

Title 4 Review: 2016 Update

WHAT IS TITLE 4?

Alaska's Title 4 statutes regulate "the manufacture, barter, possession, and sale of alcoholic beverages in the state" [AS 04.06.090(a)]. The Alcoholic Beverage Control Board, staff and state and local officials enforce these laws.

WHY REVIEW TITLE 4?

Much of the chapter has not been updated since 1980. Over time, incremental updates and changing industry trends have reduced the effectiveness of Title 4. A systematic review of the statutes helps the Board carry out its mission and will benefit organizations and individuals whose work, community or business is affected by alcohol laws and regulations.

GOALS OF TITLE 4 REVIEW

Stakeholders established shared goals as the foundation for developing recommendations:

Promote a fair business climate and protect public health and safety.

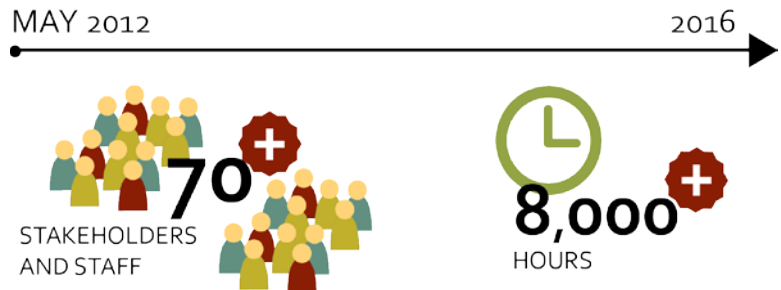
- Create rational regulation for all tiers of the state's alcohol industry.
- Limit youth access to alcohol.
- Promote responsible alcohol use and reduce the harms of overconsumption.

Make Title 4 a clear and consistent legal framework for the ABC Board, licensees and law enforcement.

- Increase swiftness, proportionality and consistency of penalties.
- Increase local Title 4 law enforcement.
- Increase licensee accountability before the ABC Board for Title 4 violations.

STAKEHOLDER-DRIVEN PROCESS

Since 2012, stakeholders representing the alcohol industry, public health, local government, law enforcement, public safety, education, and community advocacy sectors have dedicated over 8,000 hours to craft recommendations to improve Title 4. This group, working with the Title 4 Review Steering Committee, helped to identify which recommendations may merit further refinement, and which are ready to move forward.



2016 PRIORITY: INTRODUCE SELECT RECOMMENDATIONS IN SB 165

The stakeholder group has identified high-priority recommendations that can have immediate impacts this year:

Composition of the ABC Board [04.06.020]

- Designate ABC Board seats to ensure consistent representation of important sectors.
- Five-member board: 2 industry, 1 public health, 1 public safety, 1 rural public member.

Minor on Licensed Premises [04.16.049] and Minor Consuming Alcohol, MCA [04.16.050]

- Reform underage drinking sanctions so that minors do not become criminals for underage drinking.
- Restored to true violations, with no graduating penalties for subsequent convictions; if convicted, better youth access to education or treatment.
- Violations of 04.16.049 and 04.16.050 would never appear on CourtView and treated separately from other charges.
- Prior conviction of MCA would not prevent youth from obtaining or renewing a driver's license.

NEXT STEPS AND PLAN FOR ACTION

2016: High-priority recommendations in SB 165 and a House companion bill are brought to the Alaska Legislature for consideration to adopt into law. Positive criminal justice reforms could begin benefitting young Alaskans this year.

2016 - 2017: Stakeholders continue to refine the full package of proposed Title 4 revisions. The remaining elements of the comprehensive package could be introduced to the Legislature for consideration in 2017.

SENATE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY SENATOR MICCICHE

Introduced: 2/1/16

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the presence of minors in the licensed premises of manufacturers,
2 wholesalers, and retailers of alcoholic beverages; relating to the Alcoholic Beverage
3 Control Board; relating to the offense of minor consuming; relating to revocation of a
4 driver's license for a minor consuming offense; relating to the effect of the revocation of
5 a driver's license for a minor consuming offense on a motor vehicle liability insurance
6 policy; and amending Rule 17, Alaska Rules of Minor Offense Procedure."

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

8 * **Section 1.** AS 04.06.020 is repealed and reenacted to read:

9 **Sec. 04.06.020. Appointment and qualifications.** (a) The board consists of
10 five members appointed by the governor and confirmed by a majority of the members
11 of the legislature in joint session. A member of the board may not hold any other state
12 or federal office, either elective or appointive.

13 (b) Except as provided in (c) and (d) of this section, at the time of appointment

1 or reappointment, one member of the board shall be actively engaged in the public
2 safety sector, one member shall be actively engaged in the public health sector, one
3 member shall have resided in a rural area within the previous five years, and two
4 members shall be actively engaged in the alcoholic beverage industry.

5 (c) If the director, within five years of appointment, was actively engaged in
6 the alcoholic beverage industry, then only one board member may be actively engaged
7 in the alcoholic beverage industry. If the director, within five years of appointment,
8 was actively engaged in the public safety sector or the public health sector, then one
9 board member shall be from the general public. When the governor appoints a new
10 director under AS 04.06.070, the governor shall take the new director's experience in
11 the alcoholic beverage industry, public safety sector, or public health sector into
12 account in making appointments to the board; however, an existing board member
13 with experience in that industry or sector may serve the remainder of that member's
14 term.

