

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2015

Amending Minor Offense Rule 17(h) and adding a Note to implement the direct court rule amendment made by Chapter 8 SLA 2022 (SB 9);

Amending Administrative Rule 40(a)(14) to remove from CourtView an underage alcohol offense enacted in Chapter 8 SLA 2022 (SB 9);

Amending Administrative Rule 43.5 alcohol bail forfeiture schedule to include minor offense violations enacted in Chapter 8 SLA 2022 (SB 9) and failure to post warning signs offense; and

Rescinding Administrative Rule 43.7 warning signs bail forfeiture schedule.

IT IS ORDERED:

1. Minor Offense Rule 17(h) is amended to read as follows:

Rule 17. Minor Offenses in Criminal Cases.

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(h) **Joinder Limits.** A prosecutor may not join a violation of AS 04.16.049, 04.16.050, or 04.16.060(g) or a similar municipal ordinance with a related criminal charge.

2. The following note is added to the end of Minor Offense Rule 17:

Note: Chapter 8, SLA 2022 (SB 9) enacted comprehensive changes to Alaska’s alcohol licensing and enforcement laws. Section 163 of the Act amended subsection (h) to add AS 04.16.060(g) as another underage offense that may not be joined with a related criminal charge. This rule change is adopted for the sole reason that the legislature has mandated the amendment.

3. Administrative Rule 40(a)(14) is amended to read as follows:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party’s true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party’s name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party’s date of birth. The index shall be an accurate chronological record of the case’s filings and events as they actually occurred in the case. If subsequent case filings amend or purport to correct a prior filing or event, the existence of the initial filing or event having occurred shall be maintained along with the amended filing, so that the index is at all times a record of actual filings and events in the case. The court system shall publish a public version of the index on the court system’s website, which excludes only

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(14) cases in which the defendant was charged with an offense under AS 04.16.049, 04.16.050, 04.16.060(g), 28.35.280, 28.35.285, 28.35.290, or a similar municipal ordinance (whether

the case was classified as a criminal case, minor offense case, or underage alcohol case and regardless of the disposition of the case), if the offense was charged in a separate action and not joined with any other minor offense or criminal charge at the time of filing; and

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4. Administrative Rule 43.5 is amended to read as follows:

Rule 43.5. Alcohol Bail Forfeiture Schedule.

Pursuant to AS 04.16.205(c), AS 04.21.065(g), and AS 04.21.074, the following offenses may be disposed of without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is convicted, the penalty imposed for the offense, except for third or more offenses under AS 04.11.501 or an ordinance adopted under this statute, may not exceed the bail amount listed below in addition to any forfeiture required by statute.

Statute/Regulation	Description of Offense	Bail
AS 04.09.080(a)	Unauthorized manufacturer sale	\$250
AS 04.09.150(a)	Failure to pay annual wholesale fee or file affidavit	\$250
AS 04.09.160(a)	Failure to pay biennial supplier fee or file declaration	\$250
AS 04.09.200(d)	Unauthorized beverage dispensary activity	\$250
AS 04.09.210(a)(1)	Failure to comply with restaurant or eating place license terms – unauthorized sale of brewed beverages or wine	\$250

AS 04.09.210(d)(1)	Failure to comply with restaurant or eating place license terms – unauthorized presence of person at least 16 but under 21 years of age	\$250
AS 04.09.210(d)(2)	Failure to comply with restaurant or eating place license terms – unauthorized presence of person under 16 years of age	\$250
AS 04.09.210(d)(3)	Failure to comply with restaurant or eating place license terms – unauthorized employment of person under 21 years of age	\$250
AS 04.09.210(e)	Failure to comply with restaurant or eating place license terms – food gross receipts less than alcoholic beverages gross receipts	\$250
AS 04.09.210(f)	Failure to comply with restaurant or eating place license terms – unauthorized entertainment between 11 pm – 10 am	
AS 04.09.220(a)	Failure to comply with club license terms – unauthorized sale of alcoholic beverages	\$250
AS 04.09.220(d)	Failure to comply with club license terms – sale of alcoholic beverage to nonmember without club privileges	\$250
AS 04.09.220(e)	Failure to comply with club license terms – sale of alcoholic beverage on nonlicensed premises	\$250
AS 04.09.220(f)	Failure to comply with club license terms – sale of alcoholic beverage to nonmember	\$250

