

HB

22

Alaska State House of Representatives
House District 39



Session
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Juneau, Alaska 99801-1182
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Representative Ivan M. Ivan

**SPONSOR STATEMENT
COMMITTEE SUBSTITUTE for HOUSE BILL 22 (JUD)**

I introduced this legislation because current law seemingly exempts those who sell liquor without a license (bootleggers) from any civil liability for the damages that may be caused by their illegal acts. The basis of the original bill was to remove that exemption and make bootleggers strictly liable for their actions.

During deliberations before the House Judiciary Committee, language was added that addresses civil liability of a person who sells or barter a controlled substance as defined under AS 11.71.900.

The intent of this legislation is to apply strict liability to a bootlegger or drug dealer for any actions taken by a buyer of illegal alcohol or drugs that may result in civil damages to another person, the state or political subdivision of the state. The cost of criminally prosecuting the buyer for any criminal acts while under the influence of the illegally purchased alcohol or drugs may also be sought from the bootlegger or drug dealer.

It is also the intent of the legislation that an injured party can not only be an individual but also the state or a political subdivision of the state. Civil damages includes personal injury, death or injury to property.

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Representative Ivan M. Ivan

MEMORANDUM

TO: Senator Tim Kelly, Chair
Senate Rules Committee

FROM: Representative Ivan M. Ivan 

DATE: March 6, 1997

RE: Scheduling of Committee Substitute for House Bill 22 (JUD)

Please consider this request to schedule Committee Substitute for House Bill 22 (JUD): Civil Liability for Bootleggers and Drug Dealers, for the floor at your earliest possible convenience.

- This bill makes bootleggers and drug dealers strictly liable: (1) to the recipient or another person for civil damages for conduct that results in civil damages and (2) the cost to the state or political subdivision of the state to criminally prosecute the person receiving the illegal alcohol.
- The person who receives the illegal alcohol must be under the influence and the alcohol must substantially contribute to the civil damages.
- A definition of civil damages under subsection (b) includes damages for personal injury, death or injury to a person's property to include the state or political subdivision.
- A person who illegally sells or barter alcohol cannot use as a defense that the recipient voluntarily consumed or was voluntarily under the influence.

SECTION 2

This section parallels section 1 of the committee substitute and addresses civil liability of a person who sells or barter a controlled substance as defined under AS 11.71.900.

Please do not hesitate to contact me if I can answer any questions or provide further information.

Thank you for your consideration of my request.

IMI/tw

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

Mary Pagenkopf

Senate Rules Committee 3/12/97 10:50 am

BILL: HB 22 SHORT TITLE: CIV.LIAB.:ILLEGAL SALE OF ALCOHOL/DRUGS
BILL VERSION: CSHB 22(JUD)
SPONSOR(S): REPRESENTATIVE(S) IVAN,Porter,Berkowitz,Croft,Elton,Rokeberg

CURRENT STATUS: (S) RLS

STATUS DATE: 03/06/97

TITLE: "An Act relating to civil liability for illegal sale or barter of an alcoholic beverage or a controlled substance; and providing for an effective date."

01/13/97	33	(H)	PREFILE RELEASED 1/3/97
01/13/97	33	(H)	READ THE FIRST TIME - REFERRAL(S)
01/13/97	33	(H)	JUDICIARY
02/14/97	361	(H)	COSPONSOR(S): PORTER
02/17/97	371	(H)	JUD RPT CS(JUD) NT 7DP
02/17/97	371	(H)	DP: CROFT, ROKEBERG, PORTER, GREEN
02/17/97	371	(H)	BUNDE, JAMES, BERKOWITZ
02/17/97	371	(H)	3 ZERO FISCAL NOTES (COURT, LAW, REV)
02/19/97	407	(H)	COSPONSOR(S): BERKOWITZ
02/25/97	466	(H)	RULES TO CALENDAR 2/25/97
02/25/97	466	(H)	READ THE SECOND TIME
02/25/97	466	(H)	JUD CS ADOPTED UNAN CONSENT
02/25/97	467	(H)	ADVANCED TO THIRD READING UNAN CONSENT
02/25/97	467	(H)	READ THE THIRD TIME CSHB 22(JUD)
02/25/97	467	(H)	PASSED Y39 E1
02/25/97	467	(H)	EFFECTIVE DATE(S) SAME AS PASSAGE
02/25/97	472	(H)	COSPONSOR(S): CROFT, ELTON, ROKEBERG
02/25/97	472	(H)	TRANSMITTED TO (S)
02/26/97	515	(S)	READ THE FIRST TIME - REFERRAL(S)
02/26/97	515	(S)	JUDICIARY
03/06/97	591	(S)	JUD RPT 5 DP
03/06/97	591	(S)	DP: TAYLOR,MILLER,PEARCE,PARNELL,ELLIS
03/06/97	591	(S)	(H) ZERO FNS (REV. LAW, COURT)
03/06/97	591	(S)	REFERRED TO RULES

According to Tom Wright, this bill has no known opposition, and is supported by the ALASKA PEACE OFFICERS' ASSN.

Revision Date: _____ Dept. Affected: Revenue
 Title: Civil Liability for Bootleggers BRU: Alcoholic Beverage Control Board
 Component: Alcoholic Beverage Control Board
 Sponsor: Representative Ivan
 Requestor: (H) JUD COMPONENT SERIAL NO. 100

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Alaska law to clearly assert that immunity for social hosts that serve alcoholic beverages does not extend to those persons engaged in the illegal sale of alcohol. Alaska's strong immunity provisions for social hosts was reaffirmed and relied upon in the 1996 Alaska Supreme Court decision, Chokwok v. Worley, that concluded that civil liability for social hosts applied even when serving minors. This bill is designed to remove the potential for this doctrine to be used as a defense by bootleggers facing prosecution.

No fiscal impact is anticipated.

Prepared by: Douglas B. Griffin Phone: (907) 277-8638
 Division: Alcoholic Beverage Control Board Date: January 22, 1997
 Approved by Commissioner: Wilson L. Condon Date: January 22, 1997
 Agency: Revenue

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FISCAL NOTE

No. 2
 Bill Version: CSHB 22(JUD)
 (H) Publish Date: 2/17/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: An Act relating to civil liability for illegal sales of BRU: Civil Division
alcoholic beverages . . . Component: General Legal Services
 Sponsor: Representative Ivan
 Requester: (H) JUDICIARY COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would make individuals who sell or barter an alcoholic beverage to another person in violation of AS 04.11.010 strictly liable for civil damages resulting from the intoxication of the person receiving the alcoholic beverage.

Passage of this legislation would have no fiscal impact on the Department of Law.

Prepared by: Joan Kasson *Joan Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 1/14/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/14/97
 Agency: Department of Law

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FISCAL NOTE

No. 1

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version CSHB 22(JUD)

(H) Publish Date: 2/17/97

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Civil liability for bootlegging BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Ivan
 Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC*
 Agency: Alaska Court System

Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System

Phone: 264-8228
 Date: 01/23/97

Date: 01/23/97

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