

**CS FOR HOUSE BILL NO. 422 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 5/5/92  
Referred: Finance**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act requiring revocation of a person's driver's license for certain criminal convictions  
2 unless compelling circumstances exist; defining 'compelling circumstances' to include needing  
3 a driver's license to participate in a program of rehabilitation, to maintain employment,  
4 or to obtain an education; and providing for an effective date."**

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

**6 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds that**

**7 (1) public transportation is not available in most of the state; even in the urban areas of  
8 the state, consistent or reliable public transportation does not exist; in urban areas, the availability of  
9 public transportation has radically declined in the last few years as a result of municipal budget  
10 decisions; there is not a reasonable likelihood that public transportation will become more widely  
11 available in the foreseeable future;**

**12 (2) compared to most of the continental United States, the climate in this state is  
13 extremely cold and dark, these conditions last for over half the year; this means that forms of  
14 transportation that do not require a license, including foot or bicycle transportation, are not safe or**

1 reasonable ways to travel;

2 (3) as a result of the lack of public transportation, the severe climate, and the length of  
3 the winter days, private automobile transportation may be essential to an Alaskan's ability to maintain  
4 employment, to participate in substance abuse treatment programs, and to obtain an education;

5 (4) people with substance abuse problems who are not working, and who do not have  
6 health insurance, are less likely to be able to afford the cost of substance abuse treatment than people  
7 with substance abuse problems who are able to maintain employment;

8 (5) participating in treatment and education programs and maintaining full employment  
9 dramatically increase the chances of successful rehabilitation; similarly, the failure to participate in  
10 treatment, to complete an education, and to be employed dramatically increase the likelihood that a  
11 criminal defendant will reoffend;

12 (6) art. I, sec. 12 of the Alaska Constitution requires that reformation and rehabilitation  
13 be considered in sentencing criminal defendants;

14 (7) based on Alaska's unusual climate, its lack of adequate public transportation, and its  
15 constitutional mandate to rehabilitate criminal defendants, at a minimum, compelling circumstances  
16 warranting an exception to the requirement that a driver's license be revoked under AS 28.15.182 exist  
17 if the person convicted of an offense that gives rise to a license revocation action needs a driver's license  
18 to participate in a program of rehabilitation, to maintain employment, or to obtain an education.

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

20 Sec. 28.15.162. ADMINISTRATIVE REVOCATION FOR A CONTROLLED  
21 SUBSTANCE CONVICTION. (a) Upon receipt of a certified judgment showing that a person  
22 has been convicted of an offense under 21 U.S.C. 801 - 21 U.S.C. 958 or a similar offense in  
23 another jurisdiction, the department shall revoke a person's driver's license, privilege to drive,  
24 or privilege to obtain a license for six months from the date of conviction unless the department  
25 finds that compelling circumstances warranting an exception to the revocation requirement exist.

26 (b) If a person is not old enough to apply for a driver's license or permit at the time of  
27 an administrative revocation under (a) of this section, the period of revocation begins on the date  
28 that the person is eligible to apply for a driver's license or permit.

29 (c) Compelling circumstances warranting an exception to the revocation requirement exist  
30 if

31 (1) the person needs a driver's license or privilege to drive to participate in a

1 program of rehabilitation, to maintain employment, or to obtain an education; or

2 (2) the department determines that there is a compelling reason not to revoke the  
3 person's license, privilege to drive, or privilege to obtain a license.

4 (d) In this section, "convicted" includes an adjudication under juvenile proceedings.

5 \* Sec. 3. AS 28.15.181(c) is amended to read:

6 (c) A court convicting a person of an offense described in (a)(5) or (8) of this section,  
7 arising out of the operation of a motor vehicle or aircraft shall revoke that person's driver's  
8 license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent  
9 with or consecutive to an administrative revocation under AS 28.15.165. The court may not,  
10 except as provided in AS 28.15.201, grant limited license privileges during the minimum period  
11 of revocation. The minimum periods of revocation are:

12 (1) at least 90 days if the person has not been previously convicted except as  
13 provided in (g) of this section;

14 (2) at least one year if the person has been previously convicted once;

15 (3) at least five years if the person has been previously convicted twice;

16 (4) at least 10 years if the person has been previously convicted more than twice.

17 \* Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:

18 (g) A court shall revoke a person's driver's license, privilege to drive, or privilege to  
19 obtain a license for not less than six months upon a first conviction for an offense described in  
20 (a)(5) of this section if the person was under the influence of a substance that is a controlled  
21 substance under AS 11.71.

22 \* Sec. 5. AS 28.15 is amended by adding a new section to read:

23 Sec. 28.15.182. REVOCATION FOR A CONTROLLED SUBSTANCE CONVICTION.

24 (a) A court convicting a person of an offense under AS 11.71 shall revoke the person's driver's  
25 license, privilege to drive, or privilege to obtain a license for six months unless the court finds  
26 that compelling circumstances warranting an exception to the revocation requirement exist.

27 (b) Compelling circumstances warranting an exception to the revocation requirement  
28 under (a) of this section exist if

29 (1) the person needs a driver's license or privilege to drive to participate in a  
30 program of rehabilitation, to maintain employment, or to obtain an education; or

31 (2) the court determines that there is a compelling reason not to revoke the

1 person's license, privilege to drive, or privilege to obtain a license.

2 \* Sec. 6. AS 28.15.185(a) is amended to read:

3 (a) A person who is at least 13 years of age but not older than 17 years of age who is  
4 adjudicated by a juvenile court of misconduct involving a controlled substance under AS 11.71  
5 or possession or consumption of alcohol under AS 04.16.050 is subject to revocation of the  
6 person's driver's license, privilege to drive, or privilege to obtain a license, under (b) of this  
7 section.

8 \* Sec. 7. AS 28.15.185(b) is amended to read:

9 (b) The court shall impose the revocation for an offense described in (a) of this section  
10 as follows:

11 (1) for a first alcohol-related conviction or adjudication, the revocation may be  
12 for a period not to exceed 90 days;

13 (2) for a second or subsequent alcohol-related conviction or adjudication, the  
14 revocation may be for a period not to exceed one year;

15 (3) for a conviction or adjudication involving a controlled substance, the  
16 revocation shall be for a period of not less than six months and not to exceed one year.

17 \* Sec. 8. AS 28.15.185(c) is amended to read:

18 (c) Upon conviction or adjudication of an offense listed in (a) of this section the court  
19 may, upon petition of the person, review the revocation and may restore the driver's license or  
20 privilege, except that a court may not restore the driver's license or privilege until

21 (1) at least one-half of the period of revocation imposed under this section has  
22 expired; and

23 (2) the person has taken and successfully completed a state approved program of  
24 drug rehabilitation if convicted of misconduct involving a controlled substance under AS 11.71,  
25 or alcohol rehabilitation if convicted of possession or consumption of alcohol under  
26 AS 04.16.050; this paragraph does not apply to a person who resides in an area that does not  
27 offer a state approved drug or alcohol rehabilitation program or a person that the court determines  
28 does not need alcohol or drug rehabilitation.

29 \* Sec. 9. AS 28.15.185 is amended by adding a new subsection to read:

30 (e) If a person is not old enough to apply for a driver's license or permit at the time of  
31 a revocation ordered under (b)(3) of this section, the period of revocation begins on the date that

- 1 the person is eligible to apply for a driver's license or permit.
- 2 \* Sec. 10. This Act takes effect July 1, 1993.