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**HB 2 DUI Diversion
Sponsor Statement**

"An Act establishing the driving while under the influence diversion program for eligible persons charged with driving while under the influence or refusal to submit to a chemical test; relating to judgment for restitution; relating to suspended imposition of sentence; relating to records kept by the Department of Administration; relating to operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance; amending Rule 9, Alaska Rules of Administration, and Rule 39, Alaska Rules of Criminal Procedure; and providing for an effective date."

House Bill 2 aims to establish a DUI Diversion Program. Diversion programs are intended to provide a framework to reduce recidivism rates. Diversion programs offer an opportunity for participants to avoid some of the most severe consequences of a DUI conviction—such as license suspensions, jail time, steep fines, and increased insurance premiums for high-risk drivers—by completing rehabilitation and other program requirements. The prosecution also obtains benefits, which include the option to resume prosecution if the defendant fails to follow the program's requirements and a significant streamlining of the prosecution and Alaska Court System's trial caseload.

HB 2 is modeled after a program outlined in Oregon Revised Statutes §§ 813.200 to 813.270. This program allows first DUI offenders in simple DUI cases, not involving other charges or Commercial Driver's License (CDL) issues, to seek entry into a diversion program. Their DUI conviction is dismissed if they complete the program's requirements. In the past, various district attorney offices have responded that they have the discretion to offer pretrial diversion in DUI cases. Although theoretically true, it has rarely been utilized in practice.

Under HB 2, defendants must meet several criteria to qualify. These include being a first-time offender, with no prior or pending DUI charges, no other criminal charges related to the incident, and no history of prior DUI diversion programs in the last 15 years. Defendants must also not hold a Commercial Driver's License (CDL) or have been involved in any assault or homicide related to the DUI incident.

The DUI Diversion Program requires defendants to file a petition with a \$490 filing fee and undergo a screening interview to assess alcohol or substance abuse issues. Based on the interview, defendants must follow through with any recommended treatment programs. They will also agree to refrain from using alcohol, inhalants, or controlled substances during the program, with the understanding that any new offenses will lead to the termination of their participation. Additionally, defendants will be responsible for paying attorney fees and restitution if ordered by the court.

Alaska's Therapeutic Courts are successful and have shown that rehabilitation programs work. DUI Diversion Programs have been successful in other states as well. Implementing a similar program in our state would bring significant benefits. These programs save court resources and allow participants to address the root causes of their offense. For all of these reasons, I urge your consideration and support for House Bill 2.