

Presented by: COW
Introduced: 08/19/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-33

**An Ordinance Amending the City and Borough Code Relating to
Criminal Offenses and Penalties.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. CBJ 01.40 General Penalty, is amended to read:

01.40.010 Violations penalty.

(a) *Definition of violation.* Engaging in any act or practice in contravention of the provisions of this Code or failing, refusing, or neglecting to comply with the requirements of this Code, or an order or regulation issuing from it, constitutes a violation punishable as provided by the section of the Code violated or as stipulated by another section of the Code.

(b) *Penalty classifications.*

- (1) Except as otherwise provided, a defendant convicted of a Class A misdemeanor may be sentenced to pay a fine of not more than \$25,000.00, a definite term of imprisonment, or both. The term of imprisonment imposed may not be more than one year.
- (2) Except as otherwise provided, a defendant convicted of a Class B misdemeanor may be sentenced to pay a fine of not more than \$2,000.00, to a definite term of imprisonment, or both. The term of imprisonment imposed may not be more than 90 days.
- (3) A defendant convicted of an infraction may be sentenced to pay a fine of not more than \$500.00.
- (4) A misdemeanor not identified as to type or class shall be punishable as a Class B misdemeanor.

(c) *Assaults.*

- (1) A defendant convicted of assault involving domestic violence committed in violation of the provisions of an order issued or filed under AS 12.30.027 or AS 18.66.100—18.66.180 shall be sentenced in accordance with provisions of AS 12.55.135(c) and AS 12.55.135(g).
- (2) A defendant convicted of assault who knowingly directed the conduct constituting the offense at uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced in accordance with AS 12.55.135(d).
- (3) The execution, imposition, or suspension of a sentence under subsections (c)(1) or (2) of this section shall be in accordance with AS 12.55.080 et seq. Consideration of probation under subsections (c)(1) or (2) of this section, shall be in accordance with AS 12.55.90 et seq.

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01.40.060 Responsibility for costs of incarceration.

(a) The cost of imprisonment, including the costs associated with electronic monitoring, resulting from a sentence imposed pursuant to this Code shall be paid to the City and Borough by the person being sentenced provided, however, that the cost of imprisonment required to be paid may not exceed \$1,000.00, unless otherwise provided. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the City and Borough shall seek reimbursement from the person's permanent fund dividend as authorized by state statute.

(b) The cost of imprisonment required to be paid under subsection (a) of this section by a convicted person shall be as specified by statute or court rule or, in cases where no statute or rule applies, the average current cost per day for incarceration paid the City and Borough, calculated periodically by the chief of police and reported to the court, multiplied by the number of days to be served by the defendant after reduction for good time credits.

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Section 3. Amendment of Section. CBJ 03.30.050 Citation; failure to appear, is amended to read:

03.30.050 Failure to appear.

- (a) A person commits the crime of failure to appear if the person:
 - (1) Is released under the provisions of AS 12.30;
 - (2) Knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and
 - (3) With criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.
- (b) In a prosecution for failure to appear under (a) of this section, it is an affirmative defense that unforeseeable circumstances, outside the person's control, prevented the person from appearing before the court or judicial officer at the time and place of the scheduled hearing, and the person contacted the court orally and in writing immediately upon being able to make the contact.
- (c) A person who commits failure to appear incurs a forfeiture of any security for any appearance of the person that was given or pledged to the court for the person's release.
- (d) Failure to appear is a Class A misdemeanor if the person was released in connection with a
 - (1) Charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor; or
 - (2) Requirement to appear as a material witness in a criminal proceeding.
- (e) In a prosecution for failure to appear under (a) of this section, it is not a defense that the defendant did not receive a reminder notification from a court or judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.

State Law reference – Failure to Appear, AS 11.56.730

Section 4. Amendment of Chapter. CBJ 42.05 General Provisions, is amended to read:

TITLE 42 - PENAL CODE

Chapter 42.05 - GENERAL PROVISIONS

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42.05.100 Attempt.

- (a) A person is guilty of an attempt to commit a crime if, with intent to commit a crime, the person engages in conduct which constitutes a substantial step toward the commission of that crime.
- (b) In a prosecution under this section, it is not a defense that it was factually or legally impossible to commit the crime which was the object of the attempt if the conduct engaged in by the defendant would be a crime had the circumstances been as the defendant believed them to be.
- (c) In a prosecution under this section, it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, prevented the commission of the attempted crime.
- (d) An attempt is a Class B misdemeanor if the crime attempted is a Class A or Class B misdemeanor.

State Law reference— Attempt, AS 11.31.100.

42.05.110 Violation of condition of release.

- (a) A person commits the crime of violation of condition of release if the person:
 - (1) Has been charged with a crime or convicted of a crime;
 - (2) Has been released under AS 12.30; and
 - (3) Violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.
- (b) Violation of condition of release is a Class A misdemeanor if the person is released from a charge or conviction of a felony; Class B misdemeanor if the person is released from a charge or conviction of a misdemeanor.

