

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO. 361

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to suspension and revocation of a
7 minor's license to drive and the definition of driv-
8 er's license; and providing for an effective date."

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

10 * Section 1. AS 28.15.181(c) is amended to read:

11 (c) Except for court revocation of a minor's license to drive
12 under AS 28.15.185, a [A] court convicting a person of an offense
13 described in (a)(5) or (8) of this section arising out of the opera-
14 tion of a motor vehicle for which a driver's license is required shall
15 revoke that person's driver's license as provided in this subsection.
16 The revocation may be concurrent with or consecutive to an administra-
17 tive revocation under AS 28.15.165. The court may not, except as
18 provided in (e) of this section, grant limited license privileges for
19 the following periods:

20 (1) not less than 90 days if, within the preceding 10
21 years, the person has not previously been convicted of an offense

22 (A) described in (a)(5) or (8) of this section; or

23 (B) under a law or ordinance in another jurisdiction
24 with elements substantially similar to an offense described in
25 (a)(5) or (8) of this section;

26 (2) not less than one year if, within the preceding 10
27 years, the person has been previously convicted of one offense

28 (A) described in (a)(5) or (8) of this section; or

29 (B) under a law or ordinance in another jurisdiction

1 with elements substantially similar to an offense described in
2 (a)(5) or (8) of this section;

3 (3) not less than 10 years if, within the preceding 10
4 years, the person has been previously convicted of more than one of
5 the following offenses or has more than once been previously convicted
6 of one of the following offenses:

7 (A) an offense described in (a)(5) or (8) of this
8 section; or

9 (B) an offense under another law or ordinance in
10 another jurisdiction with elements substantially similar to an
11 offense described in (a)(5) or (8) of this section.

12 * Sec. 2. AS 28.15 is amended by adding a new section to read:

13 Sec. 28.15.185. COURT REVOCATION OF A MINOR'S LICENSE TO DRIVE.

14 (a) A person who is at least 12 years of age, but not older than 17
15 years of age who is convicted, or adjudicated by a juvenile court, of
16 having committed one of the following offenses shall have the person's
17 driver's license revoked:

18 (1) misconduct involving a controlled substance (AS 11.71);

19 (2) possession or consumption of alcohol (AS 04.16.050);

20 (3) driving a motor vehicle while intoxicated (AS 28.35.-
21 030);

22 (4) refusal to submit to a chemical test (AS 28.35.032).

23 (b) The court shall impose the revocation as follows:

24 (1) for a first conviction or adjudication, the revocation
25 shall be for one year or until the person reaches 17 years of age,
26 whichever is longer;

27 (2) for a second or subsequent conviction or adjudication,
28 the revocation shall be for one year or until the person reaches 18
29 years of age, whichever is longer.

1 (c) Upon conviction or adjudication of an offense listed in (a)
2 of this section the court may, upon petition of the person, review the
3 revocation and may restore the driver's license, except a court may
4 not restore the driver's license for a period of

5 (1) 90 days for the first conviction or adjudication;

6 (2) one year for second or subsequent convictions or adju-
7 dications.

8 * Sec. 3. AS 28.40.100(a)(5) is amended to read:

9 (5) "driver's license" or "license" when used in relation
10 to driver licensing, means a license, permit or privilege to obtain a
11 driver's license, whether or not a person holds a valid license issued
12 in this or another jurisdiction, to drive a motor vehicle under the
13 laws of this state;

14 * Sec. 4. AS 47.10.080(g) is amended to read:

15 (g) Except for purposes of driver's licensing under AS 28.15.-
16 185, an [NO] adjudication under this chapter upon the status of a
17 child may not operate to impose any of the civil disabilities ordi-
18 narily imposed by conviction upon a criminal charge, nor may a minor
19 afterward be considered a criminal by the adjudication, nor may the
20 adjudication be afterward considered [DEEMED] a conviction, nor may a
21 minor be charged with or convicted of a crime in a court, except as
22 provided in this chapter. The commitment and placement of a child and
23 evidence given in the court are not admissible as evidence against the
24 minor in a subsequent case or proceedings in any other court, nor does
25 the commitment and placement or evidence operate to disqualify a minor
26 in a future civil service examination or appointment in the state.

27 * Sec. 5. AS 47.10.090(a) is amended to read:

28 (a) The court shall make and keep records of all cases brought
29 before it. The court's official records may be inspected only with

1 the court's permission and only by persons having a legitimate inter-
2 est in them. All information and social records pertaining to a minor
3 and prepared by an employee of the court or by a federal, state or
4 city agency in the discharge of the employee's or agency's official
5 duty, are privileged and may not be disclosed directly or indirectly
6 to anyone without the court's permission, except for traffic offenses
7 and driver's license action taken under AS 28.15.185. Traffic of-
8 fenses and driver's license action may not be disclosed without the
9 court's permission, except as specified in AS 28.15.151. However, a
10 state or city law-enforcement agency shall disclose information re-
11 garding a case which is needed by the person or agency charged with
12 making a preliminary investigation for the information of the court.
13 The court shall forward a record of adjudication of a violation of an
14 offense listed in AS 28.15.185(a) to the Department of Public Safety.
15 Within 30 days of the date of a minor's 18th birthday or, if the court
16 retains jurisdiction of a minor past the minor's 18th birthday, within
17 30 days of the date on which the court relinquishes jurisdiction over
18 the minor, the court shall order sealed all the court's official
19 records, information and social records pertaining to that minor, as
20 well as records of all criminal proceedings against the minor and
21 punishments assessed against the minor except for traffic offenses and
22 driver's license action taken under AS 28.15.185(a)(1), (3), or (4).
23 A person may not use these sealed records for any purpose except that
24 the court may order their use for good cause shown or may order their
25 use by an officer of the court in making a presentencing report for
26 the court.

27 * Sec. 6. This Act takes effect September 1, 1988.