15 (d) A member may not hold a wholesale alcoholic beverage license or be an
16 officer, agent, or employee of a wholesale alcoholic beverage enterprise. Not more
17 than two members of the board may be engaged in the same business, occupation, or
18 profession. A board member actively engaged in the public safety sector or public
19 health sector, from a rural area, or representing the general public may not have, or
20 have an immediate family member who has, a financial interest in a business for
21 which a license is issued.

22 (e) In this section,

23 (1) "immediate family member" means a spouse, child, or parent;

24 (2) "public health sector" means a profession that primarily has the
25 responsibility to protect the safety and improve the health of communities through
26 education, policy making, and research for disease and injury prevention;

27 (3) "public safety sector" means a peace officer, a municipal or state
28 prosecutor, a former judicial officer, or a profession that primarily has the authority to
29 provide for the welfare and protection of the general public through the enforcement
30 of municipal, state, or federal laws;

31 (4) "rural area" means a community with a population of 7,000 or less

1 that is not connected by road or rail to Anchorage or Fairbanks or with a population of
 2 2,000 or less that is connected by road or rail to Anchorage or Fairbanks; in this
 3 paragraph,

4 (A) "community" means a city as that term is defined in
 5 AS 29.71.800, and an established village that is located in a borough or the
 6 unorganized borough;

7 (B) "population" means the population of a community as
 8 determined under AS 29.60.860(c).

9 * **Sec. 2.** AS 04.06.030(c) is amended to read:

10 (c) The board shall select a **chair** [CHAIRMAN] from among its members.

11 * **Sec. 3.** AS 04.06.050 is amended to read:

12 **Sec. 04.06.050. Meetings.** The board shall meet at the call of the **chair**
 13 [CHAIRMAN]. The board shall also meet at least once each year in each judicial
 14 district of the state to study this title and to modify existing board regulations in light
 15 of statewide and local problems.

16 * **Sec. 4.** AS 04.16.049(a) is amended to read:

17 (a) A person under [THE AGE OF] 21 years **of age** may not knowingly enter
 18 or remain in premises licensed under this title unless

19 (1) accompanied by a parent, guardian, or spouse who has attained
 20 [THE AGE OF] 21 years **of age**;

21 (2) the person is at least 16 years of age, the premises are designated
 22 by the board as a restaurant for the purposes of this section, and the person enters and
 23 remains only for dining;

24 (3) the person is under [THE AGE OF] 16 years **of age**, is
 25 accompanied by a person over [THE AGE OF] 21 years **of age**, the parent or guardian
 26 of the underaged person consents, the premises are designated by the board as a
 27 restaurant for the purposes of this section, and the person enters and remains only for
 28 dining; [OR]

29 (4) the person is permitted on the premises under **a club license issued**
 30 **under** AS 04.11.110(g); **or**

31 **(5) otherwise provided under (c), (d), or (g) of this section.**

1 * **Sec. 5.** AS 04.16.049(b) is amended to read:

2 (b) Notwithstanding (a) of this section, a licensee or an agent or employee of
3 the licensee may refuse entry to a person under [THE AGE OF] 21 years **of age** to that
4 part of licensed premises in which alcoholic beverages are sold, served, or consumed,
5 may refuse service to a person under [THE AGE OF] 21 years **of age**, or may require
6 a person under [THE AGE OF] 21 years **of age** to leave the portion of the licensed
7 premises in which alcoholic beverages are sold, served, or consumed.

8 * **Sec. 6.** AS 04.16.049(c) is amended to read:

9 (c) Notwithstanding any other provision in this section, a person 16 or 17
10 years of age may enter and remain within the licensed premises of a hotel, **golf course,**
11 **or** restaurant [,] or eating place in the course of employment if (1) the employment
12 does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages;
13 (2) the person has the written consent of a parent or guardian; and (3) an exemption
14 from the prohibition of AS 23.10.355 is granted by the Department of Labor and
15 Workforce Development. The board, with the approval of the governing body having
16 jurisdiction and at the licensee's request, shall designate which premises are hotels,
17 **golf courses,** restaurants, or eating places for the purposes of this subsection.

18 * **Sec. 7.** AS 04.16.049(d) is amended to read:

19 (d) Notwithstanding any other provision in this section, a person 18, 19, or 20
20 years of age may be employed within the licensed premises of a hotel, **golf course, or**
21 restaurant [,] or eating place, may enter and remain within those premises for the
22 purpose of employment, but may not, in the course of employment, sell, serve, deliver,
23 or dispense alcoholic beverages.

24 * **Sec. 8.** AS 04.16.049 is amended by adding new subsections to read:

25 (g) Notwithstanding any other provision in this section, a person under 21
26 years of age may be present on licensed premises on a golf course for the purpose of
27 playing golf or attending golf-related activities if the person

28 (1) is at least 16 years of age; or

29 (2) is under 16 years of age and

30 (A) the person is accompanied by a person who is at least 21
31 years of age; and

1 (B) a parent or guardian of the underage person consents.

2 (h) A person under 21 years of age who knowingly enters or remains on
3 premises licensed under this title except as allowed in this section commits the offense
4 of unauthorized presence by a person under 21 years of age on licensed premises.

5 (i) Unauthorized presence by a person under 21 years of age on licensed
6 premises is a violation, punishable by a fine of \$500. The violation must be charged
7 and filed with the court as a separate case and may not be combined or joined with any
8 other minor offense or criminal charge in one action at the time of filing. A court may
9 reduce the fine to \$50 if the person provides the court, not later than six months after a
10 judgment of conviction is entered, with proof of completion of an alcohol safety action
11 program or a juvenile alcohol safety action program developed, designated, or
12 approved by the Department of Health and Social Services under AS 47.37.