State Law reference— Violation of Condition of Release, AS 11.56.757.

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42.05.130 Definitions.

(a) *Definitions.* Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of the words and phrases in AS 11.81.900, or the definitions applicable to the Alaska Statutes provisions corresponding to the offense described in sections of this title, shall be the definitions of those same words and phrases used in this title. The definitions of words and terms below shall apply for purposes of this title unless otherwise provided:

- (1) *Child* refers to any person under 16 years of age.
- (2) *Family member* means a:

- (A) Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;
 - (B) Person who lives, or has previously lived, in a spousal relationship with the victim;
 - (C) Person who lives in the same household as the victim; or
 - (D) Person who is a former spouse of the victim, or is or has been in a dating, courtship, or engagement relationship with the victim.
- (3) *Domestic violence and crime involving domestic violence* mean one or more of the following offenses or an offense under a law of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
- (A) A crime against the person under CBJ Title 42.10;
 - (B) Criminal trespass under CBJ Title 42.15.015;
 - (C) Criminal mischief under CBJ Title 42.15.110;
 - (D) Violating a protective order under CBJ Title 42.30.060;
 - (E) Unlawful contact under CBJ Title 42.30.080;
 - (F) Harassment under CBJ Title 42.10.110.
- (4) *Household member* for purposes of this section has the definition assigned to that term by AS 18.66.990(5).

State Law reference— Definitions, AS 11.81.900, AS 11.66.990.

Section 5. Amendment of Chapter. CBJ 42.10 Offenses Against Persons, is amended to read:

Chapter 42.10 - OFFENSES AGAINST PERSONS

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42.10.020 Recklessly endangering another person.

- (a) It is unlawful for a person to recklessly engage in conduct which creates a substantial risk of serious bodily injury to another person.
- (b) Reckless endangerment is a Class A misdemeanor.

State Law reference— Reckless endangerment, AS 11.41.250.

42.10.030 Stalking.

- (a) It is unlawful for any person to commit the offense of stalking.
- (b) A person commits the crime of stalking if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.
- (c) In this section, the following terms shall have the meaning given in this subsection:
 - (1) *Course of conduct* means repeated acts of non-consensual contact involving the victim or a family member.
 - (2) *Device* includes software.
 - (3) *Family member* has the meaning set forth in section 42.05.100.
 - (4) *Non-consensual contact* means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued. The term "non-consensual contact" includes, but is not limited to:
 - (A) Following or appearing within the sight of that person;
 - (B) Approaching or confronting that person in a public place or on private property;
 - (C) Appearing at the workplace or residence of that person;
 - (D) Entering onto or remaining on property owned, leased or occupied by that person;
 - (E) Contacting that person by telephone;
 - (F) Sending mail or electronic communications to that person;
 - (G) Placing an object on, or delivering an object to, property owned, leased or occupied by that person;
 - (H) Following or monitoring that person with a global positioning device or similar technological means; or
 - (I) Using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal electronic device or equipment used by that person.

(5) *Victim* means a person who is the target of a course of conduct.

(d) Violation of this section is a Class A misdemeanor.

State Law reference— Stalking in the Second Degree, AS 11.41.270.

Section 6. Amendment of Chapter. CBJ 42.15 Offenses Against Property, is amended to read:

Chapter 42.15 - OFFENSES AGAINST PROPERTY

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42.15.020 Larceny of money or property.

(a) With the intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another.

(b) Larceny is a:

(1) Class A misdemeanor if:

(A) The value of the money or property is \$250.00 or more but less than \$750.00; or

(B) The value of the money or property is less than \$250.00, and within the preceding five years, the person has been convicted and sentenced on three or more separate occasions of theft or concealment of merchandise in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00.

State Law reference— Theft in the Third Degree, AS 11.46.140; Theft in the Fourth Degree, AS 11.46.150; Theft Defined, AS 11.46.100; Definitions, AS 11.46.990.

42.15.025 Theft by failure to make required disposition of funds received or held.

(a) A person commits theft by failure to make required disposition of funds received or held if the person:

(1) Obtains property from anyone or personal services from an employee upon an agreement or subject to a known legal obligation to make specified payment or other disposition to a third person, whether from that property or its proceeds or from the person's own property to be reserved in equivalent amount; and

(2) Exercises control over the property or services as the person's own and fails to make the required payment or disposition.

(b) It is not a defense to a prosecution based on theft by failure to make required disposition of funds received or held that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition.

(c) Theft by failure to make required disposition of funds received or held is a:

(1) Class A misdemeanor if:

(A) The value of the funds received or held is \$250.00 or more but less than \$750.00; or

(B) The value of the funds received or held is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the funds received or held is less than \$250.00.

State Law reference— Similar provisions, AS 11.46.210.

42.15.030 Theft by receiving.

(a) It is unlawful for a person to buy, receive, retain, conceal, or dispose of stolen property with reckless disregard that the property was stolen.

