

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 25, 2007

1:35 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Charlie Huggins, Vice Chair
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Gene Therriault

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 92

"An Act relating to ignition interlock requirements; relating to limited driver's license privileges for persons convicted of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance and requiring certain persons to utilize ignition interlock devices to qualify for a limited driver's license; relating to probation for driving while under the influence of an alcoholic beverage, inhalant, or controlled substance, and refusal to submit to a chemical test; and providing for an effective date."

HEARD AND HELD

CS FOR HOUSE BILL NO. 19(FIN)

"An Act relating to ignition interlock devices; to limited driver's license privileges; and to ignition interlock limited driver's license privileges."

HEARD AND HELD

SENATE CONCURRENT RESOLUTION NO. 3

Urging the governor and the attorney general to expedite the resolution in the courts of the appeal from the decision by the commissioner of natural resources to deny the proposed plans for development of the Point Thomson Unit and to terminate the Point Thomson Unit.

MOVED CSSCR 3(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 92

SHORT TITLE: LIMITED LICENSE IGNITION INTERLOCK

SPONSOR(s): SENATOR(s) FRENCH

02/21/07 (S) READ THE FIRST TIME - REFERRALS
02/21/07 (S) STA, JUD, FIN
03/13/07 (S) STA AT 9:00 AM BELTZ 211
03/13/07 (S) Heard & Held
03/13/07 (S) MINUTE(STA)
03/20/07 (S) STA AT 9:00 AM BELTZ 211
03/20/07 (S) Heard & Held
03/20/07 (S) MINUTE(STA)
03/22/07 (S) STA AT 9:00 AM BELTZ 211
03/22/07 (S) Moved CSSB 92(STA) Out of Committee
03/22/07 (S) MINUTE(STA)
03/23/07 (S) STA RPT CS 2DP 3NR SAME TITLE
03/23/07 (S) DP: MCGUIRE, FRENCH
03/23/07 (S) NR: STEVENS, GREEN, BUNDE
03/29/07 (S) JUD AT 3:30 PM BUTROVICH 205
03/29/07 (S) Scheduled But Not Heard
04/25/07 (S) JUD AT 1:30 PM BELTZ 211

BILL: HB 19

SHORT TITLE: LTD. DRIVER'S LICENSES/IGNITION INTERLOCK

SPONSOR(s): REPRESENTATIVE(s) MEYER

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) STA, JUD, FIN
02/01/07 (H) STA AT 8:00 AM CAPITOL 106
02/01/07 (H) Moved CSHB 19(STA) Out of Committee
02/01/07 (H) MINUTE(STA)
02/05/07 (H) STA RPT CS(STA) NT 6DP 1NR
02/05/07 (H) DP: JOHNSON, JOHANSEN, ROSES,
GRUENBERG, DOLL, LYNN
02/05/07 (H) NR: COGHILL
02/12/07 (H) JUD AT 1:00 PM CAPITOL 120
02/12/07 (H) Heard & Held
02/12/07 (H) MINUTE(JUD)
02/19/07 (H) JUD AT 1:30 PM CAPITOL 120
02/19/07 (H) Moved CSHB 19(JUD) Out of Committee
02/19/07 (H) MINUTE(JUD)
02/21/07 (H) JUD RPT CS(JUD) NT 2DP 4NR 1AM
02/21/07 (H) DP: LYNN, RAMRAS
02/21/07 (H) NR: COGHILL, DAHLSTROM, SAMUELS, HOLMES
02/21/07 (H) AM: GRUENBERG
02/28/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519

02/28/07 (H) Scheduled But Not Heard
03/05/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/05/07 (H) Heard & Held
03/05/07 (H) MINUTE(FIN)
03/27/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/27/07 (H) Moved CSHB 19(FIN) Out of Committee
03/27/07 (H) MINUTE(FIN)
03/28/07 (H) FIN RPT CS(FIN) NT 8DP 3NR
03/28/07 (H) DP: GARA, FOSTER, CRAWFORD, NELSON,
THOMAS, JOULE, MEYER, CHENAULT
03/28/07 (H) NR: HAWKER, STOLTZE, KELLY
03/30/07 (H) TRANSMITTED TO (S)
03/30/07 (H) VERSION: CSHB 19(FIN)
04/02/07 (S) READ THE FIRST TIME - REFERRALS
04/02/07 (S) JUD, FIN
04/25/07 (S) JUD AT 1:30 PM BELTZ 211