AS 04.09.220(h)	Failure to comply with club license terms – sale or serve alcoholic beverage for use or consumption off licensed premises	\$250
AS 04.09.220(i)(1)	Failure to comply with club license terms – soliciting public patronage	\$250
AS 04.09.220(i)(2)	Failure to comply with club license terms – distributing income to member, director, or officer	\$250
AS 04.09.220(i)(3)	Failure to comply with club license terms – sale or serve alcoholic beverage sale in club room outside licensed premises	\$250
AS 04.09.230(a)	Failure to comply with package store license terms – unauthorized sale of alcoholic beverages	\$250
AS 04.09.230(c)	Failure to comply with package store license terms – unauthorized passage	\$250
AS 04.09.230(e)(1)	Failure to comply with package store license terms – unauthorized consumption on premises	\$250
AS 04.09.230(e)(2)	Failure to comply with package store license terms – unauthorized subdividing of alcoholic beverages	\$250
AS 04.09.230(e)(3)	Failure to comply with package store license terms – unauthorized offer or sale off premises	\$250

AS 04.09.230(e)(4)	Failure to comply with package store license terms – unauthorized delivery off premises	\$250
AS 04.09.240(a)	Failure to comply with pub license terms – unauthorized sale of brewed beverages and wine	\$250
AS 04.09.250(h)	Failure to comply with theater license terms – unauthorized sale, service, or consumption of alcoholic beverages	\$250
AS 04.09.250(h)	Failure to comply with theater license terms – failure to post license	\$250
AS 04.09.260(b)	Common carrier dispensary noncompliance – boat/train - failure to obtain and pay licenses	\$500 per boat or train
AS 04.09.260(c)	Common carrier dispensary noncompliance – airlines - failure to pay or obtain licenses	\$500 per aircraft
AS 04.09.260(d)	Common carrier dispensary noncompliance – boat/train – failure to obtain license for each boat/train	\$500 per boat or train
AS 04.09.270(a)	Unauthorized sporting or event activity – sale of brewed beverages or wine off premises	\$250
AS 04.09.270(a)	Unauthorized sporting or event activity – sale of brewed beverages or wine during unauthorized hours	\$250

AS 04.09.270(d)	Unauthorized sporting or event activity – allowing consumption of brewed beverages or wine off premises	\$250
AS 04.09.280(a)	Unauthorized outdoor recreation lodge activity – unauthorized sale of alcoholic beverages	\$250
AS 04.09.300(e)	Failure to comply with golf course license terms – failure to make food available	\$250
AS 04.09.300(f)	Failure to comply with golf license terms – unauthorized person bringing alcoholic beverages onto premises	\$250
AS 04.09.300(h)	Failure to comply with golf course license terms – unauthorized sale of brewed beverages or wine	\$250
AS 04.09.310(a)	Failure to comply with destination resort license terms – unauthorized sale of alcoholic beverages	\$250
AS 04.09.320(a)	Failure to comply with brewery retail license terms – unauthorized sale of alcoholic beverages	\$250
AS 04.09.320(d)	Failure to comply with brewery retail license terms – sale over 36 oz for beer or 18 oz for sake	\$250
AS 04.09.320(e)(1)	Failure to comply with brewery retail license terms – unauthorized entertainment	\$250
AS 04.09.320(e)(2)	Failure to comply with brewery retail license terms – seats at counter or bar	\$250

