

LEGAL SERVICES

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MEMORANDUM

March 12, 2010

SUBJECT: Sectional Summary - CSSB 239(), "S" Version
(Work Order No. 26-LS1210\S)

TO: Senator Kevin Meyer
Attn: Christine Marasigan

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

Section 1 amends AS 11.76.140(a) to provide criminal liability in relation to ignition interlock devices regardless of whether the requirement to use the ignition interlock devices arises under AS 12.55.102 or another statute.

Section 2 amends AS 28.35.030(b), misdemeanor drunk driving, to provide that the requirement for an ignition interlock device for drunk drivers applies regardless of whether the offender receives probation; starts at a minimum of six months for a first offender and increases by six months for each offense (this is a minimum period for use of an interlock the court may impose a greater period); and provides that the ignition interlock requirement may not be suspended by the court.

Section 3 amends AS 28.35.030(g) to conform to sec. 2, as ignition interlock is no longer tied to probation.

Section 4 amends AS 28.35.030(n), the felony drunk driving statute, in a manner similar to sec. 2, by no longer tying imposition of ignition interlock to probation. In addition, this section requires the use of an ignition interlock device for a minimum of five years for anyone convicted of felony drunk driving and provides that the ignition interlock requirement may not be suspended.

Section 5 makes a technical change to correspond to the repeal of AS 28.35.030(r) in sec. 9 of the bill.

Section 6 amends AS 28.35.032(g), misdemeanor refusal to submit to a chemical test, by making the same changes that are made in sec. 2 of the bill for misdemeanor drunk driving.

Senator Kevin Meyer
March 12, 2010
Page 2

Section 7 amends AS 28.35.032(k) to conform to sec. 6, as ignition interlock is no longer tied to probation.

Section 8 amends AS 28.35.032, felony refusal to consent, by making the same changes that are made in sec. 4, felony drunk driving.

Section 9 repeals AS 12.55.102(e)(2) and AS 28.35.030(r).

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