(b) Reckless disregard that the property was stolen is presumed in the case of a dealer who:

(1) Is found in possession or control of property stolen from two or more persons on separate occasions;

(2) Has received stolen property in another transaction within the year preceding the transaction; or

(3) Being a dealer in property of the sort received, acquires it for a consideration which the dealer knows is far below its reasonable value.

(c) As used in this section:

(1) "Dealer" means a person in the business of buying or selling goods.

(2) "Receive" includes acquiring the possession, control, or title, or lending on the security of the property.

- (d) Buying, receiving, retaining, concealing, or disposing of stolen property is a:
 - (1) Class A misdemeanor if:
 - (A) The value of the property is \$250.00 or more but less than \$750.00; or
 - (B) The value of the money or property is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.
 - (2) Class B misdemeanor if the value of the property is less than \$250.00.

State Law reference— Theft by receiving, AS 11.46.190.

42.15.040 Concealment of merchandise.

- (a) A person commits the crime of concealment of merchandise if without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise.
- (b) Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.
- (c) Concealment of merchandise is a:
 - (1) Class A misdemeanor if:
 - (A) The value of the merchandise is \$250.00 or more but less than \$750.00; or
 - (B) The value of the merchandise is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.
 - (2) Class B misdemeanor if the value of the merchandise is less than \$250.00.

State Law reference— Similar provisions, AS 11.46.220.

42.15.050 Theft of lost or mislaid property.

(a) A person commits theft of lost or mislaid property if the person obtains property of another knowing that the property was lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and the person fails to take reasonable measures to restore the property to the owner with intent to deprive the owner of the property.

(b) As used in this section "reasonable measures" includes notifying the identified owner or a peace officer.

(c) Retention of lost property is a:

(1) Class A misdemeanor if:

(A) The value of the property is \$250.00 or more but less than \$750.00; or

(B) The value of the property is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00.

State Law reference— Theft of lost or mislaid property, AS 11.46.160.

42.15.060 Bad checks.

(a) A person commits the crime of issuing a bad check if the person issues a check knowing that it will not be honored by the drawee.

(b) In a prosecution under this section, it is prima facie evidence that the drawer knew the check would not be honored by the drawee if:

(1) Payment of the check was refused by the drawee for lack of funds upon presentation within 30 days after issue, and the drawer failed to make full satisfaction of the amount due within 15 days after notice of dishonor was deposited as first class mail, addressed to the drawer at the address appearing on the dishonored check or the drawer's last known address; or

(2) The drawer had no account with the drawee at the time the check was issued.

(c) The following phrases used in this section have the meanings given as follows:

- (1) *Amount due* means the face amount of the dishonored check plus all costs and protest fees assessed by the drawee.
 - (2) *Check* means a draft, check, or similar sight order for the payment of money, but does not include a postdated check or a promissory note.
 - (3) *Issues*. A person issues a check when as a drawer the person delivers it or causes it to be delivered to a person who thereby acquires a right against the drawer with respect to the check; a person who draws a check with the intent that it be so delivered is considered to have issued it if the delivery occurs.
- (d) Issuing a bad check is a:
- (1) Class A misdemeanor if:
 - (A) The face amount of the check is \$250.00 or more but less than \$750.00.
 - (B) The value of the service is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—
 - (2) Class B misdemeanor if the face amount of the check is less than \$250.00.

State Law reference— Issuing a bad check, AS 11.46.280.

42.15.070 Theft of services.

- (a) It is unlawful for a person to obtain services which that person knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the services. "Services" includes labor, professional service, telephone or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions, use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment, or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.
- (b) A person commits theft if, having control over the disposition of services of others, to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.
- (c) Theft of service is a:
- (1) Class A misdemeanor if:
 - (A) The value of the service is \$250.00 or more but less than \$750.00; or
 - (B) The value of the service is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—

42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

- (2) Class B misdemeanor if the value of the money or property is less than \$250.00.

42.15.080 Theft by deception.

(a) It is unlawful for a person to obtain property of another by deception. A person deceives if that person knowingly:

- (1) Creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that the person did not subsequently perform the promise;
- (2) Prevents another from acquiring information which would affect that person's judgment of a transaction;
- (3) Fails to correct a false impression which the deceiver previously created or reinforced; or
- (4) Fails to correct a false impression which the deceiver knows to be influencing another to whom the deceiver stands in a fiduciary or confidential relationship.

(b) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed.

(c) Theft by deception is a:

- (1) Class A misdemeanor if:
 - (A) The value of the property is \$250.00 or more but less than \$750.00; or
 - (B) The value of the property is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.
- (2) Class B misdemeanor if the value of the property is less than \$250.00.

42.15.085 Fraudulent use of an access device or identification document.

(a) A person commits the crime of fraudulent use of an access device or identification document if, with intent to defraud, the person uses an access device or identification document to obtain property or services with knowledge that:

- (1) The access device or identification document is stolen or forged;
- (2) The access device or identification document is expired or has been revoked or cancelled; or
- (3) For any other reason, that person's use of the access device or identification document is unauthorized by either the issuer or the person to whom the access device or identification document is issued.