AS 04.09.320(e)(3)	Failure to comply with brewery retail license terms – opening before 9 am	\$250
AS 04.09.320(e)(4)	Failure to comply with brewery retail license terms – serving brewed beverages after 9 pm	\$250
AS 04.09.320(f)	Failure to comply with brewery retail license terms – Sale of beer or sake over 5.167 gallons for consumption off premises	\$250
AS 04.09.330(a)	Failure to comply with winery retail license terms – unauthorized storage, sale, or service of wine	\$250
AS 04.09.330(d)	Failure to comply with winery retail license terms – sale exceeding allowed volume amounts	\$250
AS 04.09.330(e)(1)	Failure to comply with winery retail license terms – unauthorized entertainment	\$250
AS 04.09.330(e)(2)	Failure to comply with winery retail license terms – seats at counter or bar	\$250
AS 04.09.330(e)(3)	Failure to comply with winery retail license terms – opening before 9 am	\$250
AS 04.09.330(e)(4)	Failure to comply with winery retail license terms – serving wine after 9 pm	\$250
AS 04.09.330(f)	Failure to comply with winery retail license terms – Sale of wine, mead, or cider over 5.167 gallons for consumption off premises	\$250

AS 04.09.340(a)	Failure to comply with distillery retail license terms – unauthorized storage, sale, or service of distilled spirits	\$250
AS 04.09.340(d)	Failure to comply with distillery retail license terms – sale over 3 oz of distilled spirits	\$250
AS 04.09.340(e)(1)	Failure to comply with distillery retail license terms – unauthorized entertainment	\$250
AS 04.09.340(e)(2)	Failure to comply with distillery retail license terms – seats at counter or bar	\$250
AS 04.09.340(e)(3)	Failure to comply with distillery retail license terms – opening before 9 am	\$250
AS 04.09.340(e)(4)	Failure to comply with distillery retail license terms – serving after 9 pm	\$250
AS 04.09.340(f)	Failure to comply with distillery retail license terms – sale of distilled spirits over 3.75 liters for consumption off premises	\$250
AS 04.09.350(e)	Unauthorized beverage dispensary tourism activity – unauthorized sale or serving alcoholic beverages off premises	\$250
AS 04.09.350(e)	Unauthorized beverage dispensary tourism activity – allowing consumption off site for alcoholic beverages sold on licensed premises	\$250

AS 04.09.360(a)	Failure to comply with seasonal restaurant or eating place tourism license terms – unauthorized sale of brewed beverages or wine	\$250
AS 04.09.360(f)(1)	Failure to comply with seasonal restaurant or eating place tourism license terms – unauthorized presence of person at least 16 but under 21 years of age	\$250
AS 04.09.360(f)(2)	Failure to comply with seasonal restaurant or eating place tourism license terms – unauthorized presence of person under 16 years of age	\$250
AS 04.09.360(f)(3)	Failure to comply with seasonal restaurant or eating place tourism license terms – unauthorized employment of person under 21 years of age	\$250
AS 04.09.360(g)	Failure to comply with seasonal restaurant or eating place tourism license terms – food gross receipts less than alcoholic beverages gross receipts	\$250
AS 04.09.360(i)	Failure to comply with seasonal restaurant or eating place tourism license - unauthorized entertainment between 11 pm – 10 am	\$250
AS 04.09.370(e)(1)	Failure to comply with manufacturer direct shipment license terms – shipping to local option area	\$250
AS 04.09.370(e)(2)	Failure to comply with manufacturer direct shipment license terms – excess sale of	\$250

	distilled spirits, wine, or brewed beverages	
AS 04.09.370(e)(3)	Failure to comply with manufacturer direct shipment license terms – use of unauthorized carrier	\$250
AS 04.09.370(e)(4)	Failure to comply with manufacturer direct shipment license terms – excess production	\$250
AS 04.09.370(f)	Failure to comply with manufacturer direct shipment license terms – failure to verify age, verify order, provide notice, or label	\$250
AS 04.09.370(g)	Failure to comply with manufacturer direct shipment license terms – failure to retain records or make available for inspection	\$250
AS 04.09.410(c)	Failure to comply with manufacturing sampling endorsement terms – unauthorized server	\$250
AS 04.09.410(d)(1)	Failure to comply with manufacturing sampling endorsement terms - brewery - serving samples exceeding allowed alcohol volume amounts	\$250
AS 04.09.410(d)(2)	Failure to comply with manufacturing sampling endorsement terms - winery - serving samples exceeding allowed alcohol volume amounts	\$250