BILL: SCR 3

SHORT TITLE: POINT THOMSON UNIT APPEAL
SPONSOR(S): SENATOR(S) THERRIAULT

02/19/07 (S) READ THE FIRST TIME - REFERRALS
02/19/07 (S) JUD
03/22/07 (S) JUD AT 3:30 PM BUTROVICH 205
03/22/07 (S) Heard & Held
03/22/07 (S) MINUTE(JUD)
04/20/07 (S) JUD AT 1:30 PM BELTZ 211
04/20/07 (S) -- MEETING CANCELED --
04/25/07 (S) JUD at 1:30 PM BELTZ 211

WITNESS REGISTER

REPRESENTATIVE KEVIN MEYER
State Capitol Building
Juneau, AK
POSITION STATEMENT: Sponsor of HB 19

MIKE PAWLOWSKI, Staff to
Representative Kevin Meyer
State Capitol Building
Juneau, AK
POSITION STATEMENT: Provided information related to HB 19

NARDA BUTLER, Citizen Activist
Anchorage, AK
POSITION STATEMENT: Spoke in support of HB 19 and SB 92

RODNEY HEBERT, Private Citizen
Anchorage, AK

POSITION STATEMENT: Spoke in support of HB 19 and SB 92

DOUGLAS WOOLIVER, Administrative Attorney
Alaska Court System
Juneau, AK

POSITION STATEMENT: Answered questions related to HB 19 and SB 92

MARTY GREESON
Community Based Action for a Safer Society (CBASS)
Anchorage, AK

POSITION STATEMENT: Supported SB 92 and HB 19

BABETTE MILLER
Smart Start
Anchorage, AK

POSITION STATEMENT: Supported SB 92 and HB 19

KERRY HENNINGS, Licensing Manager
Department of Motor Vehicles
Department of Administration
Anchorage, AK

POSITION STATEMENT: Provided information on SB 92 and HB 19

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at [1:35:09 PM](#). Present at the call to order were Senator Huggins, Senator Wielechowski, Senator Therriault, and Chair French. Senator McGuire arrived shortly thereafter.

HB 19-LTD. DRIVER'S LICENSES/IGNITION INTERLOCK **SB 92-LIMITED LICENSE IGNITION INTERLOCK**

[1:35:30 PM](#)

CHAIR FRENCH announced the consideration of two bills: SB 92, which he had sponsored, and HB 19. Before the committee were CSSB 92(STA) and CSHB 19(FIN). He stated the intention of making the bills internally consistent. Both deal with license revocation as a result of a conviction in a court of law for driving while intoxicated (DWI).

CHAIR FRENCH noted a second type of revocation, an administrative revocation, happens after a driver is pulled over

on suspicion of DWI. The officer at the scene seizes the license and provides a piece of paper good for seven days. If the person does nothing within that time, the license is administratively taken for a certain length of time, based upon how often the person has been convicted; this happens upon review by the Division of Motor Vehicles (DMV). However, to his belief neither bill deals with the administrative revocation period or the different penalties under such a revocation.

CHAIR FRENCH returned to the bills. The court-ordered suspension following conviction falls under AS 28.15.181. The length depends on the number of previous convictions; for example, a second conviction results in a one-year suspension, and a third or subsequent conviction results in a three-year suspension unless it is a felony. He indicated only the Senate bill deals with a felony.

CHAIR FRENCH addressed limited licenses. During the revocation period a court can allow a limited license if the person meets criteria under AS 28.15.201. By contrast, currently someone must wait 30 days no matter what, and then can apply for a limited license if able to prove employment or prove enrollment in and compliance with an alcohol-treatment program, or completion of such a program. Then the person can drive to and from work. It is there that the bills diverge.

1:39:33 PM

REPRESENTATIVE KEVIN MEYER, sponsor of HB 19, introduced himself and Mike Pawlowski.

MIKE PAWLOWSKI, Staff to Representative Kevin Meyer, clarified that a person may apply to both the court and the DMV for a limited license. Thus it can be granted both administratively and through the judicial system. In reply to Chair French, he said he believes that application would be after conviction.