13 * **Sec. 9.** AS 04.16.050 is repealed and reenacted to read:

14 **Sec. 04.16.050. Possession, control, or consumption by persons under the**
15 **age of 21.** (a) A person under 21 years of age may not knowingly consume, possess, or
16 control alcoholic beverages except those furnished to persons under AS 04.16.051(b).

17 (b) A person under 21 years of age who knowingly consumes, possesses, or
18 controls an alcoholic beverage other than an alcoholic beverage furnished under
19 AS 04.16.051(b) commits the offense of minor consuming or in possession or control.

20 (c) Minor consuming or in possession or control is a violation, punishable by a
21 fine of \$500. The violation must be charged and filed with the court as a separate case
22 and may not be combined or joined with any other minor offense or criminal charge in
23 one action at the time of filing. A court may reduce the fine to \$50 if the person
24 provides the court, not later than six months after a judgment of conviction is entered,
25 with proof of completion of an alcohol safety action program or a juvenile alcohol
26 safety action program developed, designated, or approved by the Department of
27 Health and Social Services under AS 47.37.

28 * **Sec. 10.** AS 04.16.180(d) is amended to read:

29 (d) In addition to other penalties provided in this chapter, the court may
30 require a person convicted of a crime [AN OFFENSE] under this chapter who was
31 less than 21 years of age at the time the person committed the crime [OFFENSE] to

1 pay for and enroll in a juvenile alcohol safety action program if one is available.

2 * **Sec. 11.** AS 04.21.065(b) is amended to read:

3 (b) The warning signs required by (a) of this section must be at least 11 inches
4 by 14 inches, and the lettering must be at least one-half inch high and in contrasting
5 colors. The first sign must read, "WARNING: Drinking alcoholic beverages such as
6 beer, wine, wine coolers, and distilled spirits or smoking cigarettes during pregnancy
7 can cause birth defects." The second sign must read, "WARNING: A person who
8 provides alcoholic beverages to a person under 21 years of age, if convicted under
9 AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000." The
10 third sign must read, "WARNING: **An unaccompanied** [A] person under 21 years of
11 age who enters these premises in violation of law **may** [COULD], under
12 AS 04.16.049(e), be civilly liable for damages of \$1,500." The license or permit
13 holder shall display the first and second signs in a manner that would make them
14 conspicuous to a person who will be purchasing or consuming alcoholic beverages or
15 smoking cigarettes on the licensed or designated premises and shall conspicuously
16 display the third sign at each door through which customers enter the licensed
17 premises.

18 * **Sec. 12.** AS 04.21 is amended by adding a new section to read:

19 **Sec. 04.21.078. Court records of persons under 21 years of age.** The Alaska
20 Court System may not publish on a publicly available website the court records of a
21 violation of AS 04.16.049 or 04.16.050 if the violation was charged separately and
22 was not joined with any other minor offense or criminal charge at the time of filing.

23 * **Sec. 13.** AS 21.36.210(a) is amended to read:

24 (a) An insurer may not exercise its right to cancel a policy of personal
25 automobile insurance except for the following reasons:

26 (1) nonpayment of premium; or

27 (2) the driver's license or motor vehicle registration of either the named
28 insured or of an operator who resides in the same household as the named insured or
29 who customarily operates a motor vehicle insured under the policy has been under
30 suspension or revocation during the policy period or, if the policy is a renewal, during
31 its policy period or the 180 days immediately preceding its effective date [; THIS

1 PARAGRAPH DOES NOT APPLY TO REVOCATION AS DESCRIBED UNDER
2 AS 21.96.027].

3 * **Sec. 14.** AS 28.15.057(a) is amended to read:

4 (a) Except as provided under AS 28.15.051, a person who is at least 16 years
5 of age but not yet 18 years of age may not be issued a driver's license unless the
6 person has

7 (1) been licensed under an instruction permit issued under
8 AS 28.15.051 or under the law of another state with substantially similar requirements
9 for at least six months;

10 (2) held a valid provisional driver's license issued under AS 28.15.055
11 for at least six months; and

12 (3) not been convicted of violating a traffic law [, OR BEEN
13 CONVICTED OF VIOLATING AS 04.16.050(c),] during the six months before
14 applying for a driver's license; in this paragraph, "traffic law" has the meaning given to
15 "traffic laws" in AS 28.15.261.

16 * **Sec. 15.** AS 28.15.191(a) is amended to read:

17 (a) A court that convicts a person of an offense under this title or a regulation
18 adopted under this title, or another law or regulation of this state or a municipal
19 ordinance that regulates the driving of vehicles [, OR A VIOLATION OF
20 AS 04.16.050] shall forward a record of the conviction to the department within five
21 working days. A conviction of a standing or parking offense need not be reported.

22 * **Sec. 16.** AS 28.15.211(g) is amended to read:

23 (g) Except as provided under AS 28.15.183(h), the department may not issue a
24 new license or reissue a license to a person whose driver's license has been revoked
25 under [AS 04.16.050,] AS 28.15.183 [,] or 28.15.185 unless the person, if required to
26 participate in a juvenile alcohol safety action program, has successfully completed any
27 education or treatment recommended. In this subsection, "juvenile alcohol safety
28 action program" has the meaning given in AS 04.21.080.

29 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 DIRECT COURT RULE AMENDMENT. Rule 17(a), Alaska Rules of Minor

1 Offense Procedure, is amended to read:

2 (a) **Except as provided in subsection (g), a** [A] prosecutor may join a minor
3 offense with a related criminal offense under the circumstances described in Criminal
4 Rule 8(a).

