

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 251

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to ignition interlock devices; and

7

establishing a class C misdemeanor."

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

9 * Section 1. AS 11.76 is amended by adding a new section to read:

10 Sec. 11.76.130. AVOIDANCE OF IGNITION INTERLOCK DEVICE. (a) A

11 person may not knowingly

12 (1) circumvent or tamper with an ignition interlock device

13 in a manner intended to allow a person on probation under AS 12.55.102

14 to avoid using the device; or

15 (2) rent, loan, or lease a motor vehicle to a person on

16 probation under AS 12.55.102, unless the vehicle is equipped with an

17 ignition interlock device described in AS 12.55.102.

18 (b) A person convicted of violating this section is guilty of a

19 class C misdemeanor.

20 * Sec. 2. AS 12.55.035(b) is amended to read:

21 (b) Upon conviction of an offense, a defendant who is not an

22 organization may be sentenced to pay, unless otherwise specified in

23 the provision of law defining the offense, a fine of no more than

24 (1) \$75,000 for murder in the first or second degree,

25 sexual assault in the first degree, kidnapping, or misconduct involv-

26 ing a controlled substance in the first degree;

27 (2) \$50,000 for a class A, B, or C felony;

28 (3) \$5,000 for a class A misdemeanor;

29 (4) \$1,000 for a class B misdemeanor;

- 1 (5) \$500 for a class C misdemeanor;
- 2 (6) \$300 for a violation.

3 * Sec. 3. AS 12.55 is amended by adding a new section to read:

4 Sec. 12.55.102. ALCOHOL RELATED OFFENSES. (a) The court may
 5 order as a condition of probation that a defendant convicted of an
 6 offense involving the use, consumption, or possession of an alcoholic
 7 beverage may not operate a motor vehicle during the period of pro-
 8 bation unless the vehicle is equipped with a properly functioning,
 9 monitored, and maintained ignition interlock device.

10 (b) The court, in imposing probation under (a) of this section,
 11 may allow the defendant limited privileges to drive a motor vehicle
 12 without an ignition interlock device if the court determines that the
 13 defendant is required as a condition of employment to drive a motor
 14 vehicle owned or leased by the defendant's employer and that the
 15 defendant's driving will not create substantial danger. If the court
 16 imposes probation described by this subsection, the court shall re-
 17 quire the defendant to notify the defendant's employer of the pro-
 18 bation, and shall require that the defendant, while driving the em-
 19 ployer's vehicle, carry a letter from the employer authorizing the
 20 defendant to drive that vehicle.

21 (c) A court imposing a condition of probation under this section
 22 shall require the surrender of the driver's license and shall issue to
 23 the defendant a certificate valid for the duration of the probation.
 24 The defendant shall bear all costs associated with fulfilling the
 25 condition of probation, including installation, repair, and monitoring
 26 of an ignition interlock device.

27 (d) In this section, "ignition interlock device" means equipment
 28 designed to prevent a motor vehicle from being operated by a person
 29 who has consumed an alcoholic beverage, and that has been certified by

1 the commissioner of corrections under AS 33.05.020.

2 * Sec. 4. AS 12.55.135 is amended by adding a new subsection to read:

3 (f) A defendant convicted of a class C misdemeanor may be sen-
4 tenced to a definite term of imprisonment of not more than 30 days
5 unless otherwise specified in the provision of law defining the of-
6 fense.

7 * Sec. 5. AS 28.35.030(c) is amended to read:

8 (c) Upon conviction under this section the court shall impose a
9 minimum sentence of imprisonment of not less than 72 consecutive hours
10 and a fine of not less than \$250 if the person has not been previously
11 convicted in this or another jurisdiction of driving while intoxicated
12 under this or another law or ordinance with substantially similar
13 elements or refusal to submit to a chemical test under AS 28.35.032 or
14 another law or ordinance with substantially similar elements. Upon
15 conviction under this section the court shall impose a minimum sen-
16 tence of imprisonment of not less than 20 consecutive days and a fine
17 of not less than \$500 if, within the preceding 10 years, the person
18 has been previously convicted once in this or another jurisdiction of
19 driving while intoxicated under this or another law or ordinance with
20 substantially similar elements or refusal to submit to a chemical test
21 under AS 28.35.032 or another law or ordinance with substantially
22 similar elements. Upon conviction under this section the court shall
23 impose a minimum sentence of imprisonment of not less than 30 consecu-
24 tive days and a fine of not less than \$1,000 if, within the preceding
25 10 years, the person has been previously convicted in this or another
26 jurisdiction of more than one of the following offenses or has more
27 than once been previously convicted of one of the following offenses:
28 (1) driving while intoxicated under this or another law or ordinance
29 with substantially similar elements; (2) refusal to submit to a

1 chemical test under AS 28.35.032 or another law or ordinance with
2 substantially similar elements. The execution of sentence may not be
3 suspended nor may probation be granted except on condition that the
4 minimum imprisonment provided in this section is served. Probation
5 may be conditioned as provided in AS 12.55.102. Imposition of sen-
6 tence may not be suspended. In addition, if the offense involved
7 driving a motor vehicle for which a driver's license is required, the
8 person's driver's license shall be revoked in accordance with AS
9 28.15.181 and the vehicle used in commission of the offense may be
10 forfeited under AS 28.35.036. In addition, the court shall order, and
11 a person convicted under this section shall undertake, for a term
12 specified by the court, that program of alcohol education or reha-
13 bilitation that the court, after consideration of any information
14 compiled under (d) of this section, finds appropriate.

15 * Sec. 6. AS 28.35.032(g) is amended to read:

16 (g) Upon conviction of a person under this section, the court
17 shall impose a minimum sentence of imprisonment of not less than 72
18 consecutive hours and a fine of not less than \$250 if the person has
19 not been previously convicted in this or another jurisdiction of
20 driving while intoxicated under AS 28.35.030 or another law or ordi-
21 nance with substantially similar elements or refusal to submit to a
22 chemical test under this section or another law or ordinance with
23 substantially similar elements. Upon conviction under this section the
24 court shall impose a minimum sentence of imprisonment of not less than
25 20 consecutive days and a fine of not less than \$500 if, within the
26 preceding 10 years, the person has been previously convicted once in
27 this or another jurisdiction of driving while intoxicated under
28 AS 28.35.030 or another law or ordinance with substantially similar
29 elements or refusal to submit to a chemical test under this section or

1 another law or ordinance with substantially similar elements. Upon
2 conviction under this section the court shall impose a minimum sen-
3 tence of imprisonment of not less than 30 consecutive days and a fine
4 of not less than \$1,000, if, within the previous 10 years, the person
5 has been previously convicted in this or another jurisdiction of more
6 than one of the following offenses or has more than once been previ-
7 ously convicted of one of the following offenses: (1) driving while
8 intoxicated under AS 28.35.030 or another law or ordinance with sub-
9 stantially similar elements; (2) refusal to submit to a chemical test
10 under this section or another law or ordinance with substantially
11 similar elements. The execution of sentence may not be suspended nor
12 may probation be granted except on condition that the minimum impris-
13 onment provided in this section is served. Probation may be condi-
14 tioned as provided in AS 12.55.102. Imposition of sentence may not be
15 suspended. If the offense involved driving a motor vehicle for which
16 a driver's license is required, the person's driver's license shall be
17 revoked under AS 28.15.181. In addition, the court shall order, and a
18 person convicted under this section shall undertake, for a term speci-
19 fied by the court, that program of alcohol education or rehabilitation
20 that the court, after consideration of any information compiled under
21 (h) of this section, finds appropriate. The sentence imposed by the
22 court under this subsection shall run consecutively with any other
23 sentence of imprisonment imposed on the committed person.

24 * Sac. 7. AS 33.05.020 is amended by adding a new subsection to read:

25 (c) The commissioner shall by regulation establish standards for
26 certification, maintenance, and monitoring of ignition interlock
27 devices required as a condition of probation under AS 12.55.102.