REPRESENTATIVE MEYER noted Ms. Narda Butler, a constituent, had brought this to his attention and done a lot of research. The bill has evolved. At one time it dealt with felonies, but some Representatives felt someone with several DWIs shouldn't be allowed to drive. Now the focus is on the misdemeanor. For the first DWI, the license is suspended 30 days; this bill doesn't change that. In the next 60 days, however, when a person can get a limited license, there is no restriction on where one drives as long as there is an ignition interlock device to ensure the driver is sober. A single mother may drive her kids to school or go to the doctor, for example. Currently a person may drive only

to or from work. The focus of HB 19 is on driving sober. He added that he also likes SB 92.

CHAIR FRENCH opened public testimony.

1:44:07 PM

NARDA BUTLER characterized herself as a quintessential citizen advocate and mother of five - several of them teenagers with some sort of driving privileges - who isn't aligned with any volunteer or paid organization for or against alcohol, ignition interlocks, and so forth. She noted one child has fetal alcohol syndrome (FAS) and is struggling with the driver's test. Because she lives with the damages of alcohol in her home and lives with teenagers who are driving, daily she is looking for ways to keep her kids safe and to help others avoid some of the damages that alcohol has brought into her family.

MS. BUTLER told how she came to know Rodney Hebert. He has a marvelous story of healing and recovery and he allowed the Butler family to walk with him through that process. As a result of that relationship, she became aware of how not being able to drive dramatically affects the ability to be self-supporting and to reenter society. It's a quandary, she said. She wants to keep her kids safe, she has no love for alcohol and yet she sees how difficult it is for someone to overcome years of alcoholism.

MS. BUTLER explained that she attended the international ignition interlock symposium last year and the most compelling reason for creating an ignition interlock program is the fact that 75 percent of the folks who have had their license revoked drive anyway. Really the goal is to prevent these high risk drivers from driving drunk and that's what these programs can do. She made nine points: 1) Ignition interlock devices (IID) save lives. More than one study has shown that recidivism rates drop by 65 percent or more for the individuals who use IIDs as compared to the offenders who do not. 2) Ignition interlocks only work when they are on the cars of this high-risk driving population. 3) The most comprehensive interlock programs have both a judicial and an administrative component. 4) Ignition interlock devices are not easy to circumvent.

1:50:39 PM

MS. BUTLER continued. 5) Ignition interlocks pass the test for being effective, cost effective, and fair. The offender, not the public, pays for the bulk of the program. A study in Sweden found a \$1,200 savings for two years in terms of fewer medical visits, less work time lost to illness, and fewer benefits paid

out. She noted that the average cost for arrest, conviction, and 30-day incarceration for driving with a revoked or suspended license is about \$1,200. Between January 2001 and the end of 2005 Alaska had 6,900 cases for driving with a revoked or suspended license. The total five-year cost amounted to \$10,350,000. Reducing that figure by even 40 percent would be significant. 6) The longer a person is driving illegally and isn't caught, the more he or she is likely to do so. Eliminate the opportunity to practice driving illegally by requiring the use of an interlock device as soon as possible following conviction, and by increasing the sanctions for driving with a revoked or suspended license. 7) Mothers Against Drunk Driving (MADD) supports the use of ignition interlocks, including first-time offenders. New Mexico is the best model of a successful judicial interlock program. Interlocks are immediately mandatory for all drunk driving offenders. 8) Ignition interlocks allow offenders to participate as productive members of society. Offenders who are not productive are consumptive and cost society. 9) The main obstacle to creating a comprehensive interlock program is the false perception that this is lenient on the drunk driver. But statistically the use of ignition interlocks is the next best step in combating drunk driving, reducing accidents, reducing injuries, and reducing deaths.

[1:54:39 PM](#) Senator McGuire joined the committee.

MS. BUTLER stated that SB 92 wins in terms of requiring the use of an interlock for most offenders and it extends the judicial authority. It loses because it requires the use of an interlock only after the period of license revocation and it does not include first-time offenders. HB 19 wins from the perspective of being an attempt to capture high-risk drivers who are outside the judicial system. Also it requires the use of an ignition interlock during the period of license revocation. If it were combined with a strong judicial component it would dramatically strengthen Alaska's efforts to combat drunk driving. It loses on two counts. It maintains a 30-day hard suspension period and it restricts the use of interlock devices to misdemeanants.

[1:56:20 PM](#)

SENATOR WIELECHOWSKI referred to a letter from Commissioner Monegan citing the results of implementing an interlock program in Canada. DWI rates were reduced by 80 percent during the first 12 months for first-time offenders. He said he wonders about extending this to first time offenders.

MS. BUTLER supported that idea.