(b) Fraudulent use of an access device or identification document is a Class A misdemeanor if the value of the property or services obtained is less than \$75.00.

State Law reference— Fraudulent Use of an Access Device or Identification Document, AS 11.46.285

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42.15.110 Criminal mischief.

(a) It is unlawful for a person having no right to do so or any reasonable ground to believe the person has such a right to:

- (1) Damage property of another, knowingly or recklessly, or do so by negligence in the employment of fire, explosives, or other dangerous means listed in subsection 42.15.100(a);
- (2) Intentionally or recklessly tamper or deal with property of another so as to endanger or injure person or property;
- (3) Intentionally or recklessly cause another to suffer pecuniary loss by deception or threat;
- (4) Negligently injure or deface any public property whether owned by the government in its proprietary or governmental capacity;
- (5) Tamper with a fire protection device in a building that is a public place;

- (6) Knowingly access a computer, computer system, computer program, computer network, or part of a computer system or network; or
 - (7) Use a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984.
- (b) Criminal mischief is a:
- (1) Class A misdemeanor if the value of the property or pecuniary loss is \$250.00 or more but less than \$750.00;
 - (2) Class B misdemeanor if the value of the property or pecuniary loss is less than \$250.00.
- (c) For purposes of this section, "property of another" means property in which another person has an interest which the defendant is not privileged to infringe, whether or not the defendant also has an interest in the property, and which includes the commonly held property of a married couple or domestic partners.
- (d) A person convicted under section 42.15.110 of an offense involving damage to public or private property shall be required to perform at least 25 hours of community work under CBJ 01.40.080 and AS 12.55.055.

State Law reference— Criminal mischief in the fourth and fifth degrees, AS 11.46.484, AS 11.46.486; Community Work upon Conviction, AS 11.46.489.

42.15.115 Possession of motor vehicle theft tools.

- (a) A person commits the crime of possession of motor vehicle theft tools if the person possesses a motor vehicle theft tool with intent to use or permit use of the tool in the commission of theft of a vehicle or contents of a vehicle.
- (b) In this section,
- (1) *Altered or shaved key* means a key altered by cutting, filing, or other means to fit multiple vehicles or vehicles other than vehicles for which the key was originally manufactured;
 - (2) *Motor vehicle theft tool* includes a slim jim, master key, altered or shaved key, trial or jiggler key, lock puller, electronic unlocking device, or similar device adapted or designed for use in committing vehicle theft;

(3) *Trial or jigglor key* means a key designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(c) Possession of motor vehicle theft tools is a Class A misdemeanor.
State Law Reference – Possession of motor vehicle theft tools; AS 11.46.370.

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42.15.150 Prior convictions.

For purposes of considering prior convictions in prosecuting a crime of theft under 42.15, or in prosecuting the crime of concealment of merchandise under 42.15.040(c)(1),

- (a) A conviction for an offense under another law with similar elements is a conviction of an offense having elements similar to those of an offense defined as such under this Code at the time the offense was committed;
- (b) A conviction for an offense under this Code where the value of the property or services for the offense was lower than the value of property or services for the offense under the current Code is a prior conviction for that offense; and
- (c) The court shall consider the date of a prior conviction as occurring on the date that sentence is imposed for the prior offense.

State Law reference – Prior Convictions, AS 11.46.295

42.15.160 Determination of value, aggregation of amounts.

In this this title, whenever it is necessary to determine the value of property, determination of value is governed by AS 11.46.980.

State Law Reference - Determination of value, aggregation of amounts; AS 11.46.980.

Section 7. Amendment of Chapter. CBJ 42.20 Offenses Against Public Order, is amended to read:

Chapter 42.20 - OFFENSES AGAINST PUBLIC ORDER

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42.20.080 Destructive devices.

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(f) *Presumption of intent to injure.* Knowing or reckless unlawful possession of a destructive device by any person, or knowing or reckless, unlawful possession of an explosive by a person not excepted by this Code or by state or federal laws or regulations shall constitute a rebuttable presumption of intent to injure with a destructive device.

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State Law reference— Criminal possession of explosives, AS 11.61.240; unlawful furnishing of explosives, AS 11.61.250; definition of "explosives," AS 11.81.900(24).

42.20.085 Weapons on school grounds.

(a) It is unlawful for any person except an authorized person to:

- (1) Possess a deadly weapon, or a defensive weapon while in or upon school grounds; or
- (2) Place a deadly weapon or a defensive weapon in any locker, desk, or other place in or upon school grounds.

(b) As used in this section:

(1) *Authorized person* means:

- (A) A peace officer;
- (B) A police reserve officer;
- (C) A member of the National Guard or the armed forces of the United States in the line of duty;
- (D) A person proceeding to, engaging in, or returning from target practice or other authorized activity at a place and time sanctioned by the superintendent of schools.

(2) *Deadly weapon* means any firearm, or anything designed for and capable of causing death or serious physical injury, including metal knuckles, sharp-edged or pointed throwing devices, or any knife equipped with a blade over three inches in length.