5 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 DIRECT COURT RULE AMENDMENT. Rule 17, Alaska Rules of Minor
8 Offense Procedure, is amended by adding a new subsection to read:

9 (g) A prosecutor may not join a minor offense for a violation of AS 04.16.049
10 or 04.16.050 with a related criminal offense.

11 * **Sec. 19.** AS 21.96.027; AS 28.15.176(1), 28.15.181(h), 28.15.185(e); AS 47.12.030(b)(5),
12 47.12.060(b)(4), and 47.12.120(k) are repealed.

13 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 APPLICABILITY. AS 04.16.049(a) - (d), as amended by secs. 4 - 7 of this Act,
16 AS 04.16.049(g) - (i), added by sec. 8 of this Act, AS 04.16.050, as repealed and reenacted by
17 sec. 9 of this Act, and AS 04.16.180(d), as amended by sec. 10 of this Act, apply to offenses
18 committed on or after the effective date of this Act.

19 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

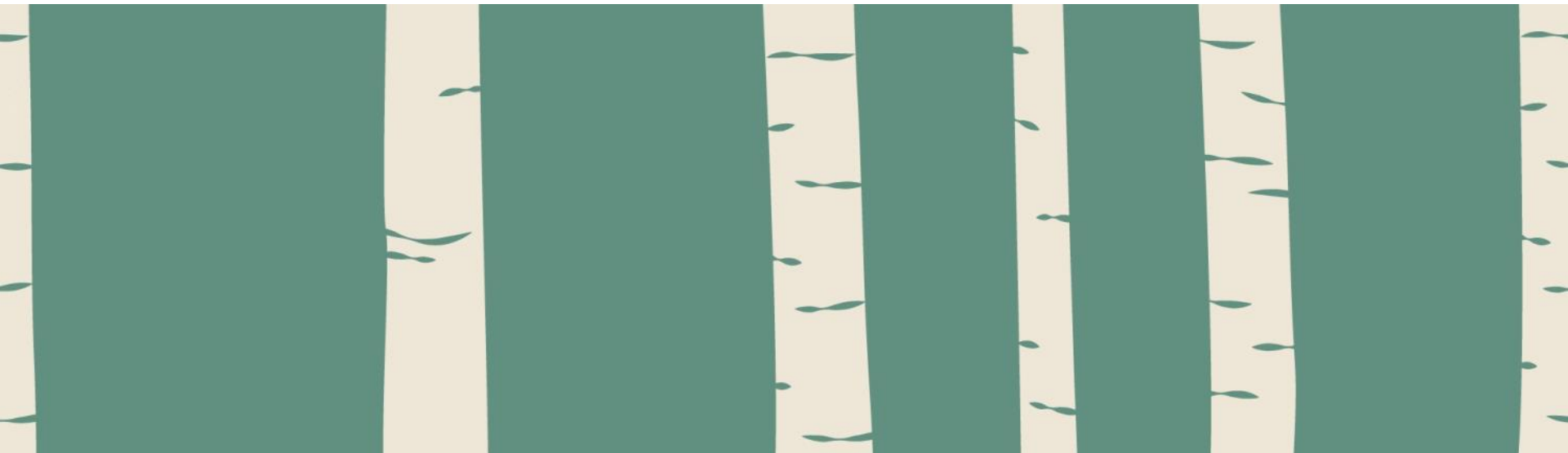
21 TRANSITION. A person who is a member of the Alcoholic Beverage Control Board
22 on the day before the effective date of this Act continues to serve until the expiration of the
23 member's term. The governor shall take the requirements of AS 04.06.020, as repealed and
24 reenacted by sec. 1 of this Act, into account in making new appointments.

Alaska Alcoholic Beverage Control (ABC) Board

TITLE 4 REVIEW PROCESS AND

OVERVIEW OF SB 165

February 1, 2016



Title 4 Review: Our Funding Partners

The following organizations have provided ongoing grant funding to support the Title 4 Review project:

Trust

Alaska Mental Health
Trust Authority



MAT-SU HEALTH
FOUNDATION



What is Title 4? Why is it important?

- Title 4 of the Alaska Statutes regulates alcoholic beverages.
- The Alcoholic Beverage Control Board, staff and law enforcement carry out the laws.



Photo: Anchorage Daily News

Alaska Alcoholic Beverage Control (ABC) Board

Mission Statement

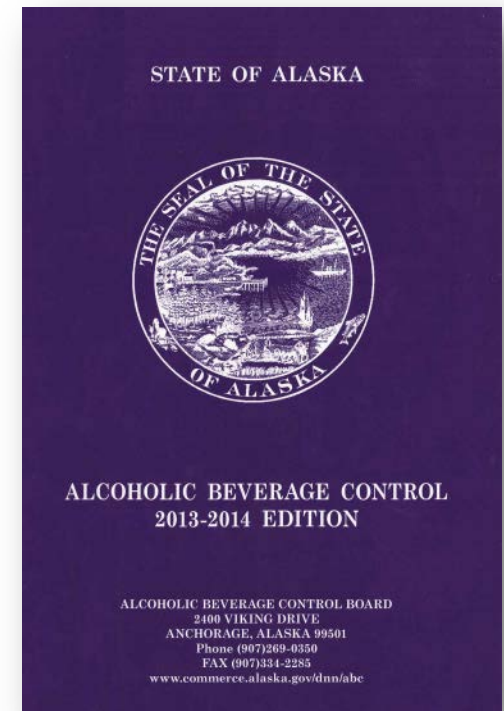


“The board shall control the manufacture, barter, possession, and sale of alcoholic beverages in the state. The board is vested with the powers, duties and responsibilities necessary for the control of alcoholic beverages...”