SENATOR WIELECHOWSKI asked about Alaska statistics on repeat offenders.

CHAIR FRENCH said there were 4,449 DWI arrests last year and 20 percent were dismissed. Of the remaining, 3,000 were first offenders and 1,250 were repeat offenders.

SENATOR HUGGINS asked how to recalibrate an interlock device.

MS. BUTLER deferred to Ms. Miller from Smart Start.

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CHAIR FRENCH said the statement that 75 percent of the people who have had their license revoked drive anyway comports with his experience as a prosecutor. With that in mind, he asked why a person who is willing to drive without a license would be willing to pay \$100 a month to drive legally instead rather than continuing to drive illegally.

MS. BUTLER said there are two reasons. First, some of these high-risk drivers have changed their lives and want to live within the law. The other reason relates to passing legislation that provides incentives. For example, subtracting the cost of the device from a court ordered fine. It's a carrot and stick approach to encourage participation. Based on HB 19 she estimates there might be 10 percent compliance. That's a good start but adding a judicial component and capturing people at the beginning of the recidivism cycle will capture a larger percentage of that population, she stated.

CHAIR FRENCH said it's a good argument.

SENATOR WIELECHOWSKI said he presumes that if a family has just one car, other family members would have to use the interlock device.

MS. BUTLER said yes. A family would have to make a choice; everyone would have to learn how to use the device or the offender wouldn't be able to drive.

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RODNEY HEBERT, testifying as a private citizen, explained what this legislation means to him. If he were to return to prison for driving without a license, he would lose his house, his job, and his freedom. Essentially he'd go back to the lifestyle he's known his entire life. He said he's been drinking since he was a

fetus and has been in and out of prison for 18 years. For over 5 years he's been clean and sober. He holds a responsible job and has purchased a house. "We can't expect people to make the right choice if we don't give them the right choice to make," he said. Since he quit drinking and can see the next right choice to make, his life has totally changed. He urged the committee to pass legislation to protect society even if it's difficult. "If we can stop one person from killing another because of DWI, then I think that this is all worth it," he stated.

2:08:08 PM

MARTI GREESON, Community Based Action for a Safer Society (CBASS), said this is an eight year old community coalition that addresses the ways that alcohol abuse and underage drinking harms families in Alaska. During a 2006 town hall meeting the Anchorage community identified primary legislative concerns. A top issue was to support the use an ignition interlock device as part of a comprehensive approach to deter drunk driving. Driving is a privilege. If a person loses their license as a result of an alcohol related driving offense and the offender is offered a second privilege to a restricted license, an interlock device ensures that the person does not have the opportunity to make the same bad decision.

2:10:00 PM

BABETTE MILLER, Smart Start, said she is available to answer questions related to ignition interlocks. Turning to the calibration issue she explained that most clients come in once a month for calibration. That involves downloading data from a person's system and recalibrating the head by blowing ethanol into the unit. This is to ensure that the unit correctly registers alcohol. The Department of Corrections requires recalibration every 90-days, but her company requires it at least every 67 days.

CHAIR FRENCH asked about safety features and what might happen if too much time passes between calibrations.

MS. MILLER answered the person's car won't start.

CHAIR FRENCH asked her to remind the committee about: the cost to install an interlock; the monthly fee; and the cost to remove the device.

MS. MILLER replied her company charges: \$100 for the installation; \$125 for the monthly lease, which includes calibration; and \$50 to remove the device. Responding to a

question from Chair French she said they prefer to calibrate the device every 30 days.

[2:12:31 PM](#)

CHAIR FRENCH referred to bill section 2 and asked the sponsor to discuss the circumstance where a person can't reasonably have an IID installed.

MR. PAWLOWSKI explained that this provision is intended to give an "out" for a person to apply to the court system rather than DMV because range 10 clerks should not make these types of decisions. Working through the court system regarding "reasonable" seemed to be a good standard to use, he said.

CHAIR FRENCH summarized this provision is principally for motor vehicles, such as four-wheelers, motorcycles, and snow machines, that don't easily adapt to these devices and for financial reasons.

MR. PAWLOWSKI yes, and the financial consideration is primarily due to geography, but no distinction is drawn between financial considerations in a rural area versus an urban area.

[2:15:44 PM](#)

SENATOR THERRIAULT asked if a driver's license is required in those settings where a person can legally drive a four-wheeler on the highway.

MR. PAWLOWSKI replied his understanding is that a license is required.