(3) *Defensive weapon* means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury.

- (4) *Metal knuckles* means a device that consists of finger rings or guards made of a hard substance and designed, made, or adapted for inflicting serious physical injury or death by striking a person.
- (5) *School grounds* means any City and Borough school building, school administration building or associated playground, parking lot, or any athletic field, while such athletic field is being used for an activity sponsored and supervised by the City and Borough school district.

(c) Violation of this section is a Class A misdemeanor.

State Law reference— Misconduct involving weapons in the second degree, AS 11.61.195; Misconduct Involving Weapons in the Fourth Degree, AS 11.61.210; misconduct involving weapons in the fifth degree, AS 11.61.220.

42.20.090 Disorderly conduct.

(a) It is unlawful for a person to:

- (1) In a public or private place, challenge another to fight or engage in fighting other than in self-defense or in the defense of a third person under circumstances which would be justified under AS 11.81.340;
- (2) At the scene of a fire or accident or in a public place where a crime has occurred, fail to comply with the lawful order of a peace or fire officer to leave the scene or place;
- (3) Sit or lie on any public street in such a manner as to interfere with the free passage of pedestrian or vehicle traffic;
- (4) In that part of the street which is designated or set aside for vehicle use, including a pedestrian crosswalk stand in such a manner as to interfere with the free and unimpeded use of the street by vehicles;
- (5) On a sidewalk, path or other way intended for pedestrian use, stand or walk in such a manner that another person may not easily pass without leaving the sidewalk or way after being requested to move in order to create room for another person to pass or having been informed that they are blocking the sidewalk or way;
- (6) While on grounds adjacent to a building in which school is in session, knowingly create any noise or diversion which materially disrupts class work or otherwise substantially interferes with the peace and good order of the school after being informed by a school employee or a peace officer that their conduct is having such an effect;

- (7) Act in a manner, including throwing an object, under circumstances or in a manner whereby the person or property of another is placed in danger of injury, damage, or destruction;
- (8) Knowingly provoke or encourage or attempt to provoke one or more persons present to hostile or violent reactions under circumstances where a clear and present danger of unjustified violence exists;
- (9) No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, public building, public property, private parking lot, or in any place open to the public or exposed to the public view. This section shall not apply to urination or defecation utilizing appropriate fixtures in any restroom or other facility designed for the sanitary disposal of human waste.

(b) In this section the following words and phrases have the following meanings:

- (1) *Lawful order.* An order shall be a lawful order if it is one which is given where the person's presence, conduct or speech significantly impedes an officer in the performance of official duties in effecting an arrest, in investigating a crime or possible crime, in investigating or assisting at an accident, in ensuring or securing public safety and similar acts where the presence, conduct or speech of the person is not constitutionally protected.
- (2) *Public place* means a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including streets, sidewalks, parks, places of accommodation, transportation, business and entertainment, or any other places or premises which by their physical nature, function, custom, usage, notice, or lack thereof would cause a reasonable person to believe that no permission to enter or remain is required.

(c) Violating 42.20.090(a)(1)—(a)(8) is a Class B misdemeanor. A court may not impose a sentence of imprisonment for a definite term (i) of more than 72 hours for a person convicted of disorderly conduct under 42.20.090(a)(1)—(a)(8), if the offense is a first conviction and (ii) not more than 10 days if the offense is a second or subsequent conviction. Disorderly conduct under 42.20.090(a)(9) is an infraction punishable by a fine of \$150.

...

42.20.100 **Reserved.**

42.20.110 **Harassment.**

(a) A person commits the crime of harassment, a Class B misdemeanor, if, with intent to harass or annoy another person, that person:

- (1) Insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;
- (2) Telephones another or fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;
- (3) Makes repeated telephone calls at extremely inconvenient hours;
- (4) Makes an anonymous or obscene telephone call, an obscene electronic communication, or a telephone call or electronic communication that threatens physical injury or sexual contact;
- (5) Subjects another person to an offensive physical contact;
- (6) Except as provided in AS 11.61.116, publishes or distributes electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act;
- (7) Repeatedly sends or publishes an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury; or
- (8) Under circumstances not proscribed under AS 11.41.455, AS 11.61.125, or AS 11.61.128, repeatedly send to another person, published or distributed electronic or printed photographs, pictures, or films that show the genitals of any person.

(b) A person commits the crime of harassment, a Class A misdemeanor, if, under circumstances not proscribed under AS 11.41.434 -11.41.440 the person violates 42.20.110(a)(5) and the offensive physical contact is:

- (1) Contact with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces;
or
- (2) Contact by the person touching through clothing another person's genitals, buttocks, or female breast.

State Law reference - AS 11.61.118 and AS 11.61.120.

42.20.120 Obstructing highways and other public passages.

(a) It is unlawful for a person having no legal privilege to do so, to knowingly or recklessly obstruct any highway or other public passage, whether alone or with others, and to persist in so doing after warning by a law officer. "Obstruct" means render impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty of recklessly obstructing in violation of this subsection solely because of a gathering of persons to hear him or her speak or otherwise communicate, or solely because of being a member of such a gathering.

