



LAWS OF ALASKA

2004

Source
CSSB 224(STA)

Chapter No.

AN ACT

Relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit
2 to chemical tests, and to driving during the 24 hours after being cited for one of those
3 offenses; and providing for an effective date.

4 _____
5 * **Section 1.** AS 28.35.280(d) is repealed and reenacted to read:

6 (d) The offense of a minor operating a vehicle after consuming alcohol is an
7 infraction, and, if the minor

8 (1) has not been previously convicted under this section,
9 AS 28.35.285, or 28.35.290, upon conviction, the court shall impose a

10 (A) fine of \$500; and

11 (B) period of community work service of not less than 20 hours
12 nor more than 40 hours; the community work service under this subparagraph
13 must be related to education about or prevention or treatment of misuse of
14 alcohol if opportunities are available for that type of work service in the

1 community; if such opportunities are not available, the court shall make other
2 provisions for the work service;

3 (2) has been previously convicted once under this section,
4 AS 28.35.285, or 28.35.290, upon conviction, the court shall impose a

5 (A) fine of \$1,000; and

6 (B) period of community work service of not less than 40 hours
7 nor more than 60 hours; the community work service under this subparagraph
8 must be related to education about or prevention or treatment of misuse of
9 alcohol if opportunities are available for that type of work service in the
10 community; if such opportunities are not available, the court shall make other
11 provisions for the work service;

12 (3) has been previously convicted two or more times under this
13 section, AS 28.35.285, or 28.35.290, upon conviction, the court shall impose a

14 (A) fine of \$1,500; and

15 (B) period of community work service of not less than 60 hours
16 nor more than 80 hours; the community work service under this subparagraph
17 must be related to education about or prevention or treatment of misuse of
18 alcohol if opportunities are available for that type of work service in the
19 community; if such opportunities are not available, the court shall make other
20 provisions for the work service.

21 * **Sec. 2.** AS 28.35.285(d) is repealed and reenacted to read:

22 (d) Refusal to submit to a chemical test or tests of the person's breath
23 requested under AS 28.35.280 is an infraction, and, if the minor

24 (1) has not been previously convicted under this section,
25 AS 28.35.280, or 28.35.290, upon conviction, the court shall impose a

26 (A) fine of \$500; and

27 (B) period of community work service of not less than 20 hours
28 nor more than 40 hours; the community work service under this subparagraph
29 must be related to education about or prevention or treatment of misuse of
30 alcohol if opportunities are available for that type of work service in the
31 community; if such opportunities are not available, the court shall make other

1 provisions for the work service;

2 (2) has been previously convicted once under this section,
3 AS 28.35.280, or 28.35.290, upon conviction, the court shall impose a

4 (A) fine of \$1,000; and

5 (B) period of community work service of not less than 40 hours
6 nor more than 60 hours; the community work service under this subparagraph
7 must be related to education about or prevention or treatment of misuse of
8 alcohol if opportunities are available for that type of work service in the
9 community; if such opportunities are not available, the court shall make other
10 provisions for the work service;

11 (3) has been previously convicted two or more times under this
12 section, AS 28.35.280, or 28.35.290, upon conviction, the court shall impose a

13 (A) fine of \$1,500; and

14 (B) period of community work service of not less than 60 hours
15 nor more than 80 hours; the community work service under this subparagraph
16 must be related to education about or prevention or treatment of misuse of
17 alcohol if opportunities are available for that type of work service in the
18 community; if such opportunities are not available, the court shall make other
19 provisions for the work service.

20 * **Sec. 3.** AS 28.35.290(b) is repealed and reenacted to read:

21 (b) Operating a motor vehicle during the 24 hours after being cited for minor
22 operating a vehicle after consuming alcohol or for minor's refusal to submit to a
23 chemical test is an infraction, and, if the minor

24 (1) has not been previously convicted under this section,
25 AS 28.35.280, or 28.35.285, upon conviction, the court shall impose a

26 (A) fine of \$500; and

27 (B) period of community work service of not less than 20 hours
28 nor more than 40 hours; the community work service under this subparagraph
29 must be related to education about or prevention or treatment of misuse of
30 alcohol if opportunities are available for that type of work service in the
31 community; if such opportunities are not available, the court shall make other

1 provisions for the work service;

2 (2) has been previously convicted once under this section,
3 AS 28.35.280, or 28.35.285, upon conviction, the court shall impose a

4 (A) fine of \$1,000; and

5 (B) period of community work service of not less than 40 hours
6 nor more than 60 hours; the community work service under this subparagraph
7 must be related to education about or prevention or treatment of misuse of
8 alcohol if opportunities are available for that type of work service in the
9 community; if such opportunities are not available, the court shall make other
10 provisions for the work service;

11 (3) has been previously convicted two or more times under this
12 section, AS 28.35.280, or 28.35.285, upon conviction, the court shall impose a

13 (A) fine of \$1,500; and

14 (B) period of community work service of not less than 60 hours
15 nor more than 80 hours; the community work service under this subparagraph
16 must be related to education about or prevention or treatment of misuse of
17 alcohol if opportunities are available for that type of work service in the
18 community; if such opportunities are not available, the court shall make other
19 provisions for the work service.

20 * **Sec. 4.** Sections 14 - 16 and 23, ch. 143, SLA 1996, are repealed.

21 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 APPLICABILITY. The changes made to AS 28.35.280, 28.35.285, and 28.35.290 by
24 this Act apply to offenses committed on or after the effective date of this Act. References to
25 prior convictions under AS 28.35.280, 28.35.285, and 28.35.290, as amended by this Act,
26 apply to convictions occurring before, on, or after the effective date of this Act.

27 * **Sec. 6.** This Act takes effect July 1, 2004.