

Original sponsor: Health, Education and
Social Services Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

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CS FOR HOUSE BILL NO. 361 (HESS)

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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 revocation of a minor's license

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to drive, traffic offenses by minors, and the defini-

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tion of driver's license."

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

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* Section 1. AS 28.15 is amended by adding a new section to read:

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

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(a) A person who is at least 12 years of age but not older than 17

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years of age who is adjudicated by a juvenile court of misconduct

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involving a controlled substance under AS 11.71 or possession or

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consumption of alcohol under AS 04.16.050 shall have the person's

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driver's license revoked under (b) of this section.

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(b) The court shall impose the revocation required under (a) of

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this section as follows:

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(1) for a first conviction or adjudication, the revocation

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shall be for six months or until the person reaches 16 and one-half

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years of age, whichever is longer;

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(2) for a second or subsequent conviction or adjudication,

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the revocation shall be for one year or until the person reaches 17

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years of age, whichever is longer.

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(c) Upon conviction or adjudication of an offense listed in (a)

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of this section the court may, upon petition of the person, review the

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revocation and may restore the driver's license, except a court may

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not restore the driver's license

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(1) for a period of 90 days for the first conviction or

1 adjudication, or 180 days for second or subsequent convictions or
2 adjudications; and

3 (2) until the person has taken and successfully completed a
4 state approved program of drug rehabilitation if convicted of miscon-
5 duct involving a controlled substance under AS 11.71, or alcohol
6 rehabilitation if convicted of possession or consumption of alcohol
7 under AS 04.16.050; this paragraph does not apply to a person who
8 resides in an area that does not offer a state approved drug or alco-
9 hol rehabilitation program.

10 (d) Notwithstanding the provisions of AS 28.20.240 and 28.20.-
11 250, upon conviction of an offense specified in (a) of this section,
12 the department may not require proof of financial responsibility
13 before restoring or issuing the person's driver's license.

14 * Sec. 2. AS 28.40.100(a)(5) is amended to read:

15 (5) "driver's license" or "license" when used in relation
16 to driver licensing, means a license, permit, or privilege to obtain a
17 driver's license, whether or not a person holds a valid license issued
18 in this or another jurisdiction, to drive a motor vehicle under the
19 laws of this state;

20 * Sec. 3. AS 47.10.010 is amended by adding a new subsection to read:

21 (d) The provisions of AS 47.10.020 - 47.10.085 do not apply to
22 driver's license proceedings under AS 28.15.185. The court shall
23 impose a driver's license revocation under AS 28.15.185 in the same
24 manner as adult driver's license revocations, except that a parent or
25 legal guardian shall be present at all proceedings.

26 * Sec. 4. AS 47.10.070 is amended by adding a new subsection to read:

27 (b) If the petition states facts that indicate the minor has
28 committed misconduct involving a controlled substance prohibited by
29 AS 11.71, or has possessed or consumed alcohol in violation of

1 AS 04.16.050, the court shall at the beginning of the hearing advise
2 the minor of the mandatory period of driver's license revocation that
3 may be imposed under AS 28.15.185. Failure to advise the minor as re-
4 quired by this subsection constitutes harmless error and does not
5 affect the authority of the court under AS 28.15.185 or AS 47.10.080.

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

7 (a) The court shall make and keep records of all cases brought
8 before it. The court's official records may be inspected only with
9 the court's permission and only by persons having a legitimate inter-
10 est in them. All information and social records pertaining to a minor
11 and prepared by an employee of the court or by a federal, state or
12 city agency in the discharge of the employee's or agency's official
13 duty, are privileged and may not be disclosed directly or indirectly
14 to anyone without the court's permission, except for traffic offenses
15 and driver's license action taken under AS 28.15.185. Traffic of-
16 fenses and driver's license action under AS 28.15.185 may not be
17 disclosed without the court's permission, except as specified in
18 AS 28.15.151. However, a state or city law-enforcement agency shall
19 disclose information regarding a case which is needed by the person or
20 agency charged with making a preliminary investigation for the infor-
21 mation of the court. The court shall forward a record of adjudication
22 of a violation of an offense listed in AS 28.15.185(a) to the Depart-
23 ment of Public Safety. Within 30 days of the date of a minor's 18th
24 birthday or, if the court retains jurisdiction of a minor past the
25 minor's 18th birthday, within 30 days of the date on which the court
26 relinquishes jurisdiction over the minor, the court shall order sealed
27 all the court's official records, information and social records
28 pertaining to that minor, as well as records of all driver's license
29 proceedings under AS 28.15.185, criminal proceedings against the minor

1 and punishments assessed against the minor except for traffic of-
2 fenses. A person may not use these sealed records for any purpose
3 except that the court may order their use for good cause shown or may
4 order their use by an officer of the court in making a presentencing
5 report for the court.