

**HOUSE BILL NO. 308**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GRAY

Introduced: 2/16/26

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to release before trial; relating to limitation of driver's licenses;  
2 relating to operating a vehicle, aircraft, or watercraft while under the influence of an  
3 alcoholic beverage; and providing for an effective date."

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

5 \* **Section 1.** AS 12.30.011(e) is amended to read:

6 (e) If the supreme court establishes a schedule of bail amounts or conditions of  
7 release for misdemeanor offenses, the schedule must include a condition providing  
8 that a correctional facility shall, at the time of release, conduct a chemical test of the  
9 breath of a person who has been arrested and who is intoxicated and shall detain the  
10 person until the test result indicates that the person's breath has less than **0.04** [0.08]  
11 grams of alcohol for each 210 liters of breath or, with the consent of the person,  
12 release the person to another person who is willing and able to provide care for the  
13 person.

14 \* **Sec. 2.** AS 28.15.201(f) is amended to read:

1 (f) In (d)(2) of this section, "previously convicted" has the meaning given in  
 2 AS 28.35.030 and also includes convictions under laws presuming that the person was  
 3 under the influence of intoxicating liquor if there was 0.04 [0.08] percent or more by  
 4 weight of alcohol in the person's blood.

5 \* **Sec. 3.** AS 28.35.030(a) is amended to read:

6 (a) A person commits the crime of driving while under the influence of an  
 7 alcoholic beverage, inhalant, or controlled substance if the person operates or drives a  
 8 motor vehicle or operates an aircraft or a watercraft

9 (1) while under the influence of an alcoholic beverage, intoxicating  
 10 liquor, inhalant, or any controlled substance, singly or in combination; or

11 (2) and if, as determined by a chemical test taken within four hours  
 12 after the alleged operating or driving, there is 0.04 [0.08] percent or more by weight of  
 13 alcohol in the person's blood or 40 [80] milligrams or more of alcohol per 100  
 14 milliliters of blood, or if there is 0.04 [0.08] grams or more of alcohol per 210 liters of  
 15 the person's breath.

16 \* **Sec. 4.** AS 28.35.033(a) is amended to read:

17 (a) Upon the trial of a civil or criminal action or proceeding arising out of acts  
 18 alleged to have been committed by a person while operating or driving a motor vehicle  
 19 or operating an aircraft or a watercraft while under the influence of an alcoholic  
 20 beverage, inhalant, or controlled substance, the amount of alcohol in the person's  
 21 blood or breath at the time alleged shall give rise to the following presumptions:

22 (1) if [IF] there was less than 0.04 percent [OR LESS] by weight of  
 23 alcohol in the person's blood, or less than 40 milligrams [OR LESS] of alcohol per  
 24 100 milliliters of the person's blood, or less than 0.04 grams [OR LESS] of alcohol  
 25 per 210 liters of the person's breath, it shall be presumed that the person was not under  
 26 the influence of an alcoholic beverage; [.]

27 (2) if [IF THERE WAS IN EXCESS OF 0.04 PERCENT BUT LESS  
 28 THAN 0.08 PERCENT BY WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD,  
 29 OR IN EXCESS OF 40 BUT LESS THAN 80 MILLIGRAMS OF ALCOHOL PER  
 30 100 MILLILITERS OF THE PERSON'S BLOOD, OR IN EXCESS OF 0.04 GRAMS  
 31 BUT LESS THAN 0.08 GRAMS OF ALCOHOL PER 210 LITERS OF THE

1 PERSON'S BREATH, THAT FACT DOES NOT GIVE RISE TO ANY  
2 PRESUMPTION THAT THE PERSON WAS OR WAS NOT UNDER THE  
3 INFLUENCE OF AN ALCOHOLIC BEVERAGE, BUT THAT FACT MAY BE  
4 CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING  
5 WHETHER THE PERSON WAS UNDER THE INFLUENCE OF AN ALCOHOLIC  
6 BEVERAGE.

7 (3) IF] there was 0.04 [0.08] percent or more by weight of alcohol in  
8 the person's blood, or 40 [80] milligrams or more of alcohol per 100 milliliters of the  
9 person's blood, or 0.04 [0.08] grams or more of alcohol per 210 liters of the person's  
10 breath, it shall be presumed that the person was under the influence of an alcoholic  
11 beverage.

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

14 APPLICABILITY. This Act applies to offenses committed on or after the effective  
15 date of this Act, except that references to previous convictions include convictions occurring  
16 before, on, or after the effective date of the relevant section of this Act.

17 \* **Sec. 6.** This Act takes effect January 1, 2027.