

CS FOR HOUSE BILL NO. 21(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/1/95
Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY

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; and providing for an effective
4 date."

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

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

7 (a) If a peace officer has probable cause **to believe** [AND BASED ON
8 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
9 yet 21 years of age has possessed or used a controlled substance in violation of
10 AS 11.71 **or a municipal ordinance**, or possessed or consumed alcohol in violation
11 of AS 04.16.050 **or a municipal ordinance**, and the peace officer has cited the person
12 or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, **or the**
13 **municipal ordinance**, the peace officer shall read a notice and deliver a copy to the
14 person. The notice must advise that

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

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

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

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

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

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

17 (1) that the officer had probable cause **to believe** [AND BASED ON
18 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
19 21 years of age and has possessed or used a controlled substance in violation of
20 AS 11.71 **or a municipal ordinance**, or possessed or consumed alcohol in violation
21 of AS 04.16.050 **or a municipal ordinance**;

22 (2) that the peace officer has cited the person or arrested the person for

23 **(A) a violation of AS 11.71 or AS 04.16.050; or**

24 **(B) possession or use of a controlled substance or alcohol in**
25 **violation of a municipal ordinance**;

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

27 (4) describing the circumstances surrounding the violation of the
28 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions
29 of AS 04.16.050, **or the municipal ordinance**.

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

31 (g) Except as provided under (h) of this section, the department may not issue

1 a new license or reissue a license to a person whose driver's license, permit, or
2 privilege to drive has been revoked under this section unless the person is enrolled in
3 and is in compliance with, or has successfully completed

4 (1) an alcoholism education and rehabilitation treatment program, if the
5 revocation resulted from possession or consumption of alcohol in violation of
6 AS 04.16.050 or a municipal ordinance; or

7 (2) a drug rehabilitation treatment program, if the revocation resulted
8 from possession or use of a controlled substance in violation of AS 11.71 or a
9 municipal ordinance.

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

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

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

17 (a) A person who is at least 13 years of age but not older than 17 years of age
18 who is adjudicated by a juvenile court of (1) misconduct involving a controlled
19 substance under AS 11.71 or a municipal ordinance, or (2) possession or
20 consumption of alcohol under AS 04.16.050 or a municipal ordinance is subject to
21 revocation of the person's driver's license under (b) of this section.

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

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

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

28 (2) the person has taken and successfully completed a state approved
29 program of drug rehabilitation if convicted of misconduct involving a controlled
30 substance under AS 11.71 or a municipal ordinance, or alcohol rehabilitation if
31 convicted of possession or consumption of alcohol under AS 04.16.050 or a

1 **municipal ordinance**; this paragraph does not apply to a person who resides in an area
2 that does not offer a state approved drug or alcohol rehabilitation program or a person
3 that the court determines does not need alcohol or drug rehabilitation.

4 * **Sec. 7.** APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11.71,
5 or a municipal ordinance that occur on or after the effective date of this Act.

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