

HOUSE BILL NO. 253

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/17/17

Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an affirmative defense for driving while under the influence."**

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

3 * **Section 1.** AS 28.35.030 is amended by adding a new subsection to read:

4 (v) It is an affirmative defense to a prosecution under (a) of this section that

5 (1) the defendant's operation of the motor vehicle was limited to using
6 the vehicle's heater or starting the vehicle to use the vehicle's heater;

7 (2) a reasonable person would seek shelter and heat because of the
8 temperature or weather conditions at the time the defendant operated the motor
9 vehicle; and

10 (3) the defendant did not otherwise drive or attempt to drive the motor
11 vehicle.

12 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **APPLICABILITY.** This Act applies to offenses committed on or after the effective
15 date of this Act.