SENATOR THERRIAULT said he thought that four-wheelers can't be licensed for use on public roads and so a driver's license isn't required.

[2:16:16 PM](#)

KERRY HENNINGS, Manager, Driver Licensing, Division of Motor Vehicles (DMV), Department of Administration, clarified that some rural communities, by ordinance, allow the operation of snow machine and ATVs within city limits. She believes that is what is addressed in the provision.

SENATOR THERRIAULT asked if a driver's license is needed to operate ATVs in those locations.

MS. HENNINGS said a driver's license is required.

CHAIR FRENCH asked if a judge in any community could forego an IID and issue a limited license strictly for driving to and from work if the person showed proof of having completed or was in compliance with an alcohol treatment program.

MR. PAWLOWSKI said that's correct.

CHAIR FRENCH, noting that HB 19 adds a provision that allows a court to impose an IID upon conviction, asked how bill sections 5 and 6 work.

MR. PAWLOWSKI relayed those were added in the finance committee. His understanding is that the court was not addressing the existing interlock law that allows an IID to go on as part of probation so those sections require the court to consider AS 12.55.102.

[2:19:45 PM](#)

CHAIR FRENCH added that on is the DWI statute and the other felony DWI statute so the court could consider the use of an IID as a condition of probation.

MR. PAWLOWSKI agreed.

SENATOR WIELECHOWSKI asked if it the sponsor would object to requiring an IID for life for a multiple offender.

MR. PAWLOWSKI said he didn't believe the sponsor would object, but the issue relates to practicality. Revocations run consecutively so a person could be required to have an IID in his or her car, but they might not actually be eligible to drive for 20 to 30 years. We couldn't get around that, he said.

SENATOR WIELECHOWSKI said that makes sense but he wonders how to get the people who have dozens of DWI offenses.

MR. PAWLOWSKI responded that the idea is to give those people a legal way to drive. The flip side of the argument is those offenders will simply buy another vehicle since they are already driving illegally.

[2:22:23 PM](#)

CHAIR FRENCH recapped the mechanics of HB 19. For a first time DWI the license is taken for 90 days and after 30 days the offender may install an IID and drive for the remaining 60 days under the probation conditions. After the 60 days, the IID would be removed and the person could drive as a regular citizen.

MR. PAWLOWSKI said that's correct unless an additional probation requirement was added.

CHAIR FRENCH said the same idea prevails for a second DWI. There would be a 90-day hard revocation and then 270 days driving with an IID. At the end of that period the IID would come off and the person would drive as a regular citizen subject to any probation provisions.

MR. PAWLOWSKI agreed; that's on page 4, lines 8 through 11. It's the same structure as the current limited license.

CHAIR FRENCH asked about time periods for a third DWI that didn't result in a felony conviction.

MR. PAWLOWSKI replied the 90-day revocation applies to any level of multiple offender. The limited license period would go longer. The minimum revocation for a multiple offender is 3 years.

MR. PAWLOWSKI stated that the sponsor wanted to highlight that sections 5 and 6 of HB 19 interact with SB 92.

CHAIR FRENCH observed that the biggest conflict is with respect to Section 2 and when it's possible to get around the ignition interlock. The Senate State Affairs took a geographic approach and mirrors insurance requirements. If you need insurance you must have an ignition interlock and if you don't need insurance you don't have to have an ignition interlock. "That's an area where we'll have to figure out what to do," he said.

[2:26:21 PM](#)

CHAIR FRENCH turned to SB 92 and noted that it takes a little different approach by focusing on the probation revocation period. He read the sponsor statement into the record as follows:

Senate Bill 92 uses modern technology to combat the chronic problem of drunk driving in Alaska. Ignition interlock devices are used across the nation to prevent individuals from starting and driving their vehicles while intoxicated. Alaska has one of the highest DUI rates per capita in the nation - and many of those convicted are multiple offenders. According to 2006 statistics, nearly a third of the DUI cases in

that year involved a drunk driver who'd been convicted of the same offense in the past.

This legislation would require the use of an ignition interlock device ("IID") during the entire length of probation for repeat DUI offenders and first DUI time offenders that have a blood alcohol level over .15 upon arrest. In order for a repeat offender to legally get behind the wheel again, an ignition interlock must be installed. The cost of the device is borne by the offender.

Similarly, if a judge grants a limited license driving privilege to an offender during his or her period of license revocation, this bill requires the use of an IID for repeat offenders or first time offenders who blow over a .15.

