

Original sponsor: Rules Committee
by request

Offered: 6/9/78
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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 effective 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 person who, while under the influence of intoxica-
16 ting liquor, depressant, hallucinogenic or stimulant drugs or narcotic
17 drugs as defined in AS 17.10.230(13) and AS 17.12.150(3) operates or
18 drives an automobile, motorcycle or other motor vehicle in the state,
19 upon conviction, is punishable by a fine of not more than \$1,000, or by
20 imprisonment for not more than one year, or by both and [. UPON A
21 SECOND CONVICTION WITHIN FIVE YEARS AFTER A FIRST CONVICTION UNDER THIS
22 SECTION,] the court shall impose a minimum sentence of imprisonment of
23 not less than three consecutive days. Upon a subsequent conviction
24 within five years after a [SECOND] conviction under this section, the
25 court shall impose a minimum sentence of imprisonment of not less than
26 10 consecutive days. The execution of sentence may not be suspended nor
27 may probation or parole be granted until the minimum imprisonment pro-
28 vided in this section has been served, nor may imposition of sentence be
29 suspended, except upon the condition that the defendant be imprisoned

1 for no less than the minimum period provided in this section, nor may
2 the punishment provided for in this section be reduced under AS 11.05.-
3 150. In addition, his operator's license shall be revoked in accordance
4 with AS 28.15.210(c). In addition, a person convicted under this
5 statute shall undertake, for a term specified by the court, that program
6 of alcohol education or rehabilitation which the court, after considera-
7 tion of any information compiled under (b) of this section, finds
8 appropriate.

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

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

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

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