AS 04.09.410(d)(3)	Failure to comply with manufacturing sampling endorsement terms - distillery - serving samples exceeding allowed alcohol volume amounts	\$250
AS 04.09.410(e)	Unendorsed sampling	\$500
AS 04.09.420(e)	Multiple fixed counter endorsement noncompliance	\$250
AS 04.09.420(f)	Unendorsed service at multiple fixed counters	\$500
AS 04.09.430(f)	Unendorsed hotel or motel service	\$500
AS 04.09.430(g)	Hotel or motel endorsement noncompliance	\$250
AS 04.09.440(c)	Large resort endorsement noncompliance – failure to apply for multiple fixed counter endorsement	\$250
AS 04.09.440(d)	Large resort endorsement noncompliance – unauthorized sale or serving alcoholic beverage off site	\$250
AS 04.09.440(e)	Large resort endorsement noncompliance – federal tax reporting noncompliance	\$250
AS 04.09.440(f)	Large resort endorsement noncompliance – failure to exercise control on premises	\$250

AS 04.09.440(g)	Large resort endorsement noncompliance – unauthorized stocking and security of alcoholic beverages in guest room	\$250
AS 04.09.440(i)	Unendorsed large resort service	\$500
AS 04.09.450(e)(1)	Restaurant endorsement noncompliance – unauthorized presence of person at least 16 but under 21 years of age	\$250
AS 04.09.450(e)(2)	Restaurant endorsement noncompliance – unauthorized presence of person under 16 years of age	\$250
AS 04.09.450(e)(3)	Restaurant endorsement noncompliance – unauthorized employment of person under 21 years of age	\$250
AS 04.09.450(f)	Unendorsed restaurant service	\$500
AS 04.09.460(c)	Package store shipping endorsement noncompliance – shipping alcoholic beverages to nonpurchaser or address other than purchaser’s residential address	\$250
AS 04.09.460(d)	Package store shipping endorsement noncompliance – failure to provide notice	\$250
AS 04.09.460(e)	Package store shipping endorsement noncompliance – shipping alcoholic beverages in excess of restricted sale amounts	\$250
AS 04.09.460(f)	Package store shipping endorsement noncompliance – dividing or combining shipments of alcoholic beverages to circumvent limits	\$250

AS 04.09.460(h)	Unendorsed package store shipping	\$500
AS 04.09.470(c)	Package store delivery endorsement noncompliance – unauthorized delivery of alcoholic beverages – no order	\$250
AS 04.09.470(d)	Package store delivery endorsement noncompliance – unauthorized delivery of alcoholic beverage – delivery only to responsible adult	\$250
AS 04.09.470(e)	Unendorsed package store delivery	\$500
AS 04.09.480(d)	Unendorsed package store repackaging	\$500
AS 04.09.480(e)	Package store repackaging endorsement noncompliance	\$250
AS 04.09.490(a)	Failure to comply with package store sampling endorsement terms – service during unauthorized hours	\$250
AS 04.09.490(c)	Failure to comply with package store sampling endorsement terms – service by unauthorized person	\$250
AS 04.09.490(d)	Failure to comply with package store sampling endorsement terms – serving samples exceeding allowed alcohol volume amounts	\$250