AS 04.06.090(a)

So, Why review Title 4?

- Most of Title 4 has not been updated since 1980. The laws are outdated and confusing.
- Many existing laws do not reflect current trends or values.
- A systematic review of Title 4 helps the Board carry out its mission and will benefit communities and businesses.



Goals of Title 4 Review Process

- Promote a fair business climate and protect public health and safety.
 - Create rational regulation for all tiers of the state's alcohol industry.
 - Limit youth access to alcohol, while ensuring youth are not criminalized
 - Promote responsible alcohol use and reduce the harms of overconsumption.



Photo: Anchorage Daily News

Goals of Title 4 Review Process

- Make Title 4 a clear and consistent legal framework.
 - Increase swiftness, proportionality and consistency of penalties.
 - Increase local law enforcement of Title 4.
 - Increase licensee accountability before the ABC Board for Title 4 violations.



Photo: Anchorage Daily News

Stakeholders



Youth



Public Health



Business



Public Safety



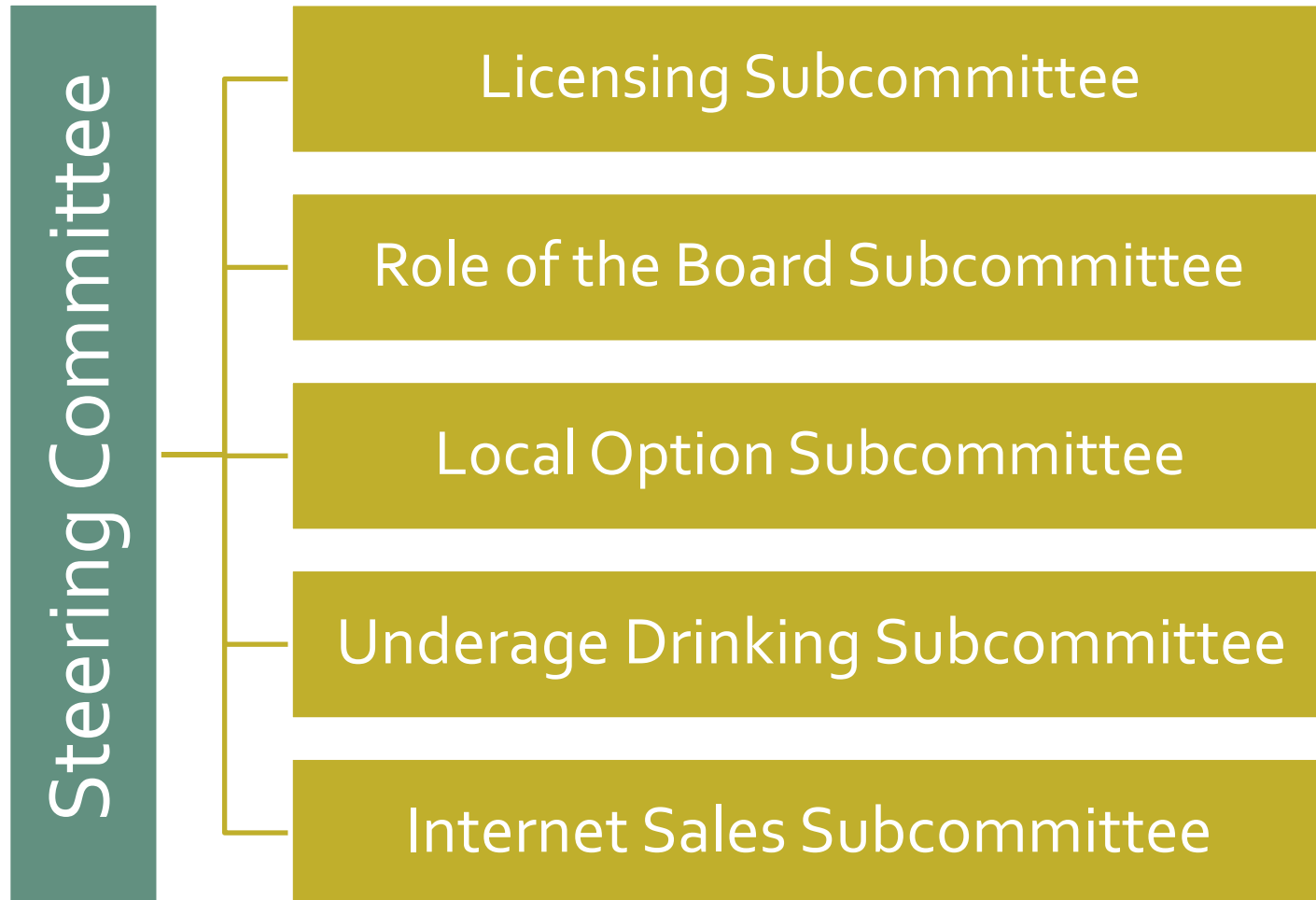
Rural Communities

- ABC Board
- Public Safety and Law Enforcement
- Industry
 - Wholesalers
 - Manufacturers
 - Retailers
- Public Health
 - Department of Health and Social Services
 - Alaska Mental Health Trust Authority
 - Rasmuson Foundation
- Community Advocates
- Local Governments