(b) It is unlawful for a person in a gathering to refuse to obey a reasonable official request or order to move:

- (1) To prevent obstruction of a highway or other public passage; or
- (2) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

(c) An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

(d) Obstructing highways and other public passages is a violation punishable by a fine of up to \$1,000.

State Law reference - Obstruction of highways, AS 11.61.150.

...

Section 8. Amendment of Chapter. CBJ 42.25 Offenses Against Public Decency, is amended to read:

Chapter 42.25 - OFFENSES AGAINST PUBLIC DECENCY

...

42.25.015 Indecent Exposure.

(a) An offender commits the crime of indecent exposure if the offender knowingly exposes the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have.

(b) Indecent exposure before a person under 16 years of age is a Class A misdemeanor. Indecent exposure before a person 16 years of age or older is a Class B misdemeanor.

State Law reference— Indecent exposure in the second degree, AS 11.41.460.

42.25.020 Reserved.

Section 9. Amendment of Chapter. CBJ 42.30 Offenses Against Public Administration, is amended to read:

Chapter 42.30 - OFFENSES AGAINST PUBLIC ADMINISTRATION

...

42.30.015 Escape.

(a) One commits the crime of escape if, without lawful authority, (i) one removes oneself from official detention for a misdemeanor, or (ii) having been placed under actual restraint by a peace officer before arrest, removes oneself from the restraint.

(b) Escape is a Class A misdemeanor.

State Law reference— Escape in the fourth degree, AS 11.56.330.

42.30.020 Reserved.

...

42.30.040 False reports to law enforcement authorities.

(a) A person commits the crime of false information or report if the person knowingly

(1) gives false information to a peace officer

(A) with the intent of implicating another in an offense; or

(B) concerning the person's identity while the person is

(i) under arrest, detention, or investigation for a crime; or

(ii) being served with an arrest warrant or being issued a citation.

(2) makes a false report to a peace officer that a crime has occurred or is about to occur;
or

(3) makes a false report or gives a false alarm, under circumstances not amounting to terroristic threatening in the second degree under AS 11.56.810, that a fire or other

incident dangerous to life or property calling for an emergency response has occurred or is about to occur.

(b) False information or report is a Class A misdemeanor.

...

42.30.080 Unlawful contact.

(a) A person commits the crime of unlawful contact in the first degree if the person:

(1) Has been ordered by a court not to contact a victim or witness of the offense as:

(A) Part of a sentence; or

(B) A condition of:

(i) Release before trial;

(ii) Incarceration before or after trial; or

(iii) Probation after conviction of a crime involving domestic violence; and

(2) Either directly or indirectly, knowingly contacts or attempts to contact the victim or witness in violation of the order.

(b) A person commits the crime of unlawful contact in the second degree if:

(1) The person is arrested for a crime against a person under chapter 42.10 or a crime involving domestic violence; and

(2) Before the person's initial appearance before a judge or magistrate or before dismissal of the charge for which the person was arrested, whichever occurs first, the person initiates communication or attempts to initiate communication with the alleged victim of the crime that was the basis for the person's arrest.

(c) Unlawful contact in the first degree is a Class A misdemeanor. Unlawful contact in the second degree is a Class B misdemeanor if the person was arrested for an offense that is a Class A misdemeanor or a felony offense. Unlawful contact in the second degree is a violation if the person was arrested for an offense that is a Class B misdemeanor. In this section, the term "domestic violence" has the meaning given by subsection 42.30.070(b).

42.30.085 Tampering with a witness.

- (a) A person commits the crime of tampering with a witness if the person knowingly induces or attempts to induce a witness to be absent from an official proceeding, other than a judicial proceeding, to which the witness has been summoned.
- (b) Tampering with a witness is a Class A misdemeanor.

State Law reference— Tampering with a Witness in the Second Degree, AS 11.56.545.

42.30.090 Failure to maintain custody.

A person who has accepted responsibility as a third-party custodian appointed by a court to supervise another person's compliance with court-ordered conditions of release pending trial for a violation of this Code shall not knowingly fail to discharge that responsibility in accordance with the terms of the appointment. Violation of this section is a Class A misdemeanor if the released person is charged with a felony. Violation of this section is a Class B misdemeanor if the released person is charged with a misdemeanor.

State Law reference— Release before trial, AS 12.30.021(b)(3)(B); Contempt; Violation of Custodian's Duty, AS 09.50.010; AS 11.56.758.

...

Section 10. Amendment of Chapter. CBJ 72.04 Vehicle Inspection, Lighting, Brakes and Other Equipment, is amended to read:

Chapter 72.04 - VEHICLE INSPECTION, LIGHTING, BRAKES AND OTHER EQUIPMENT

ARTICLE III. - LIGHTING

72.04.010 When required.

- (a) Every vehicle traveling on a highway or other vehicular way or area within the state must illuminate lights as follows:
 - (1) Between one-half hour after sunset and one-half hour before sunrise; or
 - (2) At any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 1,000 feet; or
 - (3) On a road that is a designated traffic safety corridor under AS 19.10.075.

- (b) Stop lights, turn signals, and other signaling devices must be illuminated as required by this chapter.
- (c) Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights.
- (d) For the purposes of subsection (c) of this section, lights include low intensity headlights and daytime running lamp devices that meet the standards in 49 CFR 571.108 (revised as of October 1, 1999), if the headlights are not otherwise required under subsection (a)(1) or (a)(2) of this section.

State Law reference— AS 28.35.191; 13 AAC 04.010.

...

Section 11. Amendment of Chapter. CBJ 72.10 Duties and Responsibilities of Drivers and Others, is amended to read:

Chapter 72.10 - DUTIES AND RESPONSIBILITIES OF DRIVERS AND OTHERS

ARTICLE I. - DRIVING WHILE INTOXICATED

72.10.010 Driving while under the influence.

...

- (b) Driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a Class A misdemeanor. Upon conviction:
 - (1) The court shall impose a minimum sentence of imprisonment and a minimum fine of:
 - (A) Not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of six months during the period of probation, and a fine of not less than \$1,500.00 if the person has not been previously convicted;
 - (B) Not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 12 months during the period of probation, and a fine of not less than \$3,000.00 if the person has been previously convicted once;

- (C) Not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 18 months during the period of probation, and a fine of not less than \$4,000.00 if the person has been previously convicted twice;
- (D) Not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and a fine of not less than \$5,000.00 if the person has been previously convicted three times;
- (E) Not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and a fine of not less than \$6,000.00 if the person has been previously convicted four times;
- (F) Not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and a fine of not less than \$7,000.00 if the person has been previously convicted more than four times;

...

(k) Imprisonment required under (b)(1)(A) of this section shall be served at a community residential center or by electronic monitoring at a private residence under AS 33.30.065. If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (b)(1)(A) of this section may be served at another appropriate place determined by the commissioner of corrections. Imprisonment required under (b)(1)(B)—(F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under AS 33.30.065. The cost of imprisonment, including electronic monitoring, resulting from the sentence imposed under (b)(1) of this section shall be paid to the City and Borough by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000.00. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the City and Borough shall seek reimbursement from the person's permanent fund dividend as provided under state statute. A person sentenced under (b)(1)(B)—(F) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site

staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

...

(o) For purposes of this section:

Inhalant means:

- (1) A material or substance that is readily vaporizable at room temperature and whose vapors or gases, when inhaled,
 - (A) Pose an immediate threat to the life or health of the person; or
 - (B) Are likely to have adverse delayed effects on the health of the person;
- (2) Includes,
 - (A) Gasoline;
 - (B) Materials and substances containing petroleum distillates; and
 - (C) Common household materials and substances whose containers include a notice warning that inhalation of vapors or gases may cause physical harm.

Operate an aircraft means to navigate, pilot, or taxi an aircraft in the airspace over the City and Borough, or upon the land or water inside the City and Borough.

Operate a watercraft means to navigate a vessel used or capable of being used as a means of transportation on water for recreational or commercial purposes on all fresh or salt waters within the City and Borough.

Previously convicted means having been convicted in this or another jurisdiction within the 15 years preceding the date of the present offense of any of the following offenses; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous conviction:

- (1) Operating a motor vehicle, aircraft, or watercraft while intoxicated, in violation of this section or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under (a)(2) of this section;

- (2) Refusal to submit to a chemical test in violation of CBJ 72.10.012 or in violation of another law or ordinance with similar elements; or
- (3) Operating a commercial motor vehicle while intoxicated in violation of AS 28.33.030 or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under AS 28.33.030(a)(2).

...

72.10.012 Refusal to submit to chemical test.

...

(g) Upon conviction under this section:

- (1) The court shall impose a minimum sentence of imprisonment and a minimum fine of:
 - (A) Not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of six months during the period of probation, and a fine of not less than \$1,500.00 if the person has not been previously convicted;
 - (B) Not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 12 months during the period of probation, and a fine of not less than \$3,000.00 if the person has been previously convicted once;
 - (C) Not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 18 months during the period of probation, and a fine of not less than \$4,000.00 if the person has been previously convicted twice;
 - (D) Not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle throughout the period of probation, and a fine of not less than \$5,000.00 if the person has been previously convicted three times;
 - (E) Not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle throughout the period of probation, and a fine of not less than \$6,000.00 if the person has been previously convicted four times;

- (F) Not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle throughout the period of probation, and a fine of not less than \$7,000.00 if the person has been previously convicted more than four times;

...

(o) Imprisonment required under (g)(1)(A) of this section shall be served by electronic monitoring at a community residential center or by electronic monitoring at a private residence under AS 33.30.065. If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (g)(1)(A) of this section may be served at another appropriate place determined by the commissioner of corrections. Imprisonment required under (g)(1)(B)—(F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under AS 33.30.0650. The cost of imprisonment, including electronic monitoring, resulting from the sentence imposed under (b)(1) of this section shall be paid to the City and Borough by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000.00. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the City and Borough shall seek reimbursement from the person's permanent fund dividend as provided under state statute. A person sentenced under (g)(1)(B)—(F) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(p) Reserved.