AS 04.09.490(e)	Failure to comply with package store sampling endorsement terms – unauthorized advertising	\$250
AS 04.09.490(f)	Unendorsed package store sampling	\$500
AS 04.09.500(e)	Bowling alley endorsement noncompliance – failure to post under 21 years of age hours	\$250
AS 04.09.500(f)	Unendorsed bowling alley service	\$500
AS 04.09.500(g)	Bowling alley endorsement noncompliance – allowing person under 21 years of age present during service of alcoholic beverages	\$250
AS 04.09.510(a)	Golf course endorsement noncompliance	\$250
AS 04.09.510(d)	Unendorsed golf course service	\$500
AS 04.09.520(e)	Unendorsed brewery repackaging	\$500
AS 04.09.520(f)	Brewery repackaging endorsement noncompliance	\$250
AS 04.09.700(a)	Failure to comply with permit requirement	\$250
AS 04.09.700(c)	Failure to comply with inventory resale permit or conditional contractor's permit	\$500
AS 04.09.750(c)	Common carrier noncompliance for transport or delivery of alcoholic beverages – ID, age, and acknowledgment failure	\$250

AS 04.09.750(d)	Common carrier noncompliance for transport or delivery of alcoholic beverages – records for inspection and audit not available	\$250
AS 04.09.750(h)	Unapproved common carrier transport or delivery of alcoholic beverages	\$500
AS 04.11.015(a)	Purchase or barter for alcoholic beverages from nonlicensee, nonpermittee, or their employee or agent	\$250
AS 04.11.040(d)	Unauthorized transfer of alcoholic beverage license or permit	\$250
AS 04.11.045(c)	Failure to report change in member interest or manager	\$250
AS 04.11.050(d)	Failure to report stock transfer, or change of officers or board members	\$250
AS 04.11.055(c)	Failure to report transfer of partnership interest or change of general partner	\$250
AS 04.11.501 or an ordinance adopted under this statute	Possession of an alcoholic beverage in a community which has voted in a local option election to prohibit such possession	\$100 for first and second offense
AS 04.16.010(a)	Prohibited hours: 5 am – 8 am – sale, give, furnish, deliver, or consume alcoholic beverage by person on licensed premises	\$250
AS 04.16.010(b)	Prohibited hours: 5 am – 8 am – allowing consumption of alcoholic beverage on licensed premises	\$250

AS 04.16.010(c)	Prohibited hours: 5 am – 8 am – unauthorized presence on licensed premises	\$250
AS 04.16.010(e)	Prohibited hours: 9:30 pm – 9 am – unauthorized presence at brewery, winery, or distillery retail licensed premises	\$250
AS 04.16.015(a)(1)	Prohibited marketing and pricing - offer or deliver free alcoholic beverage to patron as marketing device	\$250
AS 04.16.015(a)(2)	Prohibited marketing and pricing - deliver alcoholic beverage – person already possessing 2 or more alcoholic beverages	\$250
AS 04.16.015(a)(3)	Prohibited marketing and pricing - sale, offer to sell, or deliver alcoholic beverage for less than regular price during consecutive 7-day period	\$250
AS 04.16.015(a)(4)	Prohibited marketing and pricing - sale, offer to sell, or deliver unlimited alcoholic beverages during set period for fixed price	\$250
AS 04.16.015(a)(5)	Prohibited marketing and pricing - sell, offer to sell, or deliver at price less than general public market price	\$250
AS 04.16.015(a)(6)	Prohibited marketing and pricing - allowing alcoholic beverage drinking games or contests or awarding alcoholic beverages as prizes	\$250
AS 04.16.015(b)	Prohibited marketing and pricing - advertising or promoting prohibited practice	\$250

