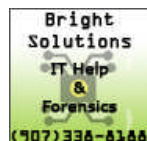




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[Title 4.](#) Alcoholic Beverages

[Chapter 16.](#) Regulation of Sales and Distribution

Section 50. Possession, Control, or Consumption By Persons Under the Age of 21.

previous: [Section 49.](#) Access of Persons Under the Age of 21 to Licensed Premises.

next: [Section 51.](#) Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21.

AS 04.16.050. Possession, Control, or Consumption By Persons Under the Age of 21.

(a) A person under the age of 21 years may not knowingly consume, possess, or control alcoholic beverages except those furnished persons under AS [04.16.051](#) (b).

(b) A person who violates (a) of this section and who has not been previously convicted or received a suspended imposition of sentence under (1) of this subsection is guilty of minor consuming or in possession or control. Upon conviction in the district court, the court

(1) may grant a suspended imposition of sentence under AS [12.55.085](#) and place the person on probation for one year or until the person is 21 years of age, whichever is later, if the person has not been convicted of a violation of this section previously; among the conditions of probation, the court shall, with the consent of a community diversion panel, refer the person to the panel, and require the person to comply with conditions set by the panel, including counseling, education, treatment, community work, and payment of fees; in this paragraph, "community diversion panel" means a youth court or other group selected by the court to serve as a sentencing option for a person convicted under this section; or

(2) shall impose a fine of at least \$200 but not more than \$600, shall require the person to attend alcohol information school if the school is available, and shall place the person on probation under (e) of this section; the court may suspend a portion of the fine imposed under this paragraph that exceeds \$200 if the person is required to pay for education or treatment required under (e) of this section.

(c) A person is guilty of repeat minor consuming or in possession or control if the person was placed on probation under (b) of this section or has been previously convicted, and the person violates (a) of this section. Upon conviction in the district court, the court shall

(1) impose a fine of \$1,000 and require at least 48 hours of community work;

(2) revoke the person's driver's license for three months;

(3) take possession of the person's driver's license; and

(4) suspend up to \$500 of the fine and place the person on probation under (e) of this section.

(d) A person is guilty of habitual minor consuming or in possession or control if the person was placed on probation under (c) of this section, or has been previously convicted twice, and the person violates (a) of this section. Habitual minor consuming or in possession or control is a class B misdemeanor. Upon conviction, the court may impose an appropriate period of imprisonment and fine and place the person on probation under (e) of this section and shall

(1) impose at least 96 hours of community work;

(2) revoke the person's driver's license for six months;

(3) within five working days, notify the agency responsible for the administration of motor vehicle laws of the revocation; and

(4) take possession of the person's driver's license.

(e) The court shall place a person sentenced under (b), (c), or (d) of this section on probation for one year, or until the person is 21 years of age, whichever is later. The person may not refuse probation. The court may require the person to pay for and enroll in a juvenile alcohol

safety action program, if one is available. The court shall impose the following conditions of probation:

- (1)** the person shall pay for and successfully complete any education or treatment recommended;
 - (2)** the person may not consume inhalants or possess or consume controlled substances or alcoholic beverages, except as provided in AS [04.16.051](#)(b);
 - (3)** the person shall timely complete any community work ordered, as provided in (f) of this section; and
 - (4)** other conditions the court considers appropriate.
- (f)** A person ordered to perform community work under this section shall perform the work within 120 days of the entry of judgment for a conviction. The court may expand the time period for up to 30 days upon a showing of good cause. The person shall submit verification of completion of community work to the clerk of court on a form provided by the court. If the verification is not provided within the time period required by this subsection, the court shall, within 30 days, schedule further proceedings in the case to determine whether a violation of probation has occurred.
- (g)** The treatment recommended by a juvenile alcohol safety action program for a person placed on probation under (e) of this section may include a period of inpatient treatment if the judgment specifies the maximum period of inpatient treatment authorized. A person who has been recommended for inpatient treatment may make a written request to the sentencing court for review of the referral. A person shall make a request for review within seven days after the recommendation and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.
- (h)** The juvenile alcohol safety action program to which a person is referred under this section shall inform the court or a minor's juvenile probation officer if the person fails to submit to evaluation or fails to complete successfully any education or treatment recommended. If the court finds that the person has failed to perform community work as ordered, to submit to evaluation, or to complete successfully the education or treatment recommended, the court may impose the suspended fine, and may impose any period of suspended incarceration. If the person was convicted under (c) or (d) of this section, the court shall revoke the person's driver's license for an additional six months beyond the revocation imposed under (c) or (d) of this section. A court revoking a person's driver's license under this subsection shall notify the agency responsible for the administration of motor vehicle laws of the revocation within five working days.
- (i)** When considering the financial resources of a minor for purposes of determining eligibility for court-appointed counsel under this section, the court shall consider the resources of both the defendant and the defendant's parent or guardian, unless the court finds good cause to treat the defendant's or the defendant's parent's or guardian's resources as being unavailable to the defendant.
- (j)** A driver's license revocation under this section is consecutive to a revocation imposed under another provision of law, but is concurrent with a revocation under another provision of law based on a prior conviction, adjudication of delinquency, or informal adjustment under AS [47.12.060](#) .

(k) In this section,

- (1)** "driver's license" has the meaning given in AS [28.90.990](#) ;
- (2)** "juvenile alcohol safety action program" means
 - (A)** a juvenile alcohol safety action program developed and implemented or approved by the Department of Health and Social Services under AS [47.37](#);
 - (B)** any other alcohol education or treatment program approved by the Department of Health and Social Services under AS [47.37](#) if a program described in (A) of this paragraph is not available in the community in which the person resides; or
 - (C)** a program or counseling approved by the court if a program or treatment described in (A) of this paragraph is not available in the community where the person resides;
- (3)** "previously convicted" means a conviction or an adjudication as a delinquent for a violation of AS [11.71](#), AS [28.35.030](#) , [28.35.032](#), [28.35.280](#) - 28.35.290, or a law or ordinance in another jurisdiction with substantially similar elements.

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[Title 4.](#) Alcoholic Beverages

[Chapter 16.](#) Regulation of Sales and Distribution

Section 51. Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21.

 previous: [Section 50.](#) Possession, Control, or Consumption By Persons Under the Age of 21.

 next: [Section 52.](#) Furnishing of Alcoholic Beverages to Persons Under the Age of 21 By Licensees.

AS 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.
- (d) A person acting with criminal negligence who violates this section is guilty of a class C felony if
- (1) within the five years preceding the violation, the person has been previously convicted under
 - (A) this section; or
 - (B) a law or ordinance of this or another jurisdiction with elements substantially similar to this section;
 - (2) the person who receives the alcoholic beverage negligently causes serious physical injury to or the death of another person while under the influence of the alcoholic beverage received in violation of this section; in this paragraph,
 - (A) "negligently" means acting with civil negligence; and
 - (B) "serious physical injury" has the meaning given in AS [11.81.900](#) ; or
 - (3) the violation occurs within the boundaries of a municipality or the perimeter of an established village that has adopted a local option under AS [04.11.491](#) and has not opted out of applying a class C felony to violations of this section under AS [04.11.491](#) (g).

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