

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

CS
2 SENATE BILL NO. 322

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to operating a motor vehicle while
7 under the influence of intoxicating liquor or narcotic
8 drugs; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.35.030 is amended to read:

11 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
12 LIQUOR OR DRUGS. A person who, while under the influence of
13 intoxicating liquor or narcotic drugs, operates or drives an automobile,
14 motorcycle or other motor vehicle in the state upon conviction is
15 punishable by a fine of not more than \$1,000, or by imprisonment for
16 not more than one year, or by both. Upon a second conviction within
17 five years after a first conviction under this section, the court shall
18 impose a minimum sentence of imprisonment of not less than three days.
19 Upon a subsequent conviction within five years after a second convic-
20 tion under this section, the court shall impose a minimum sentence of
21 imprisonment of not less than 10 days. The execution of sentence may
22 not be suspended nor may probation or parole be granted until the
23 minimum imprisonment provided in this section has been served, nor may
24 imposition of sentence be suspended, except upon the condition that
25 the defendant be imprisoned for no less than the minimum period pro-
26 vided in this section. In addition, his operator's license may be
27 limited or suspended in accordance with AS 28.15.260(a).

28 * Sec. 2. This Act takes effect on the day after its passage and
29 approval or on the day it becomes law without approval.