

SENATE BILL NO. 58

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 1/23/97

Referred: HESS, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the privilege to drive of minors and to the penalty for the
2 consumption or possession of alcoholic beverages by persons under 21 years of
3 age."

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

5 * **Section 1.** AS 04.16.050(b) is amended to read:

6 (b) A person who violates (a) of this section is guilty of

7 (1) a violation, **and, upon** [. UPON] conviction **of the violation** in the
8 district court, the court **shall** [MAY] impose a fine of **\$250;**

9 (2) **a class A misdemeanor if the person was previously convicted**
10 **of a violation of (a) of this section or of a municipal ordinance with substantially**
11 **similar elements** [NOT LESS THAN \$100].

12 * **Sec. 2.** AS 04.16.180(a) is amended to read:

13 (a) Except as provided in AS 04.11.015, AS 04.16.025, **04.16.050(b)(1)**
14 [AS 04.16.050(b)], 04.16.051, 04.16.200 - 04.16.210, and AS 04.21.065, a person who

1 violates a provision of this title or a regulation adopted by the board is guilty, upon
2 conviction, of a class A misdemeanor. Each violation is a separate offense.

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

4 (f) A revocation imposed under this section shall be consecutive to a
5 revocation imposed under another provision of law, except that a revocation imposed
6 under this section **for an offense for which a revocation is required under**
7 **AS 28.15.185** shall be concurrent with a revocation imposed under AS 28.15.185 that
8 is based on the same incident. A department hearing officer may grant limited license
9 privileges in accordance with the standards set out in AS 28.15.201 to a person whose
10 driver's license, permit, or privilege was revoked under this section.

11 * **Sec. 4.** AS 28.15.185(a) is amended to read:

12 (a) A person who is at least 13 years of age but not older than 17 years of age
13 **is subject to revocation, under (b) of this section, of the person's driver's license,**
14 **privilege to drive, or privilege to obtain a license if the person** [WHO] is convicted
15 **of** or [WHO] is adjudicated **a delinquent minor** by a [JUVENILE] court **for** [OF]

16 (1) misconduct involving a controlled substance under AS 11.71 or a
17 municipal ordinance with substantially similar elements; **or**

18 (2) [POSSESSION OR CONSUMPTION OF ALCOHOL UNDER
19 AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY
20 SIMILAR ELEMENTS; OR

21 (3) an offense involving the illegal use or possession of a firearm that
22 is punishable under AS 11 or a municipal ordinance with substantially similar elements
23 [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE,
24 PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE UNDER (b) OF
25 THIS SECTION].

26 * **Sec. 5.** AS 28.15.185(c) is amended to read:

27 (c) **When a person described in (a) of this section has been convicted of**
28 **or adjudicated a delinquent minor for** [UPON CONVICTION OR ADJUDICATION
29 OF] an offense listed in (a) of this section, the court may, upon petition of the person,
30 review the revocation and may restore the driver's license, except a court may not
31 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 or adjudicated of misconduct
5 involving a controlled substance under AS 11.71 or a municipal ordinance with
6 substantially similar elements [, OR ALCOHOL EDUCATION OR
7 REHABILITATION IF CONVICTED OR ADJUDICATED OF POSSESSION OR
8 CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL
9 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS]; **however**, this
10 paragraph does not apply to a person who resides in an area that does not offer a state
11 approved drug [OR ALCOHOL] education or rehabilitation program or a person that
12 the court determines does not need [ALCOHOL OR] drug education or rehabilitation.

13 * **Sec. 6. APPLICABILITY.** This Act applies to offenses committed on or after the
14 effective date of this Act. However, references to previous convictions include violations and
15 offenses committed on, before, or after the effective date of this Act.