

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/9/95  
Referred: Rules

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY, Rokeberg

**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**, or possessed or consumed alcohol in violation  
13 of AS 04.16.050 **or a municipal ordinance**, and the peace officer has cited the person

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

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

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

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

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

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

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

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

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

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

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

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

30 (4) describing the circumstances surrounding the violation of the  
31 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions

1 of AS 04.16.050, or the municipal ordinance.

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

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

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

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

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

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

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

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

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

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

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

3 (2) the person has taken and successfully completed a state approved  
4 program of drug **education or** rehabilitation if convicted of misconduct involving a  
5 controlled substance under AS 11.71 **or a municipal ordinance**, or alcohol **education**  
6 **or** rehabilitation if convicted of possession or consumption of alcohol under  
7 AS 04.16.050 **or a municipal ordinance**; this paragraph does not apply to a person  
8 who resides in an area that does not offer a state approved drug or alcohol **education**  
9 **or** rehabilitation program or a person that the court determines does not need alcohol  
10 or drug **education or** rehabilitation.

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

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