

Introduced: 3/17/78  
Referred: Judiciary

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

*FCS HCS*

2 SENATE BILL NO. 552

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol."

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

8 \* Section 1. The legislature finds that violations of AS 28.35.030 arise  
9 from misinformation about drugs or alcohol or the chronic abuse of drugs and  
10 alcohol, and further finds that participation in alcohol and drug information  
11 and rehabilitation programs is efficacious in preventing a recurrence of vio-  
12 lations of AS 28.35.030.

13 \* Sec. 2. AS 28.35.030 is amended to read:

14 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING  
15 LIQUOR OR DRUGS. (a) A person who, while under the influence of in-  
16 toxicating liquor, depressant, hallucinogenic or stimulant drugs or  
17 narcotic drugs as defined in AS 17.10.230(13) and AS 17.12.150(3)  
18 operates or drives an automobile, motorcycle or other motor vehicle in  
19 the state, upon conviction, is punishable by a fine of not more than  
20 \$1,000, or by imprisonment for not more than one year, or by both. Upon  
21 a second conviction within five years after a first conviction under  
22 this section, the court shall impose a minimum sentence of imprisonment  
23 of not less than three days. Upon a subsequent conviction within five  
24 years after a second conviction under this section, the court shall  
25 impose a minimum sentence of imprisonment of not less than 10 days. The  
26 execution of sentence may not be suspended nor may probation or parole  
27 be granted until the minimum imprisonment provided in this section has  
28 been served, nor may imposition of sentence be suspended, except upon  
29 the condition that the defendant be imprisoned for no less than the

1 minimum period provided in this section, nor may the punishment provided  
2 for in this section be reduced under AS 11.05.150. In addition, his  
3 operator's license shall be revoked in accordance with AS 28.15.210(c).  
4 In addition, a person convicted under this statute shall undertake, for  
5 a term specified by the court, that program of alcohol education or  
6 rehabilitation which the court, after consideration of any information  
7 compiled under (b) of this section, finds appropriate.

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

9 (b) Except as prohibited by federal law or regulation, every  
10 provider of treatment programs to which persons are ordered under (a) of  
11 this section shall supply the Alaska court system with the information  
12 regarding the condition and treatment of those persons as the supreme  
13 court may require by rule. Information compiled under this subsection  
14 is confidential and may only be used by a court in sentencing a person  
15 convicted under (a) of this section, or by an officer of the court in  
16 preparing a presentence report for the use of the court in sentencing a  
17 person convicted under (a) of this section.

18 \* Sec. 4. AS 47.37.210(a) is amended to read:

19 (a) Except as required by AS 28.35.030(b), the [THE] registration  
20 and other records of treatment facilities shall remain confidential and  
21 are privileged to the patient.