

HOUSE BILL NO. 398

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Introduced: 4/22/24

Referred: Community and Regional Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to controlled substances."**

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

3 * **Section 1.** AS 11.71.030(a) is amended to read:

4 (a) Except as authorized in AS 17.30, a person commits the crime of
5 misconduct involving a controlled substance in the third degree if the person

6 (1) [REPEALED]

7 (2) delivers any amount of a schedule IVA, VA, or VIA controlled
8 substance to a person under 19 years of age who is at least three years younger than
9 the person delivering the substance;

10 (3) possesses any amount of a schedule IA or IIA controlled substance

11 (A) with reckless disregard that the possession occurs

12 (i) on or within 500 feet of school grounds **or a day**
13 **care center**; or

14 (ii) at or within 500 feet of a recreation or youth center,
15 **a shelter for the homeless, or a treatment and rehabilitation center**;

1 or

2 (B) on a school bus;

3 (4) [REPEALED]

4 (5) [REPEALED]

5 (6) [REPEALED]

6 (7) [REPEALED]

7 (8) [REPEALED]

8 (9) under circumstances not proscribed under AS 11.71.021(a)(2) - (6),
 9 manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or
 10 possesses any amount of a schedule IIA or IIIA controlled substance with intent to
 11 manufacture or deliver.

12 * **Sec. 2.** AS 11.71.030(b) is amended to read:

13 (b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section
 14 that the prohibited conduct took place entirely within a private residence located
 15 within 500 feet of the school grounds, day care center, [OR] recreation or youth
 16 center, shelter for the homeless, or treatment and rehabilitation center, and that
 17 the prohibited conduct did not involve distributing, dispensing, or possessing with the
 18 intent to distribute or dispense a controlled substance for profit. Nothing in this
 19 subsection precludes a prosecution under any other provision of this section or any
 20 other section of this chapter.

21 * **Sec. 3.** AS 11.71.040(a) is amended to read:

22 (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the
 23 crime of misconduct involving a controlled substance in the fourth degree if the person

24 (1) manufactures or delivers any amount of a schedule IVA or VA
 25 controlled substance or possesses any amount of a schedule IVA or VA controlled
 26 substance with intent to manufacture or deliver;

27 (2) manufactures or delivers, or possesses with the intent to
 28 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
 29 of an aggregate weight of one ounce or more containing a schedule VIA controlled
 30 substance;

31 (3) possesses any amount of a schedule IA controlled substance listed

1 in AS 11.71.140(e);

2 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

3 (A) with reckless disregard that the possession occurs

4 (i) on or within 500 feet of school grounds **or a day**

5 **care center**; or

6 (ii) at or within 500 feet of a recreation or youth center,

7 **a shelter for the homeless, or a treatment and rehabilitation center**;

8 or

9 (B) on a school bus;

10 (5) knowingly keeps or maintains any store, shop, warehouse,
11 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
12 keeping or distributing controlled substances in violation of a felony offense under this
13 chapter or AS 17.30;

14 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
15 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
16 mark, imprint, or device of another or any likeness of any of these on a drug, drug
17 container, or labeling so as to render the drug a counterfeit substance;

18 (7) knowingly uses in the course of the manufacture or distribution of a
19 controlled substance a registration number that is fictitious, revoked, suspended, or
20 issued to another person;

21 (8) knowingly furnishes false or fraudulent information in or omits
22 material information from any application, report, record, or other document required
23 to be kept or filed under AS 17.30;

24 (9) obtains possession of a controlled substance by misrepresentation,
25 fraud, forgery, deception, or subterfuge;

26 (10) affixes a false or forged label to a package or other container
27 containing any controlled substance;

28 (11) [REPEALED]

29 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
30 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
31 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4).

1 * **Sec. 4.** AS 11.71.040(b) is amended to read:

2 (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section
3 that the prohibited conduct took place entirely within a private residence located
4 within 500 feet of the school grounds, day care center, [OR] recreation or youth
5 center, shelter for the homeless, or treatment and rehabilitation center. Nothing in
6 this subsection precludes a prosecution under any other provision of this section or any
7 other section of this chapter.

8 * **Sec. 5.** AS 28.01.010(d) is amended to read:

9 (d) A municipality shall erect necessary official traffic control devices on
10 streets and highways within its jurisdiction that as far as practicable conform to the
11 current edition of the Alaska Traffic Manual prepared by the Department of
12 Transportation and Public Facilities. The municipality

13 (1) shall post a sign indicating that the school is a "drug-free school
14 zone" at each location in which it has installed a sign identifying the location of a
15 school;

16 (2) may post a sign at each recreation and youth center indicating that
17 the center is a "drug-free recreation and youth center zone"; in this paragraph,
18 "recreation or youth center" has the meaning given in AS 11.71.900;

19 (3) shall post a sign at each day care center indicating that the
20 center is a "drug-free day care zone";

21 (4) shall post a sign at each shelter for the homeless indicating that
22 the shelter is a "drug-free homeless shelter zone";

23 (5) shall post a sign at each treatment and rehabilitation center
24 indicating that the center is a "drug-free treatment and rehabilitation center
25 zone." [.]

26 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 APPLICABILITY. AS 11.71.030(a), as amended by sec. 1 of this Act,
29 AS 11.71.030(b), as amended by sec. 2 of this Act, AS 11.71.040(a), as amended by sec. 3 of
30 this Act, and AS 11.71.040(b), as amended by sec. 4 of this Act, apply to offenses committed
31 on or after the effective date of this Act.