Steering Committee

Committee Member	Organization	Sector
Bob Klein <i>chair</i>	ABC Board (Chair)	Industry Board Member
Cynthia Franklin	ABC Board (Staff)	ABC Board Director/ Public Safety
L. Diane Casto	Alaska Department of Corrections, <i>formerly Division of Behavioral Health</i>	Public Health/Public Safety
Ellen Ganley	ABC Board (Member)	Public Board Member/Public Health
Jeff Jessee	Alaska Mental Health Trust Authority, Recover Alaska	Funding Partner/ Public Health
Aleesha Towns-Bain	Rasmuson Foundation, Recover Alaska	Funding Partner
Jan Hill	Mayor, Haines Borough	Local Government
<i>Chris Simon, resigned</i>	<i>formerly Alaska Department of Education & Early Development</i>	<i>Education/Rural</i>

Title 4 Review Process: Committees



Title 4 Review Process

MAY 2012

2016



More than 70 stakeholders and staff spent over 8,000 hours of dedicated time to craft recommendations and develop the current bill.

Title 4 Revisions: Interim Deep-Dive in 2015

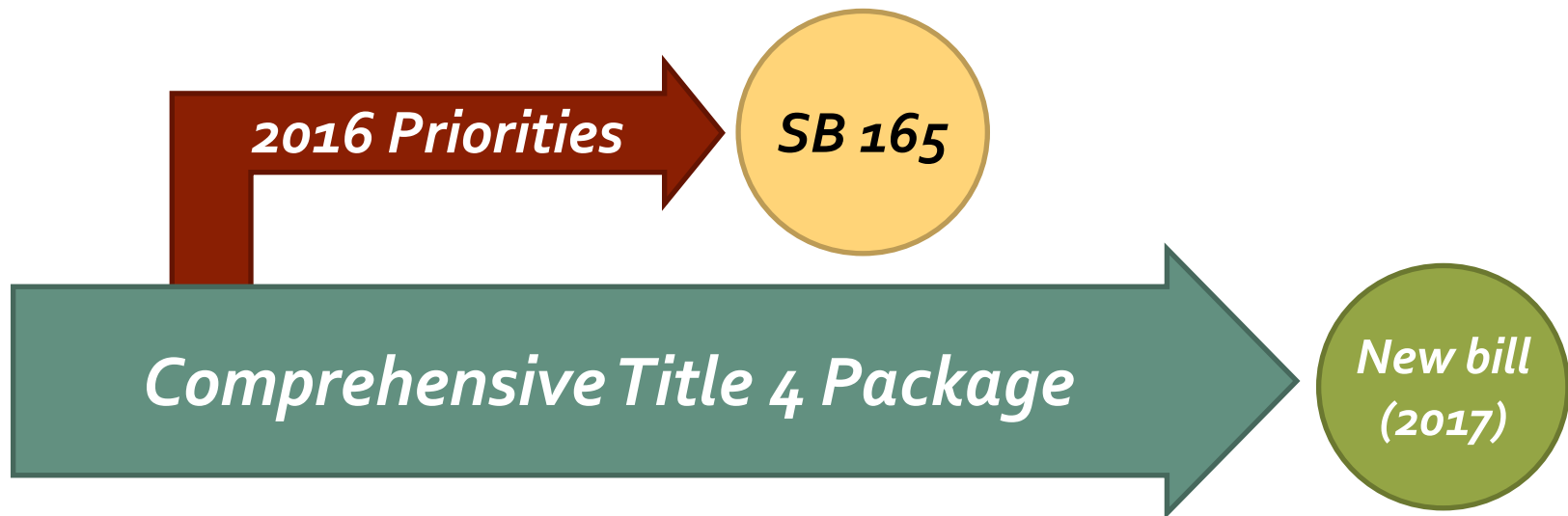
Let's get everyone up to speed on activities over the interim

Title 4 Revisions: Interim Deep-Dive in 2015

- **Spring 2015:** Industry stakeholders volunteered to review the comprehensive bill to ensure it reflected consensus.
- **Summer and Fall 2015:** Alaska CHARR's Government Affairs Committee worked to flag language in the comprehensive bill that may benefit from refinement.
- **December 2015:** The Steering Committee recommended a new, two-track process for Title 4 rewrite, with a streamlined new bill

Title 4 Revisions: 2016 and Beyond

A new, two-track process for Title 4 Revisions:



1. Streamline certain elements of SB99 into a new bill with priority items that can be implemented now
2. Further refinement of the comprehensive package and introduction as a new bill next session

Title 4 Revisions: 2016 and Beyond

Strategic reasons for this midcourse adjustment:

- This session will be very busy with budget issues
- The priorities in this bill could be implemented now and begin to benefit young Alaskans
- Holding the comprehensive package gives additional time for the Steering Committee to:
 - Re-engage with stakeholders and the five subcommittees on many important items
 - Continue to work with private sector business interests to refine bill language

Stakeholder work continues in the following areas:

- Licensing & Permits
- Local Option
- Role of the ABC Board
- Underage Drinking
- Internet Sales

The remaining recommendations produced by these five committees are important subjects, and are still part of the comprehensive package.

SB 99 & HB 185 will be retired. This year's focus is SB 165.

The comprehensive package will benefit from additional work over the 2016 interim.