CHAIR FRENCH relayed that for a first DUI a person would lose their license for 90 days and they would probably be on probation for 3 years. For a second DUI there would be probation for 5 years and a third offense would probably bring probation for 10 years. Under SB 92 the affects are more severe in that an IID will be required for much longer, but the idea is to address repeat offenders. That's the basic difference between the bills, he said.

[2:28:36 PM](#)

DR. DON ROGERS, Partners for Progress board member and former state medical examiner said he has participated in many DUI trials and revocation hearings. He stated that among the three sentencing provisions for DUI offenders - imprisonment, fines, and license revocation - the latter is the area that needs the most careful focus to protect the public. The overriding goal in any legislation that deals with license revocation and the use of IIDs should be to establish a system that best protects the public against repeat drunk drivers. It's important to examine the realities of license revocation from the offender's perspective. Today driving is a necessity for leading a productive life in terms of getting and keeping a job, getting to school, caring for a family, buying groceries, and keeping appointments. New IID technology provides a way to protect the public from drunk drivers while recognizing this necessity. These devices offer a long-needed method for separating driving from drinking.

Partners for Progress recommendations for this legislation are based on a recent survey of IIDs. The national MADD organization has reviewed the experience of other states and it recommends that all DUI offenders be required to obtain an interlock device. He suggested that the sponsors work together to craft a single bill requiring all repeat DUI offenders to use an IID while on probation or parole. National data shows that IIDs are an effective tool for reducing recidivism provided the offender begins using the device under probationary or parole supervision.

The Alaska Judicial Council recently released data showing that most recidivism occurs in the first year following release from prison. When an offender is reestablishing him or herself in the community is when he or she should be using an IID. To do otherwise will encourage driving without a license increasing the likelihood that the person will enter the revolving door of repeat addiction crime. The court system reports that there are as many driving without license cases as DUI cases. This is a costly and dangerous syndrome, he said.

DR. ROGERS urged the committee to take time now to develop provisions to include felony DUI offenders in the IID system. The potential benefit to public protection through this interlock legislation is greatest with felony DUIs. MADD reports that 50-75 percent of repeat drunk driving offenders once again drive drunk within the first year of release from prison. Many of these individuals are felons. Court data also shows that people with revoked licenses are likely to drive anyway. Pass legislation that reflects this reality and put felons on IIDs as a condition of probation or parole. The cost of not doing this is huge and the public will pay that price. If Alaska does it right, IIDs can be a powerful tool in reducing the high rate of DUI crimes in the state, but this requires clear focus on protection for the public.

DR ROGERS highlighted that the data shows that graduates from therapeutic courts are far less likely to recidivate than offenders who have gone through the traditional correction system. He asked the committee to incorporate license provisions to encourage more offenders to enter and complete therapeutic courts. Also give the court the discretion to grant IID limited license privileges to both misdemeanant and felony therapeutic court participants so they can attend court-ordered treatment programs. The legislation should also include a provision to allow graduates of therapeutic courts to apply for restoration of a revoked license after three years of successful driving

with an IID limited license. These provisions will provide powerful incentives to increase the number of DUI offenders who enter and complete the difficult 18-month court-ordered treatment program, he stated.

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JANET McCABE, Partners for Progress, emphasized Dr. Rogers' and Ms. Butler's testimony. The bill needs quite a bit of recrafting particularly with regard to including felons, she said.

[2:36:45 PM](#)

CHAIR FRENCH asked Ms. Miller if her company could handle the volume if the 3,000 first-time offenders and 1,200 multiple offenders were each required to have an IID and she said yes. He asked how long it takes to install a device, how many employees she has, and how long it takes to train someone to install and calibrate an IID.

MS. MILLER replied it takes 30 to 45 minutes to install an IID and 30 minutes to train someone to use it. Currently she has 8 contract locations in Ketchikan, Juneau, Kodiak, Dillingham, Valdez, Kenai, Homer, and Seward; 2 offices; 4 mobile units; and 7 more employees who install and train.

CHAIR FRENCH asked who covers the Anchorage and Fairbanks markets.

MS. MILLER said her company covers both those markets. She clarified that the 8 locations she mentioned are contractors who have their own shops and employees.

[2:39:11 PM](#)

CHAIR FRENCH asked Mr. Wooliver to shed light on why last year less than 10 percent of first offenders and 3 percent of multiple offenders received a limited license.

