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**HB 379**  
**Sponsor Statement**

*"An Act establishing the driving while under the influence diversion program for eligible persons charged with driving while under the influence; relating to judgment for restitution; relating to suspended imposition of sentence; relating to records kept by the Department of Administration; relating to operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance; amending Rule 9, Alaska Rules of Administration, and Rule 39, Alaska Rules of Criminal Procedure; and providing for an effective date."*

House Bill 379 aims to establish a DUI Diversion Program. Diversion programs are intended to provide a framework to reduce recidivism rates. By participating in the program and waiving certain rights, successful defendants may avoid the most onerous consequences of a DUI conviction, such as license suspensions, jail time, and large fines and expensive insurance rates for high-risk drivers. The prosecution also obtains benefits. These include the option to resume prosecution if the defendant fails to follow the program's requirements and a significant streamlining of the prosecution and Alaska Court System's trial caseload.

HB379 is modeled after an Oregon program set forth in Oregon Revised Statutes §§ 813.200 to 813.270. This program allows first DUI offenders in simple DUI cases, not involving other charges or Commercial Driver's License (CDL) issues, to seek entry into a diversion program. If they complete the program's requirements, their DUI conviction is dismissed. In the past, various district attorney offices have responded that they have the discretion to offer pretrial diversion in DUI cases. Although theoretically true, it rarely happens from a practical perspective.

To qualify under the program set by HB379, defendants must meet several criteria, applicable only to first-time offenders charged with a simple DUI: no prior or pending DUI charges, no other pending criminal charges involved in the incident, no pending or (within 15 years) prior DUI diversion programs, not holding a CDL, nor driving commercial motor vehicles, at the time of the incident, and no assault or homicide charges involving the defendant's operation of a motor vehicle.

The program requires any defendant eligible for the DUI diversion program to file a petition, together with a \$490 filing fee, and to request admission to the program, following established deadlines. The defendant must then complete a screening interview to assess any alcohol or substance abuse problems and follow through with any treatment program indicated by the

screening interview. They must agree not to use alcoholic beverages, inhalants, or controlled substances during the program and acknowledge that committing an offense during the program will result in a violation of the agreement. It is mandatory to pay attorney fees and restitution if ordered by the court.

Alaska's Therapeutic Courts are successful and have shown that rehabilitation programs work. DUI Diversion Programs have been successful in other states. Implementing a similar program in our state would bring significant benefits. These programs save court resources and participants have an avenue for addressing the root causes of the offense.