Title 4 Revisions: SB 165

The new Senate bill (and House companion) focuses on discrete recommendations that have consensus and can be implemented this year:

1. ABC Board Composition and Qualifications (04.06.020)
2. Minor on Licensed Premises (04.16.049)
3. Minor Consuming Alcohol (MCA) (04.16.050)

Composition of the ABC Board

ABC Board Composition and Qualifications (AS 04.06.020)

- Designate ABC Board seats to ensure consistent representation (2 industry, 1 public health, 1 public safety, 1 rural public member)
- Factor in Director's expertise and background when filling vacant seats to provide balanced perspectives

Underage Drinking and Access to Alcohol

Reform underage drinking sanctions so that **minors do not become criminals for making one poor decision.**

- Restore the minor consuming alcohol (MCA) offense to a true violation.
- Clarify warning signs' language of the legal consequences of a minor on licensed premises.
- Minors' violations of these two offenses will never appear on CourtView.

Underage Drinking and Access to Alcohol

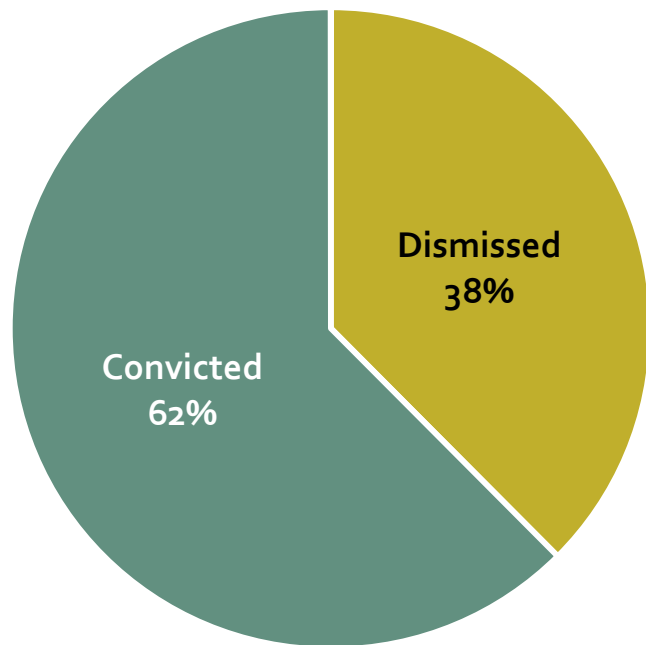
- **Minor on Licensed Premises (04.16.049)**
 - Penalty consistent with new MCA penalty
 - Clarify ambiguous language on signage
- **Minor Consuming Alcohol (MCA) (04.16.050)**
 - Reduce the minor consuming alcohol penalty to a true violation; no repeat or habitual MCA
 - Encourage alcohol education or treatment if convicted of Minor on Premises or MCA.

Why reduce penalties for minors?

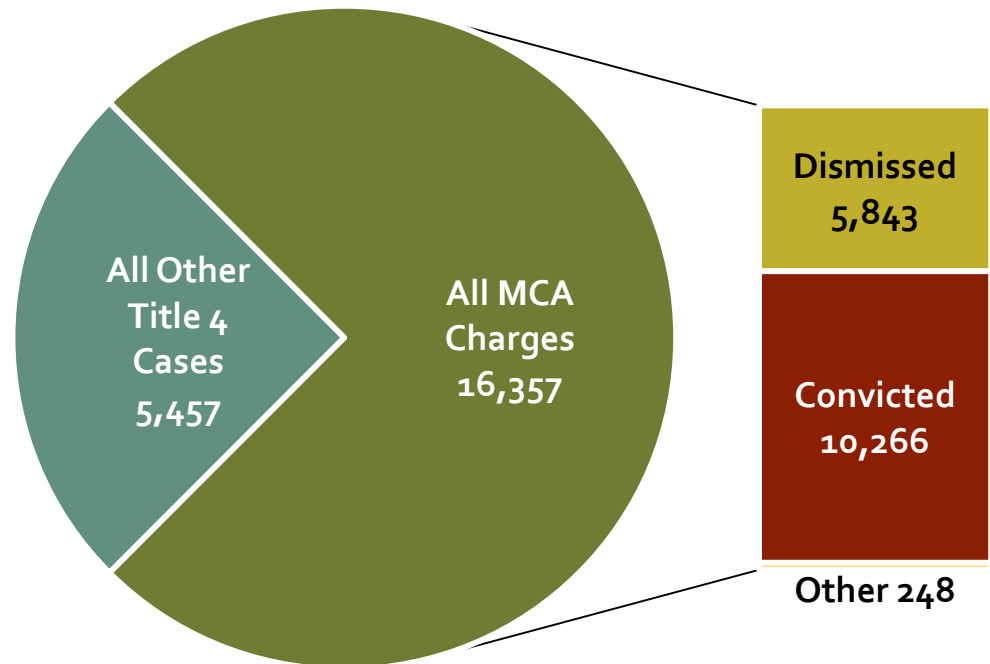
Prosecutors are dismissing MCA charges; penalties are seen as too high for the offense, or not worth the resources.

Much fewer Minor on Premises cases; 47% were dismissed.

