 (Alaska Ct. App. 1988).

Sec. 04.16.051. Furnishing or delivery of alcoholic beverages to persons under the age of 21. (a) A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 years.

(b) This section does not prohibit the furnishing or delivery of an alcoholic beverage

(1) by a parent to the parent's child, by a guardian to the guardian's ward, or by a person to the legal spouse of that person if the furnishing or delivery occurs off licensed premises; or

(2) by a licensed physician or nurse to a patient in the course of administering medical treatment.

(c) Acts unlawful under AS 11.51.130 are not made legal by (b) of this section. (§ 3 ch 131 SLA 1980; am § 9 ch 109 SLA 1983; am §§ 7, 8 ch 156 SLA 1988; am § 1 ch 50 SLA 1989)

Effect of amendments. — The 1988 amendment inserted references to delivery in the catchline and in subsections (a) and (b).

The 1989 amendment, effective May 27, 1989, inserted "or delivery" in paragraph (b)(1).

Legislative history reports. — For Senate letter of intent relating to the amendments to (a) and (b) of this section by secs. 7 and 8, ch. 156, SLA 1988 (HCS CSSB 371 (Jud) am H), see 1988 Senate Journal 2939.

Sec. 04.16.150. Licensee responsible for violations.**NOTES TO DECISIONS**

Stated in *Tommy's Elbow Room, Inc. v. Kavorkian*, 727 P.2d 1038 (Alaska 1986).

Article 2. Penalties and Forfeitures.**Section**

180. Penalties for violation
200. Unlicensed persons

Sec. 04.16.180. Penalties for violation. (a) Except as provided in AS 04.11.015, AS 04.16.200 — 04.16.210, and AS 04.21.065, a person who violates a provision of this title or a regulation adopted by the board is guilty, upon conviction, of a class A misdemeanor. Each violation is a separate offense.

(b) A suspension or revocation of a license ordered by the board under AS 04.11.370(4) and (5) shall be as follows:

(1) On first conviction: the license of the premises involved may not be revoked, but may be suspended for not more than 45 days.

(2) On second conviction: the license of the premises involved may not be revoked, but may be suspended for not more than 90 days.

(3) On third conviction: the license of the premises involved may be suspended or revoked.

(c) In this section, the terms "second conviction" and "third conviction" include only convictions for violations that occur within five years of the first conviction. The terms refer to the cumulative number of convictions of a licensee of any combination of violations of the provisions of this title, regulations adopted under this title, or ordinances adopted under AS 04.21.010. The terms "second conviction" and "third conviction" include a conviction of the agent or employee of a licensee of a violation of a law, regulation, or ordinance if the conviction constitutes a ground for suspension or revocation under AS 04.11.370(5).

(d) This section does not affect the authority of the board to suspend or revoke a license when the board determines that continuance of activities under a license would not be in the best interests of the public. (§ 3 ch 131 SLA 1980; am § 10 ch 156 SLA 1988; am § 1 ch 81 SLA 1989)

Effect of amendments. — The 1988 amendment inserted "AS 04.11.015 and" in the first sentence in subsection (a). The 1989 amendment, effective August 30, 1989, inserted a reference to AS 04.21.065 in the first sentence of subsection (a) and made related grammatical changes.

LTN1100-R01
03/04/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
16:23:08

TCN: 30299 DATE & TIME: 03/04/93 15:00 TO 16:00 STATUS: 6 ADJOURNED

**** ORDER SUMMARY ****

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
 PURPOSE: PUB PUBLIC HEARING BUNDE
 CONTACT: LYNN SMITH TEL#: (907)465-6825
 CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 3 MINUTE LIMIT
 PUBLIC TESTIMONY ON HB 28
 TCN REQUESTED ON 03/04/93 AND HAS 2 UPDATES

**** AGENDA ****

1 HB 28 PENALTY FOR PROVIDING ALCOHOL TO A MINOR

**** PARTICIPATING LIOS ****

| | | |
|---------------|------------------|----------------|
| BAR BARROW | COURTHOUSE #305 | LOCATION STAFF |
| * JNU JUNEAU | CAPITOL CAP106 | LOCATION STAFF |
| KTN KETCHIKAN | 352 FRONT STREET | LOCATION STAFF |

PARTICIPANTS IN: KETCHIKAN

KTN

| | | | |
|-------|-----------------|----------------|------------------------|
| 1 MS | CHERI DAVIS | KETCHIKAN | TSFY. HB 28 |
| | BOX 5723 | | AK 99901 (907)225-6304 |
| 2 MS | SUE HENRY | KETCHIKAN | TSFY. HB 28 |
| | 433 JACKSON ST. | | AK 99901 (907)225-5501 |
| 3 MR. | PETER JENSEN | KETCHIKAN | TSFY. HB 28 |
| | BOX 7032 | | AK 99901 (907)225-2277 |
| 4 MS | JEANNEANE HENRY | KETCHIKAN | TSFY. HB 28 |
| | 2428 DUNTON ST. | | AK 99901 (907)225-2428 |
| 5 MS | LYNDA ADAMS | KETCHIKAN | TSFY. HB 28 |
| | BOX 7171 | | AK 99901 (907)225-6227 |
| 6 MS | GIGI PILCHER | W.I.S.H. | TSFY. HB 28 |
| | BOX 6552 | KETCHIKAN | AK 99901 (907)225-0202 |
| 7 MS | FRAN YOUNG | KETCHIKAN | TSFY. HB 28 |
| | 537 TOWER RD. | | AK 99901 (907)225-3528 |
| 8 MR. | GERRET KOEPPING | KTN DAILY NEWS | OBSV. HB 28 |
| | 501 DOCK ST. | KETCHIKAN | AK 99901 (907)225-3157 |
| 9 MR. | HALL ANDERSON | KTN DAILY NEWS | OBSV. HB 28 |
| | 501 DOCK ST. | KETCHIKAN | AK 99901 (907)225-3157 |



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: MARCH 4, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:

*HB 28: PENALTY FOR PROVIDING ALCOHOL
TO A MINOR

| NAME | REPRESENTING | BUSINESS/PERSONAL MAILING ADDRESS | ZIP | (H) PHONE | (W) PHONE | DO YOU WANT TO TESTIFY? | WHAT SUBJECT/ WHICH BILL? |
|--------------------|--------------------------|-----------------------------------|-------|-----------|-----------|----------------------------|------------------------------|
| John Salemi | Public Defender | | | | | (Y) N | HB 28 |
| Randall O. Madigan | Self | P.O. Box 2051 Nome | 99762 | 443-5123 | | (Y) N | HB 28 |
| Thea Smolcer | Adventure Prohibitory | 401 E. Fireweed | 99503 | 249-1212 | 276-2700 | (Y) N | HB 28 |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |