

HOUSE BILL NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROKEBERG

Introduced: 1/8/01

Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft**
2 **while under the influence of an alcoholic beverage or controlled substance; relating to**
3 **implied consent to take a chemical test; relating to registration of motor vehicles;**
4 **relating to presumptions arising from the amount of alcohol in a person's breath or**
5 **blood; and providing for an effective date."**

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

7 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 FINDINGS AND INTENT. (a) The legislature finds that

10 (1) driving on state highways is a privilege granted to citizens;

11 (2) in order to keep the privilege of driving on state highways, a citizen must
12 follow state laws regarding safe driving;

13 (3) in 1998, there were 71 vehicle-related deaths in the state, and 31 were

1 alcohol-related;

2 (4) Alaska ranks in the top 15 states in terms of alcohol-related traffic
3 fatalities.

4 (b) It is the intent of this Act to reduce the number of alcohol-related traffic accidents
5 and fatalities.

6 * **Sec. 2.** AS 09.60.070(c)(14) is amended to read:

7 (14) driving while **under the influence of an alcoholic beverage or**
8 **controlled substance** [INTOXICATED] or another crime resulting from the operation
9 of a motor vehicle, boat, or airplane when the offender is **under the influence of an**
10 **alcoholic beverage or controlled substance** [INTOXICATED];

11 * **Sec. 3.** AS 11.41.120(a) is amended to read:

12 (a) A person commits the crime of manslaughter if the person

13 (1) intentionally, knowingly, or recklessly causes the death of another
14 person under circumstances not amounting to murder in the first or second degree, **or**
15 **vehicular homicide**; or

16 (2) intentionally aids another person to commit suicide.

17 * **Sec. 4.** AS 11.41 is amended by adding a new section to read:

18 **Sec. 11.41.125. Vehicular homicide.** (a) A person commits the crime of
19 vehicular homicide if the person intentionally, knowingly, or recklessly operates a
20 motor vehicle, aircraft, or watercraft while under the influence of an alcoholic
21 beverage or controlled substance in violation of AS 28.35.030(a) and in a manner that
22 causes the death of another person.

23 (b) Vehicular homicide is a class A felony. Upon conviction, the court shall
24 impose a minimum sentence of imprisonment of not less than

25 (1) 10 years if the person has not been previously convicted; and

26 (2) 15 years if the person has been previously convicted.

27 (c) In this section, "previously convicted" means having been convicted in this
28 or another jurisdiction of vehicular homicide in violation of this section or in violation
29 of another law with similar elements.

30 * **Sec. 5.** AS 12.25.033 is amended to read:

31 **Sec. 12.25.033. Arrest without warrant for operating vehicle while under**

1 **the influence of an alcoholic beverage or controlled substance [INTOXICATED].**

2 A peace officer may arrest a person without a warrant, whether or not the offense is
3 committed in the presence of the officer, when the officer has probable cause to
4 believe that the person to be arrested has committed the crime of operating a motor
5 vehicle, an aircraft, or a watercraft in violation of AS 28.35.030 or a similar city or
6 borough ordinance, if the violation is alleged to have occurred less than eight hours
7 before the time of arrest.

8 * **Sec. 6.** AS 12.55.125(c) is amended to read:

9 (c) **Except as provided under AS 11.41.125, a** [A] defendant convicted of a
10 class A felony may be sentenced to a definite term of imprisonment of not more than
11 20 years, and shall be sentenced to the following presumptive terms, subject to
12 adjustment as provided in AS 12.55.155 - 12.55.175:

13 (1) if the offense is a first felony conviction and does not involve
14 circumstances described in (2) of this subsection, five years;

15 (2) if the offense is a first felony conviction

16 (A) other than for manslaughter and the defendant possessed a
17 firearm, used a dangerous instrument, or caused serious physical injury during
18 the commission of the offense, or knowingly directed the conduct constituting
19 the offense at a uniformed or otherwise clearly identified peace officer, fire
20 fighter, correctional employee, emergency medical technician, paramedic,
21 ambulance attendant, or other emergency responder who was engaged in the
22 performance of official duties at the time of the offense, seven years;

23 (B) for manslaughter and the conduct resulting in the
24 conviction was knowingly directed towards a child under the age of 16, seven
25 years;

26 (3) if the offense is a second felony conviction, 10 years;

27 (4) if the offense is a third felony conviction and the defendant is not
28 subject to sentencing under (1) of this section, 15 years.

29 * **Sec. 7.** AS 18.67.101 is amended to read:

30 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The
31 board may order the payment of compensation in accordance with the provisions of

1 this chapter for personal injury or death that resulted from

2 (1) an attempt on the part of the applicant to prevent the commission of
3 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police
4 officer to do so, or aiding a victim of crime; or

5 (2) the commission or attempt on the part of one other than the
6 applicant to commit any of the following offenses:

7 (A) murder in any degree;

8 (B) manslaughter;

9 (C) criminally negligent homicide;

10 (D) assault in any degree;

11 (E) kidnapping;

12 (F) sexual assault in any degree;

13 (G) sexual abuse of a minor;

14 (H) robbery in any degree;

15 (I) threats to do bodily harm; or

16 (J) driving while under the influence of an alcoholic
17 beverage or controlled substance [INTOXICATED] or another crime
18 resulting from the operation of a motor vehicle, boat, or airplane when the
19 offender is under the influence of an alcoholic beverage or controlled
20 substance [INTOXICATED].

21 * **Sec. 8.** AS 28.10.041 is amended by adding a new subsection to read:

22 (d) The department shall refuse to register a vehicle if the applicant

23 (1) does not have a valid driver's license and the applicant's license or
24 privilege to obtain a license has been suspended or revoked;

25 (2) fails to provide evidence satisfactory to the department that the
26 applicant has motor vehicle insurance as required by AS 28.22; or

27 (3) fails to register the vehicle in the applicant's legal name.

28 * **Sec. 9.** AS 28.15.046(d) is amended to read:

29 (d) The department may not issue a license to an applicant who has been
30 convicted of driving while under the influence of an alcoholic beverage or
31 controlled substance [INTOXICATED] under AS 28.35.030 within two years of the

1 time of application or to an applicant who has two or more convictions for driving
 2 while **under the influence of an alcoholic beverage or controlled substance**
 3 [INTOXICATED] within 10 years of the time of application.

4 * **Sec. 10.** AS 28.15.081(a) is amended to read:

5 (a) The department shall examine every applicant for a driver's license. The
 6 examination must include a test of the applicant's (1) eyesight, (2) ability to read and
 7 understand official traffic control devices, (3) knowledge of safe driving practices, (4)
 8 knowledge of the effects of alcohol and drugs on drivers and the dangers of driving
 9 under the influence of alcohol or drugs, (5) knowledge of the laws on driving while
 10 **under the influence of an alcoholic beverage or controlled substance**
 11 [INTOXICATED], (6) knowledge of the laws on financial responsibility and
 12 mandatory motor vehicle liability insurance, and (7) knowledge of the traffic laws and
 13 regulations of the state. The examination may include a demonstration of ability to
 14 exercise ordinary and reasonable control in the driving of a motor vehicle of the type
 15 and general class of vehicles for which the applicant seeks a license. However, an
 16 applicant who has not been previously issued a driver's license by this or another
 17 jurisdiction shall demonstrate ability and shall present medical information that the
 18 department reasonably requires to determine fitness to safely drive a motor vehicle of
 19 the type and general class of vehicles for which the applicant seeks a license.

20 * **Sec. 11.** AS 28.15.165(c) is amended to read:

21 (c) Unless the person has obtained a temporary permit or stay of a
 22 departmental action under AS 28.15.166, if the chemical test administered under
 23 AS 28.33.031(a) or AS 28.35.031(a) or (g) produced a result described in
 24 AS 28.35.030(a)(2) or the person refused to submit to a chemical test authorized under
 25 AS 28.33.031(a) or AS 28.35.031(a) or (g), the department shall revoke the person's
 26 license, privilege to drive, or privilege to obtain a license, shall refuse to issue an
 27 original license, and, if the chemical test administered under AS 28.33.031(a)
 28 produced a result described in AS 28.33.030(a)(2) or the person refused to submit to a
 29 chemical test authorized under AS 28.33.031(a), shall disqualify the person. The
 30 department's action takes effect seven days after delivery to the person of the notice
 31 required under (a) of this section, and after receipt of a sworn report of a law

1 enforcement officer

2 (1) that a chemical test administered under AS 28.33.031(a) or
3 AS 28.35.031(a) or (g) produced a result described in AS 28.35.030(a)(2), that a
4 chemical test administered under AS 28.33.031(a) produced a result described in
5 AS 28.33.030(a)(2), or that a person refused to submit to a chemical test authorized
6 under AS 28.33.031(a) or AS 28.35.031(a) or (g);

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

8 (3) describing the

9 (A) circumstances surrounding the arrest and the grounds for
10 the officer's belief that the person operated a motor vehicle, commercial motor
11 vehicle, or aircraft while **under the influence of an alcoholic beverage or**
12 **controlled substance** [INTOXICATED] in violation of AS 28.33.030 or
13 AS 28.35.030; or

14 (B) grounds for the officer's belief that the person operated a
15 motor vehicle or commercial motor vehicle that was involved in an accident
16 causing death or serious physical injury to another person.

17 * **Sec. 12.** AS 28.15.166(g) is amended to read:

18 (g) The hearing for review of action by the department under AS 28.15.165
19 shall be limited to the issues of whether the law enforcement officer had **probable**
20 **cause** [REASONABLE GROUNDS] to believe that the person was operating a motor
21 vehicle or commercial motor vehicle that was involved in an accident causing death or
22 serious physical injury to another, or that the person was operating a motor vehicle,
23 commercial motor vehicle, or aircraft while **under the influence of an alcoholic**
24 **beverage or controlled substance** [INTOXICATED] in violation of AS 28.33.030 or
25 AS 28.35.030 and whether

26 (1) the person refused to submit to a chemical test authorized under
27 AS 28.33.031(a) or AS 28.35.031(a) or (g) after being advised that refusal would
28 result in disqualification or the suspension, revocation, or denial of the person's
29 license, privilege to drive, or privilege to obtain a license, and that the refusal is a
30 misdemeanor;

31 (2) the chemical test administered under AS 28.33.031(a) or

1 AS 28.35.031(a) or (g) produced a result described in AS 28.35.030(a)(2); or
 2 (3) the chemical test administered under AS 28.33.031(a) produced a
 3 result described in AS 28.33.030(a)(2).

4 * **Sec. 13.** AS 28.15.181(a) is amended to read:

5 (a) Conviction of any of the following offenses is grounds for the immediate
 6 revocation of a driver's license, privilege to drive, or privilege to obtain a license:

7 (1) manslaughter or negligent homicide resulting from driving a motor
 8 vehicle;

9 (2) a felony in the commission of which a motor vehicle is used;

10 (3) failure to stop and give aid as required by law when a motor
 11 vehicle accident results in the death or personal injury of another;

12 (4) perjury or making a false affidavit or statement under oath to the
 13 department under a law relating to motor vehicles;

14 (5) operating a motor vehicle or aircraft while **under the influence of**
 15 **an alcoholic beverage or controlled substance** [INTOXICATED];

16 (6) reckless driving;

17 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace
 18 officer;

19 (8) refusal to submit to a chemical test authorized under
 20 AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle,
 21 commercial motor vehicle, or aircraft while **under the influence of an alcoholic**
 22 **beverage or controlled substance** [INTOXICATED], or authorized under
 23 AS 28.35.031(g);

24 (9) driving while license, privilege to drive, or privilege to obtain a
 25 license, canceled, suspended, or revoked, or in violation of a limitation;

26 (10) vehicle theft in the first degree in violation of AS 11.46.360 or
 27 vehicle theft in the second degree in violation of AS 11.46.365.

28 * **Sec. 14.** AS 28.15.181(c) is amended to read:

29 (c) A court convicting a person of an offense described in (a)(5) or (8) of this
 30 section arising out of the operation of a motor vehicle, commercial motor vehicle, or
 31 aircraft shall revoke that person's driver's license, privilege to drive, or privilege to

1 obtain a license. The revocation may be concurrent with or consecutive to an
 2 administrative revocation under AS 28.15.165. The court may not, except as provided
 3 in AS 28.15.201, grant limited license privileges during the minimum period of
 4 revocation. The minimum periods of revocation are [:]

5 (1) **not less than 45 days if the person has not been previously**
 6 **convicted and if the court has suspended the execution of the sentence of**
 7 **imprisonment under AS 28.35.030(b)(1)(A)(i);**

8 (2) not less than 90 days if the person has not been previously
 9 convicted **and if the court has not suspended the execution of the sentence of**
 10 **imprisonment under AS 28.35.030(b)(1)(A)(i);**

11 (3) [(2)] not less than one year if the person has been previously
 12 convicted once;

13 (4) [(3)] not less than 3 years if the person has been previously
 14 convicted twice;

15 (5) [(4)] not less than 5 years if the person has been previously
 16 convicted more than twice.

17 * **Sec. 15.** AS 28.15.201(d) is amended to read:

18 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
 19 a license under **AS 28.15.181(c)(2), (3), (4), or (5)** [AS 28.15.181(c)], or the
 20 department when revoking a driver's license, privilege to drive, or privilege to obtain a
 21 license under AS 28.15.165(c), may grant limited license privileges for the final 60
 22 days during which the license is revoked if

23 (1) the revocation was for a violation of AS 28.15.181(a)(5) and not
 24 for a violation of AS 28.15.181(a)(8);

25 (2) the person has not been previously convicted; in this paragraph,
 26 "previously convicted" has the meaning given in AS 28.35.030 and also includes
 27 convictions based on laws presuming that the person was under the influence of
 28 intoxicating liquor if there was 0.08 percent or more by weight of alcohol in the
 29 person's blood;

30 (3) the court or the department determines that the person's ability to
 31 earn a livelihood would be severely impaired without a limited license;

1 (4) the court or the department determines that a limitation under (a) of
 2 this section can be placed on the license that will enable the person to earn a livelihood
 3 without excessive danger to the public; and

4 (5) the court or the department determines that the person is enrolled in
 5 and is in compliance with, or has successfully completed, an alcoholism education and
 6 rehabilitation treatment program.

7 * **Sec. 16.** AS 28.15.201 is amended by adding a new subsection to read:

8 (e) A court revoking a driver's license, privilege to drive, or privilege to obtain
 9 a license under AS 28.15.181(c)(1), or the department when revoking a driver's
 10 license, privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may
 11 grant limited license privileges for the final 30 days during which the license is
 12 revoked. During the remainder of the probationary period imposed under
 13 AS 28.35.030(b)(1)(A)(i) that follows the period of revocation imposed under
 14 AS 28.15.181(c)(1), a person may only obtain limited license privileges. The court
 15 revoking the license and privileges may grant limited license privileges necessary to
 16 enable the person to earn a livelihood without excessive risk or danger to the public.
 17 If the court grants limited license privileges, the court shall issue to the person a
 18 certificate valid for the duration of the probation. The person who has received
 19 limited license privileges under this subsection shall comply with AS 28.20 relating to
 20 proof of financial responsibility. Upon successful completion of probation, the person
 21 may apply for a new license under AS 28.15.211.

22 * **Sec. 17.** AS 28.15.211(d) is amended to read:

23 (d) At the end of a period of revocation or limitation following a revocation, a
 24 person whose driver's license has been revoked may apply to the department for the
 25 issuance of a new license, but shall submit to reexamination, pay all required fees
 26 including a reinstatement fee, and, if the license was revoked under
 27 AS 28.15.181(a)(5) or (8), submit proof of

28 (1) **satisfaction of the terms of probation imposed under**
 29 **AS 28.35.030(b)(1)(A)(i) if the person was sentenced under AS 28.15.181(c)(1);**

30 (2) enrollment in and compliance with or completion of an alcoholism
 31 education and rehabilitation treatment program approved under AS 47.37 if the person

1 was sentenced under AS 28.15.181(c)(2) [AS 28.15.181(c)(1)]; or

2 (3) [(2)] completion of and payment for an alcoholism education and
 3 rehabilitation treatment program approved under AS 47.37 if the person was
 4 sentenced [CONVICTED] under AS 28.15.181(c)(3) - (5) [AS 28.15.181(c)(2) - (4)].

5 * **Sec. 18.** AS 28.15.281 is amended by adding a new subsection to read:

6 (c) A person who violates (b) of this section by knowingly allowing a person
 7 who is not validly licensed as a result of a conviction under AS 28.35.030(n) to drive a
 8 motor vehicle is, upon conviction, guilty of a class A misdemeanor, and the court shall

9 (1) revoke the person's driver's license, privilege to drive, or privilege
 10 to obtain a license for 30 days;

11 (2) impose a minimum fine of \$1,000; and

12 (3) require the person to complete an alcoholism program required
 13 under AS 28.35.030(h).

14 * **Sec. 19.** AS 28.15.291(b) is amended to read:

15 (b) Upon conviction under (a) of this section, the court

16 (1) shall impose a minimum sentence of imprisonment

17 (A) if the person has not been previously convicted, of not less
 18 than 10 days with 10 days suspended, including a mandatory condition of
 19 probation that the defendant complete not less than 80 hours of community
 20 work service;

21 (B) if the person has been previously convicted, of not less than
 22 10 days;

23 (C) if the person's driver's license, privilege to drive, or
 24 privilege to obtain a license was revoked under circumstances described in
 25 AS 28.15.181(c)(1) or (2) [AS 28.15.181(c)(1),] or if the person was driving in
 26 violation of a limited license issued under AS 28.15.201(d) or (e) following
 27 that revocation, of not less than 20 days with 10 days suspended, and a fine of
 28 not less than \$500, including a mandatory condition of probation that the
 29 defendant complete not less than 80 hours of community work service;

30 (D) if the person's driver's license, privilege to drive, or
 31 privilege to obtain a license was revoked under circumstances described in

1 **AS 28.15.181(c)(3), (4), or (5)** [AS 28.15.181(c)(2), (3), OR (4)] or if the
 2 person was driving in violation of a limited license issued under
 3 AS 28.15.201(d) following that revocation, of not less than 30 days and a fine
 4 of not less than \$1,000;

5 (2) may impose additional conditions of probation;

6 (3) may not

7 (A) suspend execution of sentence or grant probation except on
 8 condition that the person serve a minimum term of imprisonment and perform
 9 required community work service as provided in (1) of this subsection;

10 (B) suspend imposition of sentence; and

11 (4) shall revoke the person's license, privilege to drive, or privilege to
 12 obtain a license, and the person may not be issued a new license or a limited license
 13 nor may the privilege to drive or obtain a license be restored for an additional period
 14 of not less than 90 days after the date that the person would have been entitled to
 15 restoration of driving privileges.

16 * **Sec. 20.** AS 28.33.030 is amended to read:

17 **Sec. 28.33.030. Operating a commercial motor vehicle while under the**
 18 **influence of an alcoholic beverage or controlled substance [INTOXICATED].** (a)
 19 A person commits the crime of operating a commercial motor vehicle while **under the**
 20 **influence of an alcoholic beverage or controlled substance** [INTOXICATED] if the
 21 person operates a commercial motor vehicle

22 (1) while under the influence of **an alcoholic beverage**
 23 [INTOXICATING LIQUOR] or any controlled substance;

24 (2) when, as determined by a chemical test taken within four hours
 25 after the alleged offense was committed, there is 0.04 percent or more by weight of
 26 alcohol in the person's blood or 40 milligrams or more of alcohol per 100 milliliters of
 27 blood, or when there is 0.04 grams or more of alcohol per 210 liters of the person's
 28 breath; or

29 (3) while under the combined influence of **an alcoholic beverage**
 30 [INTOXICATING LIQUOR] and a controlled substance.

31 (b) Operating a commercial motor vehicle while **under the influence of an**

1 alcoholic beverage or controlled substance [INTOXICATED] is a class A
2 misdemeanor.

3 (c) The sentencing of a person convicted under this section shall be in
4 accordance with the minimum periods of imprisonment, fines, rehabilitative treatment,
5 and other provisions of AS 28.35.030, as if the person had been convicted of a
6 violation of AS 28.35.030. For purposes of sentencing, convictions for operating a
7 commercial motor vehicle while under the influence of an alcoholic beverage or
8 controlled substance [INTOXICATED] under this section, and for refusal to submit
9 to a chemical test under AS 28.33.032, if arising out of a single transaction, are
10 considered one previous conviction.

11 * **Sec. 21.** AS 28.33.031(a) is amended to read:

12 (a) A person who operates a commercial motor vehicle in this state is
13 considered to have given consent to a chemical test or tests

14 (1) of the person's breath if lawfully arrested for an offense arising out
15 of acts alleged to have been committed when the person was operating the commercial
16 motor vehicle while under the influence of an alcoholic beverage or controlled
17 substance [INTOXICATED]; the test or tests may be administered at the direction of
18 a law enforcement officer who has probable cause [REASONABLE GROUNDS] to
19 believe that the person was operating a commercial motor vehicle while under the
20 influence of an alcoholic beverage or controlled substance [INTOXICATED] in
21 violation of AS 28.33.030 or AS 28.35.030;

22 (2) of the person's breath and blood for the purpose of determining the
23 alcoholic content of the person's breath and blood and is considered to have given
24 consent to a chemical test or tests of the person's blood and urine for the purpose of
25 determining the presence of controlled substances in the person's blood and urine if
26 the person is involved in a motor vehicle accident that causes death or serious physical
27 injury to another person; the test or tests may be administered at the direction of a law
28 enforcement officer who has probable cause [REASONABLE GROUNDS] to
29 believe that the person was operating a commercial motor vehicle that was involved in
30 an accident causing death or serious physical injury to another person.

31 * **Sec. 22.** AS 28.33.031(c) is amended to read:

1 (c) A person who operates a commercial motor vehicle is considered to have
 2 given consent to a preliminary breath test, at the direction of a law enforcement
 3 officer, for the purpose of determining the alcoholic content of the person's blood or
 4 breath. A law enforcement officer may administer a preliminary breath test if the
 5 officer has **probable cause** [REASONABLE GROUNDS] to believe that the person's
 6 ability to operate a commercial motor vehicle is impaired by the ingestion of alcoholic
 7 beverages and that

8 (1) the commercial motor vehicle caused injury to person or property;

9 (2) the person violated the provisions of AS 28.33.130(a) or violated
 10 the terms of an out-of-service order issued under AS 28.33.130; or

11 (3) the person unlawfully operated a commercial motor vehicle; in this
 12 paragraph, "unlawfully" means in violation of any federal, state, or municipal statute,
 13 regulation, or ordinance.

14 * **Sec. 23.** AS 28.33.033(a) is amended to read:

15 (a) Upon the trial of a civil or criminal action or proceedings arising out of
 16 acts alleged to have been committed by a person operating a commercial motor
 17 vehicle while **under the influence of an alcoholic beverage** [INTOXICATED] in
 18 violation of AS 28.33.030, the following rules apply with regard to the amount of
 19 alcohol in the person's blood or breath at the time alleged:

20 (1) if there was less than 0.04 percent by weight of alcohol in the
 21 person's blood, or less than 40 milligrams of alcohol per 100 milliliters of the person's
 22 blood, or less than 0.04 grams of alcohol per 210 liters of the person's breath, that fact
 23 does not give rise to a presumption that the person was or was not under the influence
 24 of an **alcoholic beverage** [INTOXICATING LIQUOR], but that fact may be
 25 considered with other competent evidence in determining whether the person was
 26 under the influence of an **alcoholic beverage** [INTOXICATING LIQUOR];

27 (2) if there was 0.04 percent or more by weight of alcohol in the
 28 person's blood, or 40 milligrams or more of alcohol per 100 milliliters of the person's
 29 blood, or 0.04 grams or more of alcohol per 210 liters of the person's breath, it is
 30 presumed that the person was under the influence of an **alcoholic beverage**
 31 [INTOXICATING LIQUOR].

1 * **Sec. 24.** AS 28.33.033(c) is amended to read:

2 (c) The provisions of (a) of this section may not be construed to limit the
3 introduction of any other competent evidence bearing upon the question of whether
4 the person was or was not under the influence of **an alcoholic beverage**
5 [INTOXICATING LIQUOR].

6 * **Sec. 25.** AS 28.33.140(a) is amended to read:

7 (a) In addition to the court action provided in AS 28.15.181, conviction of any
8 of the following offenses is grounds for immediate disqualification from driving a
9 commercial motor vehicle for the periods set out in this section:

10 (1) operating a commercial motor vehicle while **under the influence**
11 **of an alcoholic beverage or controlled substance** [INTOXICATED] in violation of
12 AS 28.33.030;

13 (2) refusal to submit to a chemical test in violation of AS 28.35.032;

14 (3) operating a motor vehicle while **under the influence of an**
15 **alcoholic beverage or controlled substance** [INTOXICATED] in violation of
16 AS 28.35.030;

17 (4) leaving the scene of an accident in violation of AS 28.35.060, or
18 failing to file, or providing false information in, an accident report in violation of
19 AS 28.35.110;

20 (5) a felony under state or federal law, which was facilitated because
21 the person used a commercial motor vehicle;

22 (6) a serious traffic violation; or

23 (7) driving after being placed out of service in violation of regulations
24 adopted under AS 28.05.011.

25 * **Sec. 26.** AS 28.35.030(a) is amended to read:

26 (a) A person commits the crime of driving while **under the influence of an**
27 **alcoholic beverage or controlled substance** [INTOXICATED] if the person operates
28 or drives a motor vehicle or operates an aircraft or a watercraft

29 (1) while under the influence of **an alcoholic beverage**
30 [INTOXICATING LIQUOR,] or any controlled substance;

31 (2) when, as determined by a chemical test taken within four hours

1 after the alleged offense was committed, there is **0.08** [0.10] percent or more by
 2 weight of alcohol in the person's blood or **80** [100] milligrams or more of alcohol per
 3 100 milliliters of blood, or when there is **0.08** [0.10] grams or more of alcohol per 210
 4 liters of the person's breath; or

5 (3) while the person is under the combined influence of **an alcoholic**
 6 **beverage** [INTOXICATING LIQUOR] and a controlled substance.

7 * **Sec. 27.** AS 28.35.030(b) is amended to read:

8 (b) Except as provided under (n) of this section, driving while **under the**
 9 **influence of an alcoholic beverage or controlled substance** [INTOXICATED] is a
 10 class A misdemeanor. Upon conviction,

11 (1) the court shall impose a minimum sentence of imprisonment of

12 (A) not less than 72 consecutive hours and a fine of not less
 13 than **\$500** [\$250] if the person has not been previously convicted, **except that**
 14 **if**

15 **(i) there were no aggravating circumstances**
 16 **associated with the acts upon which the conviction is based and the**
 17 **person had, as determined by a chemical test taken within four**
 18 **hours after the alleged offense was committed, more than 0.08**
 19 **percent but not more than 0.1 percent by weight of alcohol in the**
 20 **person's blood or more than 80 milligrams but not more than 100**
 21 **milligrams of alcohol per 100 milliliters of blood, or when there are**
 22 **more than 0.08 grams but not more than 0.10 grams of alcohol per**
 23 **210 liters of the person's breath, the court shall suspend the**
 24 **execution of the sentence of imprisonment upon the condition that**
 25 **the person successfully completes one year of probation during**
 26 **which the person does not commit an alcohol-related offense or a**
 27 **traffic offense, the person successfully completes the program**
 28 **requirements imposed under (h) of this section, the person pays the**
 29 **cost of treatment required under (h) of this section, and the person**
 30 **pays the fine imposed by the court under this subparagraph; upon**
 31 **determination by the court that the person has satisfied the terms**

1 **of probation, the court shall discharge the defendant; however, if**
 2 **the court determines that the terms of probation have not been**
 3 **satisfied within one year from the date on which the terms were set**
 4 **by the court, the court shall require the execution of the sentence of**
 5 **imprisonment determined under this subparagraph;**

6 **(ii) the person had, as determined by a chemical test**
 7 **taken within four hours after the alleged offense was committed,**
 8 **more than 0.10 percent by weight of alcohol in the person's blood**
 9 **or more than 100 milligrams of alcohol per 100 milliliters of blood,**
 10 **or when there are more than 0.10 grams of alcohol per 210 liters of**
 11 **the person's breath, the court shall impose a fine of \$1,500;**

12 (B) not less than **30** [20] days and a fine of not less than **\$3,000**
 13 [\$500] if the person has been previously convicted once, **except as provided**
 14 **under (q) of this section;**

15 [(C) NOT LESS THAN 60 DAYS AND A FINE OF NOT
 16 LESS THAN \$1,000 IF THE PERSON HAS BEEN PREVIOUSLY
 17 CONVICTED TWICE AND IS NOT SUBJECT TO PUNISHMENT UNDER
 18 (n) OF THIS SECTION;

19 (D) NOT LESS THAN 120 DAYS AND A FINE OF NOT
 20 LESS THAN \$2,000 IF THE PERSON HAS BEEN PREVIOUSLY
 21 CONVICTED THREE TIMES AND IS NOT SUBJECT TO PUNISHMENT
 22 UNDER (n) OF THIS SECTION;

23 (E) NOT LESS THAN 240 DAYS AND A FINE OF NOT
 24 LESS THAN \$3,000 IF THE PERSON HAS BEEN PREVIOUSLY
 25 CONVICTED FOUR TIMES AND IS NOT SUBJECT TO PUNISHMENT
 26 UNDER (n) OF THIS SECTION;

27 (F) NOT LESS THAN 360 DAYS AND A FINE OF NOT
 28 LESS THAN \$4,000 IF THE PERSON HAS BEEN PREVIOUSLY
 29 CONVICTED MORE THAN FOUR TIMES AND IS NOT SUBJECT TO
 30 PUNISHMENT UNDER (n) OF THIS SECTION;]

31 (2) the court may not, **except as provided under (1)(A)(i) of this**

1 **subsection,**

2 (A) suspend execution of sentence or grant probation except on
3 condition that the person serve the minimum imprisonment under (1) of this
4 subsection;

5 (B) suspend imposition of sentence;

6 (3) the court shall revoke the person's driver's license, privilege to
7 drive, or privilege to obtain a license under AS 28.15.181, and may order the motor
8 vehicle or aircraft that was used in commission of the offense to be forfeited under
9 AS 28.35.036.

10 * **Sec. 28.** AS 28.35.030(h) is amended to read:

11 (h) The court shall order a person convicted under this section to satisfy the
12 screening, evaluation, referral, and program requirements of an alcohol safety action
13 program if such a program is available in the community where the person resides, or
14 a private or public treatment facility approved by the division of alcoholism and drug
15 abuse, of the Department of Health and Social Services, under AS 47.37 to make
16 referrals for rehabilitative treatment or to provide rehabilitative treatment. **The**
17 **Department of Health and Social Services shall, by regulation, establish**
18 **standards for treatment required under this subsection. The treatment**
19 **standards established under this subsection must include compliance with alcohol**
20 **or drug treatment, anger management, counseling, parent training, and domestic**
21 **violence prevention.** If a person is convicted under (n) of this section, the court shall
22 order the person to be evaluated as required by this subsection before the court
23 imposes sentence for the offense. **Treatment required under this subsection shall**
24 **occur, as much as possible, when the person is incarcerated. The cost of**
25 **treatment required under this subsection shall be paid to the state by the person**
26 **being treated. The cost of treatment required to be paid to the state under this**
27 **subsection may not exceed \$2,000. Upon the person's conviction, the court shall**
28 **include reimbursement of the cost of treatment as a part of the sentence. Except**
29 **for reimbursement from a permanent fund dividend as provided in this**
30 **subsection, payment of the cost of treatment is not required if the court**
31 **determines the person is indigent. For costs of treatment that are not paid by the**

1 **person as required by this subsection, the state shall seek reimbursement from**
 2 **the person's permanent fund dividend as provided in AS 43.23.065. In this**
 3 **subsection, "cost of treatment" does not include costs incurred as a result of**
 4 **treatment not required under this subsection.**

5 * **Sec. 29.** AS 28.35.030(k) is amended to read:

6 (k) Imprisonment required under (b)(1)(A) or (B) of this section shall be
 7 served at a community residential center or, if a community residential center is not
 8 available, at another appropriate place determined by the commissioner of corrections.
 9 The cost of imprisonment resulting from the sentence imposed under (b)(1) of this
 10 section shall be paid to the state by the person being sentenced provided, however, that
 11 the cost of imprisonment required to be paid under this subsection may not exceed
 12 **\$2,000** [\$1,000]. Upon the person's conviction, the court shall include the costs of
 13 imprisonment as a part of the judgment of conviction. Except for reimbursement from
 14 a permanent fund dividend as provided in this subsection, payment of the cost of
 15 imprisonment is not required if the court determines the person is indigent. For costs
 16 of imprisonment that are not paid by the person as required by this subsection, the
 17 state shall seek reimbursement from the person's permanent fund dividend as provided
 18 under AS 43.23.065. While at the community residential center or other appropriate
 19 place, a person sentenced under (b)(1)(A) of this section shall perform at least 24
 20 hours of community service work, and a person sentenced under (b)(1)(B) of this
 21 section shall perform at least 160 hours of community service work, as required by the
 22 director of the community residential center or other appropriate place. In this
 23 subsection, "appropriate place" means a facility with 24-hour on-site staff supervision
 24 that is specifically adapted to provide a residence, and includes a correctional center,
 25 [RESIDENTIAL TREATMENT FACILITY, HOSPITAL,] halfway house, group
 26 home, work farm, work camp, or other place that provides varying levels of
 27 restriction; **"appropriate place" does not mean a residential treatment facility or a**
 28 **hospital.**

29 * **Sec. 30.** AS 28.35.030(n) is amended to read:

30 (n) A person is guilty of a class C felony if the person is convicted of driving
 31 while **under the influence of an alcoholic beverage or controlled substance**

1 [INTOXICATED] and has been previously convicted two or more times [WITHIN
 2 THE FIVE YEARS PRECEDING THE DATE OF THE PRESENT OFFENSE]. For
 3 purposes of determining minimum sentences based on previous convictions, the
 4 provisions of (o)(4) of this section apply. Upon conviction, the court

5 (1) shall impose a fine of not less than **\$10,000** [\$5,000] and, **except as**
 6 **provided under (q) of this section,** a minimum sentence of imprisonment of not less
 7 than

8 (A) **one year** [120 DAYS] if the person has been previously
 9 convicted twice;

10 (B) **two years** [240 DAYS] if the person has been previously
 11 convicted three times;

12 (C) **three years** [360 DAYS] if the person has been previously
 13 convicted four or more times;

14 (2) may not

15 (A) suspend execution of sentence or grant probation except on
 16 condition that the person serve the minimum imprisonment under (1) of this
 17 subsection; or

18 (B) suspend imposition of sentence;

19 (3) shall **permanently** revoke the person's driver's license, privilege to
 20 drive, or privilege to obtain a license **subject to restoration of the license under (p)**
 21 **of this section** [UNDER AS 28.15.181(c)];

22 (4) may order as a condition of probation or parole that the person take
 23 a drug or combination of drugs, intended to prevent the consumption of an alcoholic
 24 beverage; a condition of probation imposed under this paragraph is in addition to any
 25 other condition authorized under another provision of law; [AND]

26 (5) **shall** [MAY] also order forfeiture under AS 28.35.036 of the
 27 vehicle or aircraft used in the commission of the offense, subject to remission under
 28 AS 28.35.037; **and**

29 **(6) shall order the department to revoke the registration for any**
 30 **vehicle or aircraft registered by the department in the name of the person**
 31 **convicted under this subsection.**

1 * **Sec. 31.** AS 28.35.030(o) is amended to read:

2 (o) In this section,

3 (1) [REPEALED

4 (2)] "operate an aircraft" means to [USE,] navigate, pilot, or taxi an
5 aircraft in the airspace over this state, or upon the land or water inside this state;

6 **(2) "operate a motor vehicle" and "operate or drive a motor**
7 **vehicle" means to be in control of a moving motor vehicle;**

8 (3) "operate a watercraft" means to navigate [OR USE] a vessel used
9 or capable of being used as a means of transportation on water for recreational or
10 commercial purposes on all waters, fresh or salt, inland or coastal, inside the territorial
11 limits or under the jurisdiction of the state;

12 (4) "previously convicted" means having been convicted in this or
13 another jurisdiction, [WITHIN 10 YEARS PRECEDING THE DATE OF THE
14 PRESENT OFFENSE,] of any of the following offenses; however, convictions for any
15 of these offenses, if arising out of a single transaction and a single arrest, are
16 considered one previous conviction:

17 (A) operating a motor vehicle, aircraft, or watercraft while
18 **under the influence of an alcoholic beverage or controlled substance**
19 [INTOXICATED,] in violation of this section or in violation of another law or
20 ordinance with similar elements, except that the other law or ordinance may
21 provide for a lower level of alcohol in the person's blood or breath than
22 imposed under (a)(2) of this section;

23 (B) refusal to submit to a chemical test in violation of
24 AS 28.35.032 or in violation of another law or ordinance with similar
25 elements; or

26 (C) operating a commercial motor vehicle while **under the**
27 **influence of an alcoholic beverage or controlled substance**
28 [INTOXICATED] in violation of AS 28.33.030 or in violation of another law
29 or ordinance with similar elements, except that the other law or ordinance may
30 provide for a lower level of alcohol in the person's blood or breath than
31 imposed under AS 28.33.030(a)(2).

1 * **Sec. 32.** AS 28.35.030 is amended by adding new subsections to read:

2 (p) Upon request, the department shall review a driver's license revocation
3 imposed under (n)(3) of this section and shall restore the driver's license if

4 (1) the license has been revoked for a period of at least 10 years;

5 (2) the person has not been convicted of a criminal offense since the
6 license was revoked; and

7 (3) the person provides proof of financial responsibility.

8 (q) If a person is convicted under this section and the person had, as
9 determined by a chemical test taken within four hours after the alleged offense was
10 committed, 0.16 percent or more by weight of alcohol in the person's blood or 160
11 milligrams or more of alcohol per 100 milliliters of blood, or when there are 0.16
12 grams or more of alcohol per 210 liters of the person's breath, the court shall

13 (1) add six months to the minimum sentence of imprisonment
14 otherwise required under this section; and

15 (2) require the person to complete a 30-day residential alcoholism
16 treatment program under (h) of this section if such a program is available in the
17 community where the person resides.

18 (r) A person who fails to satisfy alcoholism treatment requirements imposed
19 by the court or an authorized agency under (h) of this section is not eligible for good
20 time deductions credited under AS 33.20.

