

## HOUSE BILL NO. 542

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/25/94

Referred: Judiciary, Finance

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to punishing certain driving while intoxicated offenses as  
2 felonies; and providing for an effective date."

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

4 \* Section 1. AS 28.35.030(b) is amended to read:

5 (b) Except as provided under (n) of this section, driving [DRIVING] while  
6 intoxicated is a class A misdemeanor. Upon conviction

7 (1) the court shall impose a minimum sentence of imprisonment of

8 (A) not less than 72 consecutive hours and a fine of not less  
9 than \$250 if the person has not been previously convicted;

10 (B) not less than 20 days and a fine of not less than \$500 if the  
11 person has been previously convicted once;

12 (C) not less than 60 days and a fine of not less than \$1,000 if  
13 the person has been previously convicted twice;

14 (D) not less than 120 days and a fine of not less than \$2,000

1 if the person has been previously convicted three times [;

2 (E) NOT LESS THAN 240 DAYS AND A FINE OF NOT LESS  
3 THAN \$3,000 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED  
4 FOUR TIMES;

5 (F) NOT LESS THAN 360 DAYS AND A FINE OF NOT LESS  
6 THAN \$4,000 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED  
7 MORE THAN FOUR TIMES];

8 (2) the court may not

9 (A) suspend execution of sentence or grant probation except on  
10 condition that the person serve the minimum imprisonment under (1) of this  
11 subsection;

12 (B) suspend imposition of sentence;

13 (3) the court shall revoke the person's driver's license, privilege to  
14 drive, or privilege to obtain a license under AS 28.15.181, and may order the motor  
15 vehicle or aircraft that was used in commission of the offense to be forfeited under  
16 AS 28.35.036.

17 \* Sec. 2. AS 28.35.030 is amended by adding a new subsection to read:

18 (n) A person is guilty of a class C felony if the person is convicted of driving  
19 while intoxicated and has been previously convicted four or more times.

20 \* Sec. 3. AS 28.35.032(f) is amended to read:

21 (f) Except as provided under (g) of this section, refusal [REFUSAL] to  
22 submit to the chemical test of breath authorized by AS 28.33.031(a) or  
23 AS 28.35.031(a) is a class A misdemeanor.

24 \* Sec. 4. AS 28.35.032(g) is amended to read:

25 (g) Upon conviction under this section

26 (1) the court shall impose a minimum sentence of imprisonment of

27 (A) not less than 72 consecutive hours and a fine of not less  
28 than \$250 if the person has not been previously convicted;

29 (B) not less than 20 days and a fine of not less than \$500 if the  
30 person has been previously convicted once;

31 (C) not less than 60 days and a fine of not less than \$1,000 if

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the person has been previously convicted twice;

(D) not less than 120 days and a fine of not less than \$2,000 if the person has been previously convicted three times [;

(E) NOT LESS THAN 240 DAYS AND A FINE OF NOT LESS THAN \$3,000 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED FOUR TIMES;

(F) NOT LESS THAN 360 DAYS AND A FINE OF NOT LESS THAN \$4,000 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED MORE THAN FOUR TIMES];

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person serve the minimum imprisonment under (1) of this subsection; or

(B) suspend imposition of sentence;

(3) the court shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181, and may order the motor vehicle or aircraft that was used in commission of the offense be forfeited under AS 28.35.036; and

(4) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person.

\* Sec. 5. AS 28.35.032 is amended by adding a new subsection to read:

(q) A person is guilty of a class C felony if the person is convicted under this section and has been previously convicted four or more times. The sentence imposed under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person.

\* Sec. 6. APPLICABILITY. This Act applies to offenses that are committed on or after July 1, 1994.

\* Sec. 7. This Act takes effect July 1, 1994.