



LAWS OF ALASKA

1970

Source

Chapter No.

HCSSB 469

225

AN ACT

Relating to alcohol related crimes; and providing for an effective date.

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

* Section 1. AS 11.45.030 is amended to read:

Sec. 11.45.030. DISORDERLY CONDUCT AND DISTURBANCE OF THE PEACE. A person who (1) uses obscene or profane language in a public place or private house or place to the disturbance or annoyance of another; or (2) makes a loud noise or is guilty of tumultuous conduct in a public place or private house to the disturbance or annoyance of another, or is otherwise guilty of disorderly conduct to the disturbance or annoyance of another, upon conviction, is guilty of a misdemeanor, and is punishable by a fine of not more than \$300, or by imprisonment in a jail for not more than six months, or by both.

* Sec. 2. AS 11.45 is amended by adding a new section to read:

Sec. 11.45.032. PUBLIC DRUNKENNESS. (a) A person who (1) is drunk in a private place, not his own property or his usual place of abode, or in a public place, to the annoyance of another, or (2) drinks intoxicating liquor on a public street or sidewalk, or on the premises of a public carrier or business establishment offering goods or services to the public, which is not licensed to dispense intoxicating liquor, upon conviction is guilty of a misdemeanor, and is punishable by a fine of not more than \$300, or by imprisonment for not more than 30 days, or by both.

(b) Any part of a sentence requiring a person convicted under this section to serve more than five days in jail shall be suspended subject to reasonable conditions relating to the rehabilitation of the offender, which may

include commitment to a program or facility approved or provided by the Department of Health and Welfare for medical or rehabilitative services, if the court finds

(1) that at the time of the offense the defendant was not under a suspended sentence; and

(2) that the defendant was not convicted of another crime arising from the same incident.

(c) Notwithstanding the provisions of (b) of this section a court may continue the confinement imposed under this section for more than five days if it finds that

(1) there is reason to believe that the release of the defendant would be detrimental to his health or safety or to the safety of the community; and

(2) there is no suitable alternative to jail custody for the defendant available in the community.

(d) Nothing in this section precludes the court from exercising its discretion to suspend an entire sentence in appropriate cases.

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.