21 * **Sec. 33.** AS 28.35.031(a) is amended to read:

22 (a) A person who operates or drives a motor vehicle in this state or who
23 operates an aircraft as defined in AS 28.35.030(o) [AS 28.35.030(o)(2)] or who
24 operates a watercraft as defined in AS 28.35.030(o) [AS 28.35.030(o)(3)] shall be
25 considered to have given consent to a chemical test or tests of the person's breath for
26 the purpose of determining the alcoholic content of the person's blood or breath if
27 lawfully arrested for an offense arising out of acts alleged to have been committed
28 while the person was operating or driving a motor vehicle or operating an aircraft or a
29 watercraft while under the influence of an alcoholic beverage or controlled
30 substance [INTOXICATED] or if lawfully arrested under AS 28.35.280 for the
31 offense of minor operating a vehicle after consuming alcohol. The test or tests shall

1 be administered at the direction of a law enforcement officer who has **probable cause**
 2 [REASONABLE GROUNDS] to believe that the person was operating or driving a
 3 motor vehicle or operating an aircraft or a watercraft in this state while **under the**
 4 **influence of an alcoholic beverage or controlled substance** [INTOXICATED] or
 5 that the person was a minor operating a vehicle after consuming alcohol.

6 * **Sec. 34.** AS 28.35.031(b) is amended to read:

7 (b) A person who operates or drives a motor vehicle in this state or who
 8 operates an aircraft or watercraft shall be considered to have given consent to a
 9 preliminary breath test for the purpose of determining the alcoholic content of the
 10 person's blood or breath. A law enforcement officer may administer a preliminary
 11 breath test at the scene of the incident if the officer has **probable cause**
 12 [REASONABLE GROUNDS] to believe that a person's ability to operate a motor
 13 vehicle, aircraft, or watercraft is impaired by the ingestion of alcoholic beverages and
 14 that the person

15 (1) was operating or driving a motor vehicle, aircraft, or watercraft that
 16 is involved in an accident;

17 (2) committed a moving traffic violation or unlawfully operated an
 18 aircraft or watercraft; in this paragraph, "unlawfully" means in violation of any
 19 federal, state, or municipal statute, regulation, or ordinance, except for violations that
 20 do not provide reason to believe that the operator's ability to operate the aircraft or
 21 watercraft was impaired by the ingestion of alcoholic beverages; or

22 (3) was operating or driving a motor vehicle in violation of
 23 AS 28.35.029(a).

24 * **Sec. 35.** AS 28.35.031(g) is amended to read:

25 (g) A person who operates or drives a motor vehicle in this state shall be
 26 considered to have given consent to a chemical test or tests of the person's breath and
 27 blood for the purpose of determining the alcoholic content of the person's breath and
 28 blood and shall be considered to have given consent to a chemical test or tests of the
 29 person's blood and urine for the purpose of determining the presence of controlled
 30 substances in the person's blood and urine if the person is involved in a motor vehicle
 31 accident that causes death or serious physical injury to another person. The test or

1 tests may be administered at the direction of a law enforcement officer who has
 2 **probable cause** [REASONABLE GROUNDS] to believe that the person was
 3 operating or driving a motor vehicle in this state that was involved in an accident
 4 causing death or serious physical injury to another person.

5 * **Sec. 36.** AS 28.35.032(a) is amended to read:

6 (a) If a person under arrest for operating a motor vehicle or aircraft while
 7 **under the influence of an alcoholic beverage or controlled substance**
 8 [INTOXICATED] refuses the request of a law enforcement officer to submit to a
 9 chemical test authorized under AS 28.33.031(a)(1) or AS 28.35.031(a), or if a person
 10 involved in a motor vehicle accident that causes death or serious physical injury to
 11 another person refuses the request of a law enforcement officer to submit to a
 12 chemical test authorized under AS 28.33.031(a)(2) or AS 28.35.031(g), after being
 13 advised by the officer that the refusal will result in the denial or revocation of the
 14 driver's license, privilege to drive, or privilege to obtain a license, that the refusal may
 15 be used against the person in a civil or criminal action or proceeding arising out of an
 16 act alleged to have been committed by the person while operating a motor vehicle or
 17 aircraft while **under the influence of an alcoholic beverage or controlled substance**
 18 [INTOXICATED], and that the refusal is a crime, a chemical test may not be given,
 19 except as provided by AS 28.35.035. If a person under arrest for operating a watercraft
 20 while **under the influence of an alcoholic beverage or controlled substance**
 21 [INTOXICATED] refuses the request of a law enforcement officer to submit to a
 22 chemical test authorized under AS 28.35.031(a), after being advised by the officer that
 23 the refusal may be used against the person in a civil or criminal action or proceeding
 24 arising out of an act alleged to have been committed by the person while operating a
 25 watercraft while **under the influence of an alcoholic beverage or controlled**
 26 **substance** [INTOXICATED], and that the refusal is a crime, a chemical test may not
 27 be given, except as provided by AS 28.35.035.

28 * **Sec. 37.** AS 28.35.032(e) is amended to read:

29 (e) The refusal of a person to submit to a chemical test authorized under
 30 AS 28.33.031(a) or AS 28.35.031(a) or (g) is admissible evidence in a civil or criminal
 31 action or proceeding arising out of an act alleged to have been committed by the

1 person while operating or driving a motor vehicle or operating an aircraft or watercraft
 2 while **under the influence of an alcoholic beverage or controlled substance**
 3 [INTOXICATED].

4 * **Sec. 38.** AS 28.35.032(j) is amended to read:

5 (j) For purposes of this section, convictions for operating or driving while
 6 **under the influence of an alcoholic beverage or controlled substance**
 7 [INTOXICATED] under AS 28.33.030 or AS 28.35.030 and for refusal to submit to a
 8 chemical test under this section, if arising out of a single transaction and a single
 9 arrest, are considered one previous conviction.

10 * **Sec. 39.** AS 28.35.033(a) is amended to read:

11 (a) Upon the trial of a civil or criminal action or proceeding arising out of acts
 12 alleged to have been committed by a person while operating or driving a motor vehicle
 13 or operating an aircraft or a watercraft while **under the influence of an alcoholic**
 14 **beverage or controlled substance** [INTOXICATED], the amount of alcohol in the
 15 person's blood or breath at the time alleged shall give rise to the following
 16 presumptions:

17 (1) If there was **0.04** [0.05] percent or less by weight of alcohol in the
 18 person's blood, or **40** [50] milligrams or less of alcohol per 100 milliliters of the
 19 person's blood, or **0.04** [0.05] grams or less of alcohol per 210 liters of the person's
 20 breath, it shall be presumed that the person was not under the influence of **an**
 21 **alcoholic beverage** [INTOXICATING LIQUOR].