DOUGLAS WOOLIVER, Administrative Attorney, Alaska Court System, explained that the court system almost never awards limited licenses. He understands that DMV awards very few limited licenses simply because few people apply for them.

MS. HENNINGS said that DMV is at a loss to explain why there are not more applicants. When the multiple offender limited license law passed, the division expected to be inundated, but that hasn't happened.

CHAIR FRENCH asked if there is cost associated with getting a limited license.

MS. HENNINGS said the application fee is \$100 and the employer must sign off that the license will be used during work hours. Also the applicant must complete certain requirements and have proof of insurance. Then DMV gives the applicant any necessary test depending on how long the person hasn't been licensed. Calibration results are forwarded to DMV from Smart Start.

CHAIR FRENCH asked who currently does and does not get an IID on a limited license.

MS. HENNINGS explained that an IID is not required on a first-offender limited license unless it's ordered by the court. A multiple offender must have an IID.

CHAIR FRENCH observed that something is keeping 92 percent of first-time offenders from getting a limited license.

[2:42:42 PM](#)

MS. HENNING said judging from the records she's reviewed, a number of these people have committed driving while license revoked offenses. That makes them ineligible for a limited license. "They would have been eligible for a multi-offender limited license, but they continued to drive illegally," she said. When the multiple offender law went in, those offenders were automatically ineligible due to their current status of driving while revoked.

CHAIR FRENCH commented under the current statutes there is an interplay between the DWI revocations and the driving while license revoked (DWLR) revocations that prevents some people from getting a limited license. Ms. Hennings agreed. He asked if HB 19 overcomes that glitch.

[2:43:47 PM](#)

MR. PAWLOWSKI said no; many people expressed the view that a license only to drive to and from work wasn't worth the trouble. With respect to dealing with the issue of driving with a suspended license, he said we took several shots at it, but the nexus was too difficult.

CHAIR FRENCH asked for clarification that even if HB 19 were to pass, an offender who is stopped for a DWI or for driving with a suspended license would receive a one-year hard revocation and then come under the terms of probation after that.

MS. HENNINGS said that's correct.

[2:44:57 PM](#)

SENATOR THERRIAULT asked for a copy of AS 28.22.011(b) that lists the communities where an IID would not be required.

CHAIR FRENCH directed his attention to the bill packet and noted that it reflects the approach taken in SB 92 with respect to geographic restrictions.

SENATOR THERRIAULT asked if he considered the route the House bill takes, which is to leave the decision to a judge.

CHAIR FRENCH said yes, but ultimately it seemed to be a better idea to have one rule to fit all cases instead of letting a judge decide. The Anchorage District Court is a good example because 6 judges could come to 6 very different decisions on the same set of facts. There would be a fairly even-handed application of the law when there's just one judge, but when there are several judges and each has a personal interpretation for what reasonable is, there may be a loophole that wouldn't benefit public safety.

[2:46:25 PM](#)

CHAIR FRENCH, finding no further questions or comments, held SB 92 in committee.

At ease from 2:46 30 to [2:47:37 PM](#).

SCR 3-POINT THOMSON UNIT APPEAL

[2:47:41 PM](#)

CHAIR FRENCH announced the consideration of SCR 3. He asked Senator Therriault if any changes had been made since the committee considered it last.

SENATOR THERRIAULT said no and reminded members that the language on page 3, line 10, is new. Lines 24 and 25 also contain new language that says, "or facilitate a successful resolution to the unit and lease dispute..." anticipating that a resolution could be negotiated outside court.

He asked the committee to consider amending page 1, line 1, to delete the words "in the courts" to reflect the possibility of a resolution outside the court. It would be an expedited resolution of the appeal.

[2:49:05 PM](#)

CHAIR FRENCH asked for a motion to adopt version K committee substitute (CS) for SCR 3.

SENATOR THERRIAULT moved CSSCR 3, labeled 25-LS0446\K as the working document.

CHAIR FRENCH restated Amendment 1, which is to delete the words "in the courts" from page 1, line 1.

[2:49:26 PM](#)

SENATOR THERRIAULT moved Amendment 1.

CHAIR FRENCH announced that without objection Amendment 1 is adopted. Finding no further questions, comments, or discussion he asked for a motion.

[2:49:53 PM](#)

SENATOR THERRIAULT motioned to report CSSCR 3(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

There being no further business to come before the committee, Chair French adjourned the meeting at [2:50:13 PM](#).