

SENATE CS FOR CS FOR HOUSE BILL NO. 21(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/22/95

Referred: Rules

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY, Rokeberg

SENATORS Kelly, Taylor, Miller, Green, Halford, Leman, Pearce, Phillips, Frank, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
2 of a controlled substance or illegal possession or consumption of alcohol by a
3 person at least 13 but not yet 21 years of age; relating to revocation of a
4 driver's license for illegal possession or use of a firearm by a person at least 13
5 but not yet 18 years of age; relating to treatment programs required for issuance
6 or reissuance of a driver's license; and providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 28.15.183(a) is amended to read:

9 (a) If a peace officer has probable cause to believe [AND BASED ON
10 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
11 yet 21 years of age has possessed or used a controlled substance in violation of
12 AS 11.71 or a municipal ordinance with substantially similar elements, or
13 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal

1 ordinance with substantially similar elements, and the peace officer has cited the
2 person or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the
3 municipal ordinance with substantially similar elements, the peace officer shall read
4 a notice and deliver a copy to the person. The notice must advise that

5 (1) the department intends to revoke the person's driver's license or
6 permit, privilege to drive, or privilege to obtain a license or permit;

7 (2) the person has the right to administrative review of the revocation;

8 (3) if the person has a driver's license or permit, the notice itself is a
9 temporary driver's license or permit that expires seven days after it is delivered to the
10 person;

11 (4) revocation of the person's driver's license or permit, privilege to
12 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
13 of the notice to the person unless the person, within seven days, requests an
14 administrative review.

15 * **Sec. 2.** AS 28.15.183(c) is amended to read:

16 (c) Unless the person has requested an administrative review, the department
17 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
18 obtain a license or permit, effective seven days after delivery to the person of the
19 notice required under (a) of this section, upon receipt of a sworn report of a peace
20 officer

21 (1) that the officer had probable cause to believe [AND BASED ON
22 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
23 21 years of age and has possessed or used a controlled substance in violation of
24 AS 11.71 or a municipal ordinance with substantially similar elements, or
25 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
26 ordinance with substantially similar elements;

27 (2) that the peace officer has cited the person or arrested the person for
28 (A) a violation of AS 11.71 or AS 04.16.050; or
29 (B) possession or use of a controlled substance or alcohol in
30 violation of a municipal ordinance with substantially similar elements;

31 (3) that notice under (a) of this section was provided to the person; and

(4) describing the circumstances surrounding the violation of the controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions of AS 04.16.050, or the municipal ordinance with substantially similar elements.

* Sec. 3. AS 28.15.183(g) is amended to read:

(g) Except as provided under (h) of this section, the department may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person is enrolled in and is in compliance with, or has successfully completed

(1) an alcoholism education or [AND] rehabilitation treatment program, if the revocation resulted from possession or consumption of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially similar elements; or

(2) a drug education or rehabilitation treatment program, if the revocation resulted from possession or use of a controlled substance in violation of AS 11.71 or a municipal ordinance with substantially similar elements.

* Sec. 4. AS 28.15.184(g) is amended to read:

(g) The hearing for review of a revocation by the department under AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years of age but not yet 21 years of age and whether the person possessed or used a controlled substance in violation of AS 11.71 or a municipal ordinance with substantially similar elements, or possessed or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially similar elements.

* Sec. 5. AS 28.15.185(a) is amended to read:

(a) A person who is at least 13 years of age but not older than 17 years of age who is convicted or who is adjudicated by a juvenile court of (1) misconduct involving a controlled substance under AS 11.71 or a municipal ordinance with substantially similar elements; (2) possession or consumption of alcohol under AS 04.16.050 or a municipal ordinance with substantially similar elements; or (3) an offense involving the illegal use or possession of a firearm that is punishable under AS 11 or a municipal ordinance with substantially similar elements is subject to revocation of the person's driver's license, privilege to drive, or privilege to obtain a license under (b) of this section.

1 * **Sec. 6.** AS 28.15.185(c) is amended to read:

2 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
3 the court may, upon petition of the person, review the revocation and may restore the
4 driver's license, except a court may not restore the driver's license until

5 (1) at least one-half of the period of revocation imposed under this
6 section has expired; and

7 (2) the person has taken and successfully completed a state approved
8 program of drug education or rehabilitation if convicted or adjudicated of
9 misconduct involving a controlled substance under AS 11.71 or a municipal
10 ordinance with substantially similar elements, or alcohol education or rehabilitation
11 if convicted or adjudicated of possession or consumption of alcohol under
12 AS 04.16.050 or a municipal ordinance with substantially similar elements; this
13 paragraph does not apply to a person who resides in an area that does not offer a state
14 approved drug or alcohol education or rehabilitation program or a person that the
15 court determines does not need alcohol or drug education or rehabilitation.

16 * **Sec. 7.** APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11, or
17 a municipal ordinance that occur on or after the effective date of this Act.

18 * **Sec. 8.** This Act takes effect July 1, 1995.