22 (2) If there was in excess of **0.04** [0.05] percent but less than **0.08**
 23 [0.10] percent by weight of alcohol in the person's blood, or in excess of **40** [50] but
 24 less than **80** [100] milligrams of alcohol per 100 milliliters of the person's blood, or in
 25 excess of **0.04** [0.05] grams but less than **0.08** [0.10] grams of alcohol per 210 liters of
 26 the person's breath, that fact does not give rise to any presumption that the person was
 27 or was not under the influence of **an alcoholic beverage** [INTOXICATING
 28 LIQUOR], but that fact may be considered with other competent evidence in
 29 determining whether the person was under the influence of **an alcoholic beverage**
 30 [INTOXICATING LIQUOR].

31 (3) [REPEALED]

1 (4) If there was 0.08 [0.10] percent or more by weight of alcohol in
 2 the person's blood, or 80 [100] milligrams or more of alcohol per 100 milliliters of the
 3 person's blood, or 0.08 [0.10] grams or more of alcohol per 210 liters of the person's
 4 breath, it shall be presumed that the person was under the influence of an alcoholic
 5 beverage [INTOXICATING LIQUOR].

6 * **Sec. 40.** AS 28.35.033(e) is amended to read:

7 (e) The person tested may have a physician, or a qualified technician, chemist,
 8 registered nurse, or other qualified person of the person's own choosing administer a
 9 chemical test in addition to the test administered at the direction of a law enforcement
 10 officer. The failure or inability to obtain an additional test by a person does not
 11 preclude the admission of evidence relating to the test taken at the direction of a law
 12 enforcement officer; the fact that the person under arrest sought to obtain such an
 13 additional test, and failed or was unable so to do, is likewise admissible in evidence.
 14 The person who administers the chemical test shall clearly and expressly inform
 15 the person tested of that person's right to an independent test described under
 16 this subsection, and, if the person being tested requests an independent test, the
 17 department shall make reasonable and good-faith efforts to assist the person
 18 being tested in contacting a person qualified to perform an independent chemical
 19 test of the person's breath or blood.

20 * **Sec. 41.** AS 28.35.035(a) is amended to read:

21 (a) If a person is under arrest for an offense arising out of acts alleged to have
 22 been committed while the person was operating a motor vehicle, aircraft, or watercraft
 23 while under the influence of an alcoholic beverage or controlled substance
 24 [INTOXICATED], and that arrest results from an accident that causes death or
 25 physical injury to another person, a chemical test may be administered without the
 26 consent of the person arrested to determine the amount of alcohol in that person's
 27 breath or blood or to determine the presence of controlled substances in that person's
 28 blood and urine.

29 * **Sec. 42.** AS 28.35.036(a) is amended to read:

30 (a) After conviction of an offense under AS 28.35.030 or 28.35.032, the state
 31 shall [MAY] move the court to order the forfeiture of the motor vehicle [,] or aircraft

1 involved in the commission of the offense if the convicted person has been previously
 2 convicted in this or another jurisdiction [OF MORE THAN ONE OF THE
 3 FOLLOWING OFFENSES] or has [MORE THAN ONCE] been previously convicted
 4 of one of the following offenses:

5 (1) driving while under the influence of an alcoholic beverage or
 6 controlled substance [INTOXICATED] under AS 28.35.030 or another law or
 7 ordinance with substantially similar elements; or

8 (2) refusal to submit to a chemical test under AS 28.35.032 or another
 9 law or ordinance with substantially similar elements.

10 * **Sec. 43.** AS 28.35 is amended by adding a new section to read:

11 **Article 7. Registration of Driving While Under the Influence Offenders.**

12 **Sec. 28.35.300. Registration of driving while under the influence**
 13 **offenders.** (a) A person who is convicted under AS 28.35.030(n) and who is
 14 physically present in the state shall register as provided in this section. The person
 15 shall register

16 (1) within the 30-day period before release from an in-state
 17 correctional facility;

18 (2) by the next working day following conviction under
 19 AS 28.35.030(n) if the offender is not incarcerated at the time of conviction; or

20 (3) by the next working day after becoming physically present in the
 21 state.

22 (b) A person required to register under (a) of this section shall register with the
 23 Department of Corrections if the person is incarcerated or in person at the Alaska state
 24 trooper post or municipal police department located nearest to where the person
 25 resides at the time of registration. To fulfill the registration requirement, the person
 26 shall complete a registration form that includes, at a minimum, the person's name,
 27 address, place of employment, and date of birth.

28 (c) If a person changes residence after having registered under (a) of this
 29 section, the person shall provide written notice of the change by the next working day
 30 following the change to the Alaska state trooper post or municipal police department
 31 located nearest to the new residence or, if the residence change is out of state, to the

1 central registry.

2 (d) The registration form required to be submitted under (b) of this section and
3 the annual or quarterly verifications must be sworn to by the offender and contain an
4 admonition that a false statement shall subject the offender to prosecution for perjury.

5 (e) The duty of a person to comply with the requirements of this section
6 continues until the person's driver's license or privilege to obtain a driver's license is
7 restored under AS 28.35.030(p).

8 (f) In this section, "correctional facility" has the meaning given in
9 AS 33.30.901.

10 * **Sec. 44.** AS 47.37.040(14) is amended to read:

11 (14) cooperate with the Department of Public Safety and the
12 Department of Transportation and Public Facilities in establishing and conducting
13 programs designed to deal with the problem of persons operating motor vehicles while
14 **under the influence of an alcoholic beverage or controlled substance**
15 [INTOXICATED OR UNDER THE INFLUENCE OF DRUGS], and develop and
16 approve alcohol information courses required to be taken by drivers under AS 28.15 or
17 made available to drivers to reduce points assessed for violation of traffic laws;

18 * **Sec. 45.** Section 46 of this Act is repealed June 30, 2003.

19 * **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 PILOT PROJECT; COURT FOR DRIVING WHILE UNDER THE INFLUENCE OF
22 AN ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCE. There is established in
23 the Alaska Court System a court for the purpose of supervising, counseling, evaluating, and
24 assisting individuals convicted of driving while under the influence of an alcoholic beverage
25 or controlled substance under AS 28.35.030(n) or refusal to submit to a chemical test under
26 AS 28.35.032. The court shall be established in a municipality with the largest population in
27 the state. The court may collaborate with local, state, and federal agencies to promote public
28 safety and to reduce recidivism rates for offenders.

29 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 APPLICABILITY. (a) Section 8 of this Act applies to registration of a motor vehicle

1 that occurs on or after the effective date of this Act.

2 (b) This Act applies to offenses committed on or after the effective date of this Act,
3 except that references to previous convictions include convictions occurring before, on, or
4 after the effective date of this Act.

5 * **Sec. 48.** This Act takes effect July 1, 2001.