

Introduced: 1/22/85  
Referred: State Affairs, Judiciary  
and Finance

1 IN THE SENATE

BY ABOOD

2

SENATE BILL NO. 74

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to driving while intoxicated."

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

8 \* Section 1. AS 28.35.030(a) is amended to read:

9 (a) A person commits the crime of driving while intoxicated if  
10 the person operates or drives a motor vehicle or operates an aircraft  
11 or a watercraft

12 (1) while under the influence of intoxicating liquor, or  
13 any controlled substance listed in AS 11.71.140 - 11.71.190, or a  
14 combination of intoxicating liquor and a controlled substance;

15 (2) when, as determined by a chemical test taken within  
16 four hours after the alleged offense was committed, there is 0.10  
17 percent or more by weight of alcohol in the person's blood or 100  
18 milligrams or more of alcohol per 100 milliliters of blood, or when  
19 there is 0.10 grams or more of alcohol per 210 liters of the person's  
20 breath; [OR]

21 (3) while the person is under the combined influence of  
22 intoxicating liquor and a drug or another substance that acts as a  
23 central nervous system depressant, hallucinogen or stimulant; or

24 (4) while the person is under the influence of a drug or  
25 another substance that acts as a central nervous system depressant,  
26 hallucinogen or stimulant.

27 \* Sec. 2. AS 28.35.030(g) is amended by adding a new paragraph to read:

28 (3) "drug" has the meaning given in AS 11.71.900.

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

1 (h) A person convicted under this section may not receive credit  
2 toward all or part of a mandatory sentence for time spent in a  
3 residential alcohol treatment or rehabilitation program.

4 \* Sec. 4. AS 28.35.032 is amended by adding a new subsection to read:

5 (k) A person convicted under this section may not receive credit  
6 toward all or part of a mandatory sentence for time spent in a  
7 residential alcohol treatment or rehabilitation program.

8 \* Sec. 5. AS 28.35.035(b) is amended to read:

9 (b) A person who is unconscious or otherwise in a condition or  
10 at a location rendering that person incapable of providing a breath  
11 sample [REFUSAL] is considered not to have withdrawn the consent  
12 provided under AS 28.35.031(a) and a chemical test may be administered  
13 to determine the amount of alcohol in that person's breath or blood.  
14 A person who is unconscious or otherwise incapable of providing a  
15 breath sample [REFUSAL] need not be placed under arrest before a  
16 chemical test may be administered.