(q) "Previously convicted" has the meaning given in CBJ Code 72.10.010(o).

...

Section 12. Amendment of Chapter. CBJ 72.10 Operation of Vehicle, is amended to read:

ARTICLE II. - OPERATION OF VEHICLE

...

72.10.028 Driving while license canceled, suspended, revoked, or in violation of a limitation.

(a) A person commits the crime of driving while license canceled, suspended, revoked, or in violation of a limitation if that person drives:

- (1) A motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked due to convictions under circumstances described in AS 28.15.181 or 28.15.182 or a similar law in another jurisdiction;
- (2) A motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances other than those described in (1) of this subsection; or
- (3) In violation of a limitation placed on that person's license or privilege to drive in this or another jurisdiction.

(b) Driving while license canceled, suspended, revoked, or in violation of a limitation is:

- (1) A Class A misdemeanor if the person
 - (A) Violates (a)(1) of this section; upon conviction the court shall impose a minimum sentence of imprisonment of not less than ten days:
 - (i) With ten days suspended if the person has not been previously convicted under (a)(1) of this section or a similar law of another jurisdiction; or
 - (ii) If the person has been previously convicted under (a)(1) of this section or a similar law in another jurisdiction.
 - (B) Violates (a)(2) or (3) of this section and the person has previously been convicted under (a) of this section.
- (2) An infraction if the person violates (a)(2) or (3) of this section.

(c) It is an affirmative defense to a prosecution under (a) of this section that the person's license was suspended under AS 28.22.041 and the person provides proof of liability insurance meeting the requirements of AS 28.22 and proof that the insurance was in effect at the time of the accident that led to the suspension.

(d) In this section, "previously convicted" means having been convicted in this or another jurisdiction, within ten years preceding the date of the present offense, of a violation of this section, AS 28.15.291, AS 28.33.150, or another law or ordinance with substantially similar elements.

State Law reference— Similar Provisions, AS 28.15.291; Penalties, AS 28.90.010.

...

Section 13. Amendment of Chapter. CBJ 72.23 Impoundment or Forfeiture of Motor Vehicles Involved in Driving Offenses, is amended to read:

**Chapter 72.23 - IMPOUNDMENT OR FORFEITURE OF MOTOR VEHICLES
INVOLVED IN DRIVING OFFENSES**

72.23.100 Vehicle impoundment; public nuisance.

A motor vehicle that is operated, driven, or in actual physical control of an individual arrested for or charged with an impoundment driving offense may be impounded by the City and Borough for 72 hours in accordance with this chapter. The purpose of the impoundment is to preserve any evidence that may be necessary for trial, to protect the public by removing public nuisances from the roads and deterring drivers from drinking and from operating vehicles in violation of license restrictions. A vehicle operated in the course of the commission of an impoundment driving offense is declared to be a public nuisance for which the registered owners shall be legally responsible subject only to defenses set forth by law.

72.23.101 Presumptions; vehicle impoundment.

(a) It shall be presumed that a vehicle operated by or driven by or in the actual physical control of an individual arrested for or charged with an impoundment driving offense has been so operated by the registered owners thereof or has been operated by another person with the knowledge and consent of the registered owners.

(b) A vehicle used in the alleged impoundment driving offense may be impounded through a seizure of the vehicle incident to an arrest or citation subject to subsection (d).

(c) A police officer shall not stop a vehicle for the sole purpose of determining whether the driver is properly licensed.

(d) Confirmation and mitigation.

- (1) If a driver is unable to produce a valid driver's license on the demand of a police officer, the vehicle may be impounded regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly

licensed. Prior to impounding a vehicle, a police officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.

- (2) A police officer shall not impound a vehicle based on expiration of the driver's license if the license expired within the preceding 90 days and the driver would otherwise have been properly licensed.
- (3) A police officer may waive impoundment of the vehicle if the driver is an employee driving a vehicle registered to the employer in the course of employment. A police officer may also waive impoundment if the driver is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the police officer may release and not impound the vehicle.
- (4) A police officer may waive impoundment in other circumstances clearly establishing that the owner of the vehicle had no cause to believe or reasonable opportunity to inquire whether the driver would commit an impoundment driving offense. Impoundment may not be waived under this subsection (4) if the owner and the driver are married, members of the same household, or both in the vehicle at the time of the stop.

...

72.23.104 Definitions.

...

Previously convicted or previous conviction means having been convicted in this or another jurisdiction within fifteen years preceding the date of the present offense, of a drunk driving offense or another statute or ordinance with substantially similar elements.

...

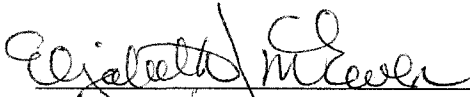
Section 14. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 16th day of September, 2019.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk