

ALASKA STATE LEGISLATURE

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House Judiciary Committee

HB 373 Sectional Analysis

Section 1: Establishes the 24/7 Sobriety Program (see Sec. 10) as another tool judicial officers may use in establishing a defendant's conditions of release before trial. The defendant must have been charged with an alcohol or substance abuse related offense that is an unclassified felony, class A felony, a sexual felony, or crime involving domestic violence.

Section 2: Establishes the 24/7 Sobriety Program as another tool judicial officers may use in establishing a defendant's conditions of release before trial in cases involving manufacturing or sale of alcoholic beverages (AS 4.11.010), importation of alcoholic beverages into dry villages (AS 4.11.499), DUIs (28.35.030), or DUI chemical test refusals (AS 28.35.032).

Section 3: Establishes the 24/7 Sobriety Program as another tool judicial officers may use in establishing a defendant's conditions of release before trial in cases involving controlled substances (AS 11.71) or imitation controlled substances (AS 11.73).

Section 4: Establishes the 24/7 Sobriety Program as a condition of probation for alcohol and substance abuse related offenses.

Section 5: Modifies Alaska's limited driver's license statute to give the Court System or the Department of Administration the option of granting a limited license to a convicted misdemeanor DUI driver 9AS 28.35.030) on the condition they participate in the 24/7 Sobriety Program. In addition to meeting AS 28.15.201(d)'s limited driver's license requirements, the driver must also meet 24/7's requirements of twice a day testing. Drivers who violate 24/7 will be placed back on ignition interlocks.

Section 6: Reinserts back into statute the language deleted in Section 5 regarding the affidavit that drivers who are on ignition interlock devices must sign.

Section 7: Deletes language in AS 28.35.030(b) to allow the Court System or Department of Administration the option of placing under the 24/7 Sobriety Program drivers with limited licenses.

Section 8: Allows limited license drivers who are on the 24/7 Sobriety Program to remain on 24/7 once they regain their normal driving privileges rather than having to switch over to an

ignition interlock device as mandated under AS 28.35.030(b). Drivers who violate 24/7 will go back to an ignition interlock.

Section 9: Allows the courts the discretion of placing drivers who regain their driving privileges after being convicted of a misdemeanor chemical test refusal (AS 28.35.032) under the 24/7 Sobriety Program rather than the mandatory ignition interlock. Violations result in dismissal from 24/7 and the imposition of an ignition interlock device.

Section 10: Establishes the 24/7 Sobriety Program under the Alaska Department of Health and Social Services, 24/7's swift and certain punishment provisions, and the requirement that 24/7 participants pay for testing services.

Section 11: The amendments made to statutes in Sections 1, 2, 3, 5, 6, 7, 8, and 9 apply to offenses occurring on or after the July 1, 2014 effective date of HB 373. Changes made in Section 4 and the establishment of 24/7 in Section 10 apply to offenses occurring before, on or after HB 373's July 1, 2014 effective date.

Section 12: Allows the Department of Health and Social Services to establish regulations to implement the 24/7 Sobriety Program.

Section 13: HB 373's July 1, 2014 effective date.