AS 04.16.020(a)	Unauthorized solicitation/purchase – prohibited pay to solicit patron to purchase alcoholic beverage	\$100
AS 04.16.020(b)	Unauthorized solicitation/purchase – allowing person to loiter	\$100
AS 04.16.020(c)	Unauthorized solicitation/purchase – allowing person to purchase for another in local option area	\$100
AS 04.16.022(b)	Purchase of alcohol online from unlicensed or unendorsed source	\$250
AS 04.16.025(a)(1)	Illegal presence on premises involving alcoholic beverages – unlicensed or unpermitted premises	\$250
AS 04.16.025(a)(2)	Illegal presence on premises involving alcoholic beverages – municipal closure hours	\$250
AS 04.16.030(a)(1)	Sell, give, or barter alcoholic beverage to drunken person	\$500
AS 04.16.030(a)(2)	Allowing person to sell, give, or barter alcoholic beverage to drunken person on licensed premises	\$500
AS 04.16.030(a)(3)	Allowing drunken person to enter/remain on premises or consume alcoholic beverage on premises	\$500
AS 04.16.030(a)(4)	Permitting drunken person to sell or serve alcoholic beverage	\$500

AS 04.16.030(b)	Paid transporter knowingly delivering alcoholic beverage to drunken person	\$500
AS 04.16.040(b)	Prohibited access by a drunken person	\$250
AS04.16.045(b)	Permitting consumption not authorized under a license	\$250
AS 04.16.052(a)(1)	Licensee, employee or agent furnishing alcohol to a minor (under 21)– allowing another to provide alcoholic beverage	\$500
AS 04.16.052(a)(2)	Licensee, employee or agent furnishing alcohol to a minor (under 21) – allowing minor on premises	\$500
AS 04.16.052(a)(3)	Licensee, employee or agent furnishing alcohol to a minor (under 21) – allowing consumption of alcoholic beverage	\$500
AS 04.16.052(a)(4)	Licensee, employee or agent furnishing alcohol to a minor (under 21) – allowing minor to sell or serve alcoholic beverage	\$500
AS 04.16.052(a)(5)	Licensee, employee or agent furnishing alcohol to a minor (under 21) – furnish or deliver alcoholic beverage to minor	\$500
AS 04.16.057(a)	Permit person under 21 years of age to illegally possess alcoholic beverage in dwelling	\$500
AS 04.16.060(b)	Delivery to person under 21 years of age – misrepresenting age	\$500

AS 04.16.060(c)	Delivery to person under 21 years of age – order or receiving alcoholic beverage for person under 21 years of age	\$500
AS 04.16.060(g)	Purchase of or solicitation for alcoholic beverage by person under 21 years of age	\$500
AS 04.16.080(b)	Consuming alcoholic beverage at school event	\$100
AS 04.16.120(a)	Removal of alcoholic beverages from licensed premises	\$100
AS 04.16.120(a)	Introduction of alcoholic beverages on licensed premises	\$100
AS 04.16.130(c)	Unauthorized storage of alcoholic beverages	\$250
AS 04.16.140(b)	Sale or consumption of alcoholic beverages in warehouse	\$250
AS 04.16.150(b)	Failure to ensure compliance by licensee	\$250
AS 04.21.012(f)	Selling alcoholic beverages in unregistered keg	\$250
AS 04.21.012(g)	Possessing alcoholic beverages in unregistered keg	\$100
AS 04.21.025(a)	Failure to comply with alcohol server education requirements – uncompleted education	\$250
AS 04.21.025(b)	Failure to comply with alcohol server education requirements – proof of education not on licensed premises	\$250

AS 04.21.025(c)	Failure to comply with alcohol server education requirements – valid card not issued	\$250
AS 04.21.025(e)	Failure to comply with alcohol server education requirements – failure to train	\$250
AS 04.21.060(b)	Unauthorized warehousing	\$250
AS 04.21.065	Failure to post warning signs (1) about birth defects, or (2) about providing alcoholic beverages to persons under 21, or (3) about persons under 21 years of age entering premises.	\$100

5. Administrative Rule 43.7 is rescinded.

DATED: November 14, 2023

EFFECTIVE DATE: January 1, 2024

/s/
Chief Justice Maassen

Did not participate
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate