

Introduced: 5/1/78
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 609

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. AS 28.35.030 is amended to read:

9 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
10 LIQUOR OR DRUGS. (a) A person (1) who, while under the influence of
11 intoxicating liquor, depressant, hallucinogenic or stimulant drugs or
12 narcotic drugs as defined in AS 17.10.230(13) and AS 17.12.150(3); (2)
13 whose blood, plasma, or serum contains 0.10 per cent or more by weight
14 of alcohol per volume; or (3) who, while under the combined influence of
15 intoxicating liquor and another drug or substance, operates or drives an
16 automobile, motorcycle or other motor vehicle in the state, upon convic-
17 tion, is punishable by a fine of not more than \$1,000, or by imprison-
18 ment for not more than one year, or by both. Upon a second conviction
19 within five years after a first conviction under this section, the court
20 shall impose a minimum sentence of imprisonment of not less than five
21 [THREE] days. Upon a subsequent conviction within five years after a
22 second conviction under this section, the court shall impose a minimum
23 sentence of imprisonment of not less than 10 days. The execution of
24 sentence may not be suspended nor may probation or parole be granted
25 until the minimum imprisonment provided in this section has been served,
26 nor may imposition of sentence be suspended, except upon the condition
27 that the defendant be imprisoned for no less than the minimum period
28 provided in this section, nor may the punishment provided for in this
29 section be reduced under AS 11.05.150. In addition, his operator's

1 license shall be revoked in accordance with AS 28.15.210(c), and he
2 shall undertake, for a term specified by the court, that program of
3 alcohol education or rehabilitation which the court, after consideration
4 of any information compiled under (b) of this section, finds appro-
5 priate.

6 * Sec. 2. AS 28.35.030 is amended by adding new subsections to read:

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

16 (c) The highway safety planning agency, Department of Public
17 Safety, shall, under contracts with the state office of alcoholism, de-
18 velop, supervise, and administer those programs of alcohol education or
19 rehabilitation to which persons are sentenced under (b) of this section.
20 These programs shall encompass background investigation, drinker classi-
21 fication, referral to education or treatment programs, progress moni-
22 toring, and overall program evaluation.

23 * Sec. 3. AS 47.37.210(a) is amended to read:

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