All Title 4 Charges, 2009-2013



Minor Consuming Alcohol, 2009-2013

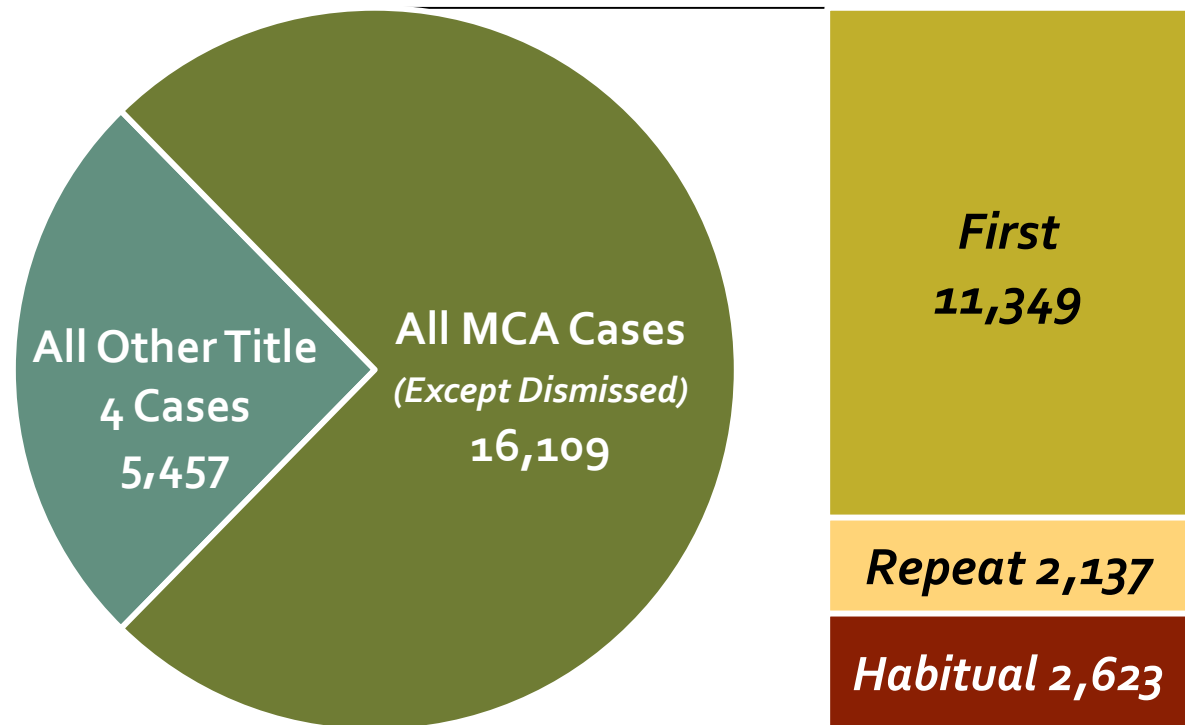


Why reduce penalties for minors?

Most MCA cases (over 70%) are first offenses: most youth do not return to court for another MCA.

Minor Consuming Alcohol Cases by Offense Type, 2009-2013

35% of First MCA, **One-third** of Repeat MCA, and **42%** of Habitual MCA cases were dismissed.



Current MCA Penalties (04.16.050)

Offense	Penalty (including mandatory court actions)
First: <i>Statutory Violation</i>	<ul style="list-style-type: none">• Up to 1 year probation; may receive suspended imposition of sentence (SIS)• Referred to Community Diversion (e.g. Youth Court) for counseling, education, treatment, and community work• \$200 to \$600 Fine; \$200 can be applied to ASAP• Must complete alcohol education program
Repeat (2nd): <i>Statutory Violation</i>	<ul style="list-style-type: none">• 1 year probation or until age 21, whichever later• \$1,000 fine; \$500 can be suspended if on probation• 48 hours community work service• Revoke & confiscate driver's license for 3 months
Habitual (2+ prev): <i>Misdo B</i>	<ul style="list-style-type: none">• Arrest and imprisonment• 1 year probation or until age 21, whichever later• 96 hours community work service• Revoke & confiscate driver's license for 6 months

Proposed MCA Penalties (SB 165)

Offense Penalty (including mandatory court actions)

**One
Type:
TRUE
Violation**

- **\$500 fine**; if not paid, can be deducted from PFD
- **Fine reduced to \$50** with proof of **alcohol education** completed within **6 months**
- From issuance of ticket to completion of case, **never appears on minor's Court View record**
 - ~~Up to 1 year probation~~
 - ~~Referred to Community Diversion (e.g. Youth Court) for counseling, education, treatment, and community work~~
 - ~~\$200 to \$600 Fine; \$200 can be applied to education program~~
 - ~~Must complete alcohol education program~~

**Repeat (2nd):
Statutory
Violation**

- ~~1 year probation or until age 21, whichever later~~
- ~~\$1,000 fine; \$500 can be suspended if on probation~~
- ~~48 hours community work service~~
- ~~Revoke & confiscate driver's license for 3 months~~

**Habitual (3+):
Misdemeanor**

- ~~Arrest and imprisonment~~
- ~~1 year probation or until age 21, whichever later~~
- ~~96 hours community work service~~
- ~~Revoke & confiscate driver's license for 6 months~~

Needed Reform for Minor on Premises

Current Law (04.16.049)

Class A Misdemeanor

Penalties include:

- Up to **\$10,000** fine
- Up to **1 year** imprisonment
- Up to **10 years** probation
- Community Work Service
- Case appears on Court View record and is **never expunged**, even upon reaching age 21

Proposed (SB 165)

Violation (Minor Offense)

- **\$500 fine**; if not paid, deducted from PFD
- **Fine reduced to \$50** with proof of **alcohol education** completed within **6 months**
- From issuance of ticket to completion of case, **never appears on minor's Court View record**

Please help advance Title 4
Review elements this session
that have been introduced in
SB 165.

We will be back next year with
the remaining elements of the
comprehensive package.

For more information

About SB 165:

Office of Sen. Peter Micciche

Chuck Kopp, Chief of Staff

(907) 907-465-2828

chuck.kopp@akleg.gov

About the Title 4 Review Process:

Alcoholic & Marijuana Control Office

<https://www.commerce.alaska.gov/web/amco/>

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