

**SENATE BILL NO. 239**

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

**BY SENATOR MEYER**

**Introduced: 1/25/10**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to ignition interlock devices, to refusal to submit to a chemical test, and**  
2 **to driving while under the influence."**

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

4 **\* Section 1.** AS 12.55.102(a) is amended to read:

5 (a) The court **shall** [MAY] order as a condition of probation or generally as  
6 part of a sentence that a defendant convicted of an offense involving the use,  
7 consumption, or possession of an alcoholic beverage may not operate a motor vehicle  
8 during the period of probation unless the vehicle is equipped with a properly  
9 functioning, monitored, and maintained ignition interlock device. A condition of  
10 probation or sentence imposed under this subsection takes effect after any period of  
11 license revocation imposed under AS 28.15.165(d) or 28.15.181(c).

12 **\* Sec. 2.** AS 28.35.030(t) is amended to read:

13 (t) Notwithstanding (b) **or** [,] (n) [, OR (r)] of this section, the court shall  
14 waive the requirement of the use of an ignition interlock device when a person

1 operates a motor vehicle in a community included on the list published by the  
2 department under AS 28.22.011(b).

3 \* **Sec. 3.** AS 28.35.030 is amended by adding a new subsection to read:

4 (v) When imposing sentence under this section, the court shall require the  
5 person to serve a period of probation following the period of imprisonment. The  
6 period of probation is the period that the person is required to use an ignition interlock  
7 device or five years, whichever is greater.

8 \* **Sec. 4.** AS 28.35.032 is amended by adding a new subsection to read:

9 (v) When imposing sentence under this section, the court shall require the  
10 person to serve a period of probation following the period of imprisonment. The  
11 period of probation is the period that the person is required to use an ignition interlock  
12 device or five years, whichever is greater.

13 \* **Sec. 5.** AS 12.55.102(e)(2) and AS 28.35.030(r) are repealed.