

HB

361

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/28/88

FURTHER REFERRALS:

DATE: 5/4/88

The Finance Committee has considered HB 361

"An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 361 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note
- zero with analysis same as previous zero fiscal note published 4/28/88

SIGNING DO PASS:

LARSON [Signature]

SWACK [Signature]

BOYER [Signature]

RIEGER [Signature]

FRANK [Signature]

BROWN [Signature]

SIGNING OTHER RECOMMENDATIONS:

ADAMS [Signature] - No Rec

GOLD [Signature] - None

WALLIS [Signature]

DAVIS [Signature]

POURCHOT [Signature] none

[Signature]

Chairman's signature

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB361 (HESS)
PUBLISH DATE: HOUSE 4/28/88

FISCAL NOTE

REQUEST:

Revision Date: 4/28/88
Title: relating to suspension and
revocation of a minor's license

Agency Affected: Public Safety
BRU: Motor Vehicles

Sponsor: HESS
Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Department can fund any additional expenses out of existing appropriations.

Prepared by: John Haxtle
Division: Committee Staff, House Judiciary

Phone: 465-4990
Date: 4/28/88

Approved by Commissioner: Rep. John Sand, Chair,
Agency: House Judiciary Committee

Date: 4/28/88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsor: Health, Education and
Social Services Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 361 (HESS)

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 revocation of a minor's license
7 to drive, traffic offenses by minors, and the defini-
8 tion of driver's license."

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

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

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

12 (a) A person who is at least 12 years of age but not older than 17
13 years of age who is adjudicated by a juvenile court of misconduct
14 involving a controlled substance under AS 11.71 or possession or
15 consumption of alcohol under AS 04.16.050 shall have the person's
16 driver's license revoked under (b) of this section.

17 (b) The court shall impose the revocation required under (a) of
18 this section as follows:

19 (1) for a first conviction or adjudication, the revocation
20 shall be for six months or until the person reaches 16 and one-half
21 years of age, whichever is longer;

22 (2) for a second or subsequent conviction or adjudication,
23 the revocation shall be for one year or until the person reaches 17
24 years of age, whichever is longer.

25 (c) Upon conviction or adjudication of an offense listed in (a)
26 of this section the court may, upon petition of the person, review the
27 revocation and may restore the driver's license, except a court may
28 not restore the driver's license

29 (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.

-4-

Selected Alaska Substance Abuse Facts

- Of the 260 drug arrests in 1985 cocaine was involved in 176. 57% of those arrested were retailers followed by distributors, users, and wholesalers.
- Alcoholics have a 30 times greater risk for suicide; 80% of successful suicides are alcohol-related. Alaska had 95 suicides in 1985.
- In 1985 the equivalent of 4.35 gallons of absolute alcohol was sold per person over age 21 in Alaska. The U.S. average rate is 2.52 gallons per person.
- 58 traffic fatality accidents in 1985 resulted in 69 alcohol-related fatalities. Each fatality is calculated to cost \$306,000. which results in a total cost of \$21,114,000.
- In 1982 there were 1,474 liquor licenses in Alaska. In 1986 there were 1,706 liquor licenses or one license for every 178 Alaskans age 21 or over.
- During the period of July 1985 through June 1986, 61% of the persons receiving alcoholism and drug abuse treatment services were referred by the Criminal Justice System.
- During 1985 youth aged 0-20 accounted for 14% of alcohol-related driving fatalities. This same age group only have 7.1% of the drivers licenses. *
- 55% of all crime in Alaska is estimated to be alcohol-related. 16% of 1985 felony court filings were for drug-related charges.
- The estimated value of drugs seized in 1985 by drug enforcement officers was \$9,012,409.
- In up to 90% of child abuse cases alcohol is a significant factor. There were over 9,500 reports of child abuse in Alaska in FY86.
- Alcohol impaired persons accounted for 49.5% of 79 pedestrian fatalities between 1980-1984. Additionally, 30% of the drivers were using alcohol at the time of these crashes.

from: Annual Report to the Legislature, 1986
 Office of Alcoholism & Drug Abuse
 Health & Social Services.

Oregon Says "No" To Driving By Minors Who Use Drugs

By H. Wesley Smith

When H. Wesley Smith was a school principal in Albany, Oregon, he led the movement to enact the 1983 Oregon law that suspended the driving privileges of teenagers who violated alcohol and drug laws.

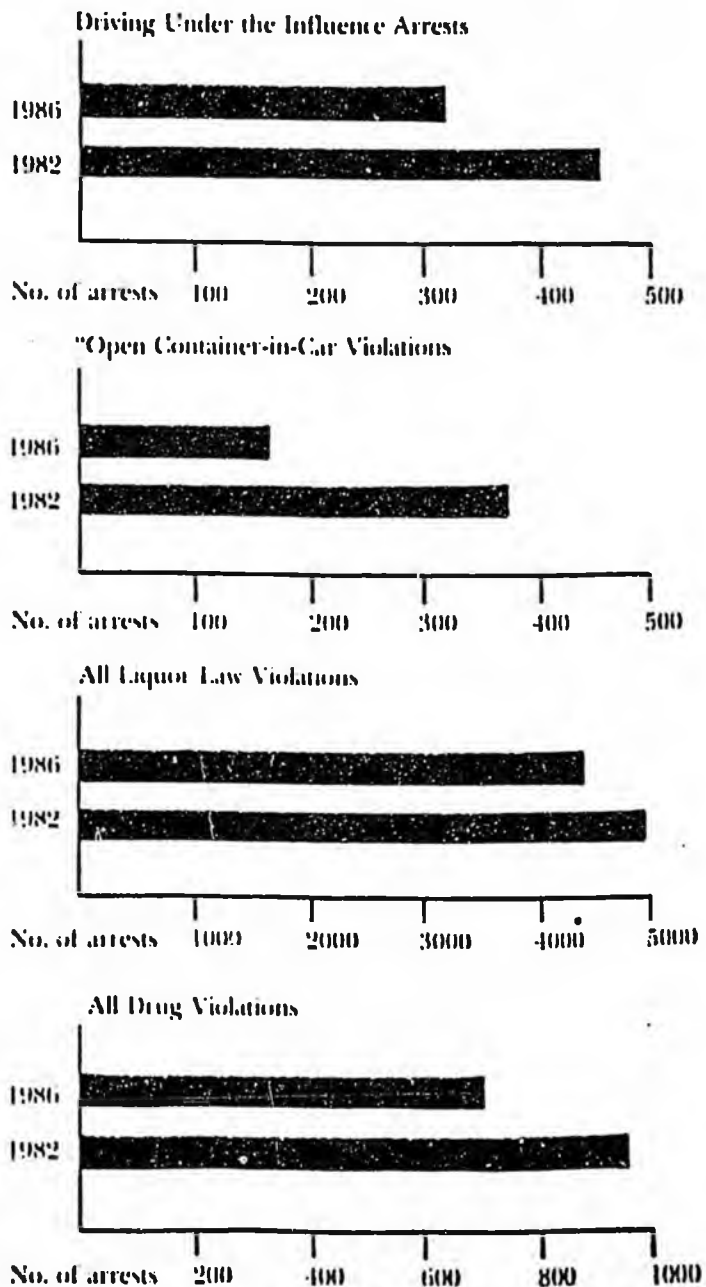
In 1983 I was principal of a school that was considered to have an outstanding drug education program. And yet, the students were still using drugs.

I felt there had to be a way to motivate young people to stop using drugs. I thought that students might be encouraged to stay away from drugs to protect their privilege of driving. Receiving a driver's license is important to a teenager.

With this in mind, I exercised my right as an Oregonian to submit a proposal to the state legislature. My proposal stipulated that 13- to 17-year-olds found in violation of any drug or alcohol laws would lose their driving privileges for 1 year or until age 17, whichever was longer. The violator would be unable to apply for a license during the penalty period. In the case of a 13-year-old violator, the youth would have to wait until age 17 to apply, invoking the 1-year penalty after the youth became eligible at the age of 16. This penalty would be imposed whether or not a motor vehicle was involved. A second violation would require the suspension of driving privileges for 2 years or until age 18, whichever was longer. The proposal also provided an appeals procedure.

After much deliberation, the "Oregon Denial Law" was passed in 1983. The law was credited with

Denial Law Causes Sharp Decline in Drug Use



DIC OKLY - Law's Index

Oregon Denial Law Upheld

reducing juvenile drug arrests 22 percent by the end of 1984 and an additional 7 percent by the end of 1986. Open-container-in-vehicle violations were reduced 45 percent by the end of 1984 and an additional 19 percent by the end of 1986.

The most persuasive arguments in favor of the law's concept were:

- It helped youth by giving them a reason to say "no" which was acceptable to their peers
- It gave judges an effective tool to use in responding to drug violators
- In contrast to traditional prevention programs, this penalty program was nearly cost-free to the state
- It provided positive reinforcement to drug-free teenagers by maintaining their eligibility to drive
- It demonstrated society's commitment to fight drug use by taking firm legal action
- It provided an absolute consequence to drug violations
- The law supported parents, schools, and others fighting drug abuse

Passage of the law was not without struggle. Although opponents of the bill criticized it as harsh, and possibly in violation of the state constitution, we answered those criticisms. Oregon courts have upheld the law.

Public response to the law has been overwhelmingly positive. For contact or information about the law, write to: H. Wesley Smith, Assistant State Superintendent, Oregon, Multnomah Public Schools, 715 Southwest Avenue, S.W., Astoria, OR 97103. Telephone: 503/326-7415.

In April 1987, the Oregon Court of Appeals upheld that state's "Denial Law," which had been challenged on state constitutional grounds. In affirming the constitutionality of the statute, the court held that:

- The law meets its two intended goals—deterrence of drug and alcohol possession and use and promotion of highway safety; and
- A teenager's interest in possessing a driver's license is outweighed by the state's goals in this instance.

The court also rejected the claim that enforcement of the law constituted cruel and unusual punishment, that it treated minors unconstitutionally as a "suspect class," and that the license suspension penalty is out of proportion to more serious conduct.

The statute also survived an earlier court challenge based on arguments that it denied students their rights to equal protection under the state constitution.

States Follow Oregon's Lead

Several states have been actively considering proposals similar to Oregon's "denial" law. Here's a progress report from around the country:

New Jersey's new anti-drug law, effective since July 1987, contains provisions that relate drug use to driving privileges. New Jersey minors face a \$550 fine and a 6-month license suspension if caught with even one marijuana cigarette. Students found in possession of drugs before receiving a driver's license will have to wait 6 months past the normal date of eligibility before applying for a driver's license.

Missouri students will be subject to provisions of that state's new "abuse and lose" law scheduled to take effect on September 28, 1987. In Missouri, students under age 21 who are convicted of drunk driving or drug violations stand to lose their driving privilege for 1 year. Those under 16 would face a 1 year suspension beginning on their 16th birthday. These strict penalties also apply to students convicted of falsifying identification cards or carrying such cards.

The **California** legislature is considering a bill that would suspend or delay driving privileges of residents under 21 who are convicted of drug violations. Conviction for any drug or alcohol violation would result in a mandatory 1-year suspension of driving privileges for those with licenses. Students under 16 would be penalized by delaying their eligibility to drive for 1 year. The bill passed the California Senate by a vote of 21 to 4 and has been forwarded to the Assembly for further consideration.

In **Georgia**, Representative Thomas E. Wilder has introduced a bill in the General Assembly to deny auto licenses until the age of 17 to persons convicted of misdemeanor while under the influence of alcohol or drugs.

Wilder plans to seek passage of the bill in the next session of the General Assembly.

BACKGROUND

RECOMMENDATION

Treatment for Children of Abusers:

68

One in four children in Alaska has an alcoholic parent. These children and those whose parents abuse other substances are much more likely to become substance abusers than children with non-substance abusing parents. Breaking this generational cycle requires special attention to these high-risk children.

More grant money is needed to educate and treat children of alcoholics and other substance abusers and dysfunctional families through schools, expanded outpatient treatment centers, support groups and camps for children of alcoholics.

Substance Law Enforcement:

69

Much testimony from around the state concerned the widespread violation of alcohol and drug laws. Current state statutes send a mixed message to youth. When young people see such disregard for the law and a double standard about substance abuse, they come to disrespect existing laws. They also suffer the effects of adult substance use, including domestic violence and child abuse, unemployment, neglect and poor health. Even a small increase in the cost of alcohol has been shown to lessen consumption, particularly among youth. Washington State is considering increasing its taxes and spending the revenue on prevention and treatment of substance abuse. For many young people tobacco consumption is their first experience buying and using substances the law prohibits them from using. Vending machines and tobacco sales in grocery and convenience stores make it possible for children to buy these products anonymously. The Alaska Lung Association discovered recently that even preteens can obtain them easily.

Greater state and local resources and greater emphasis need to be directed to enforcing laws that prohibit selling and providing alcohol, drugs and tobacco to minors. Such measures should include more hiring and effective training of law enforcement personnel, particularly in villages, and enforcement of penalties on adults who purchase for or sell substances to young people. Taxes on alcohol and tobacco should be increased. A review of the statutes regarding marijuana use should be conducted. Laws should require that cigarettes and chewing tobacco be sold in a restricted manner requiring adult supervision and preventing sale to children.

"Most children from substance abuse families do not know how to play. Life is far too serious to have developed that skill."

— Bette O'Moor, Executive Director,
Alaska Council on Prevention of
Alcohol and Drug Abuse, Anchorage

(Siccy Report, 1/1988)

BACKGROUND

RECOMMENDATION

Withholding Privileges:

70

Youth participate in substance abuse for many reasons, including the desire to appear adult, please their peers, or escape boredom, pain or depression. The illegality of alcohol or drug use discourages few youth from substance use. Some states have enacted laws that delay the time when a youth can obtain a driver's license if that youth has consumed illegal substances. These states have found these so-called "use it and lose it" laws to be an effective deterrent. Other states have involved teen idols and other youth in education and training programs to provide role models for teens to say no to drugs.

Alaska should enact legislation that more effectively discourages substance use by withholding or delaying youth privileges such as driver's licenses. Communities and schools should involve youth and respected leaders in programs that help youth make wise choices about drugs in their lives.

Fetal Alcohol Syndrome:

71

When a pregnant woman uses alcohol, drugs or tobacco her newborn is at high risk of injury. Alcohol addiction is a part of daily life for many pregnant women in Alaska. When a pregnant woman is part of a family or community where alcohol abuse is the rule rather than the exception or when she or her partner are addicted to alcohol, the sad result is often a baby born with fetal alcohol syndrome (FAS) or fetal alcohol effect.

A baby with FAS can be born prematurely, at low birth weight and require extraordinary medical attention, special care through pre-school, special education programs in school and potentially lifelong residential care in severe cases. These burdens on families and service providers can be prevented by addressing causes before and during pregnancy. Medicaid spent more than \$4.6 million in Alaska for 96 infants in newborn intensive care in 1986. Many of these infants had FAS.

Agencies involved in delivering substance abuse services should guarantee voluntary residential treatment programs for pregnant women who choose an alternative to drinking during pregnancy. Public education should continue to be provided regarding the effects of substances including alcohol, drugs and tobacco on the health of a woman and her fetus.

GICC Report, (1988)

Senator Johne Binkley

Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985



February 11, 1988

Finance Committee
Co-Chairman

David C. Crosby, Esq.
Council & Crosby
424 North Franklin Street
Juneau, AK 99801

17 1988

COUNCIL & CROSBY

Dear Mr. Crosby:

I have received your letter dated February 10 regarding SB 383, the so-called "use and lose" bill, along with the attachments. Your written testimony is excellent and the "My Turn" article was very moving. Thank you so much for providing this information to me and my Senate colleagues.

I have written to Senator Abood expressing my agreement with the proposal to increase the ages for revocation to 16-1/2 for the first offense (or 6 months, whichever is longer) and 17 for the second offense (or one year, whichever is longer). I know you advocate a one year revocation for all offenses, giving the court the ability to reinstate the license sooner. I have a couple of problems with making the initial offense a one year revocation. First, I think its important in the first go-around that the revocation period be within a time frame that will have meaning to the minor. To make it too long, I'm afraid, will make the reinstatement seem unobtainable and therefore, the penalty may lose its poignancy. Second, by giving the court the ability to shorten the sentence may serve to benefit only those minors who are themselves or whose parents are familiar with and unintimidated by the "system."

I certainly agree that the penalty must be significant. Raising the ages and perhaps requiring evaluation for treatment for alcohol or drug abuse upon the second conviction would, I believe, fit the criteria.

Again, I want to thank you for taking such an interest in this bill. I have been advised by the State Affairs Committee that it will be heard again on Friday, February 19 at 1:30 p.m. I'm also told that a number of teenagers plan to attend to protest. I hope you too will be able to attend.

Sincerely,

A handwritten signature in black ink that reads "Johne".

Senator Johne Binkley
Yukon-Kuskokwim and
Interior Rivers

jka

WILLIAM T. COUNCIL
DAVID C. CROSBY

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

(907) 583-1780

February 19, 1988

The Honorable John E. Binkley
Alaska House of Representatives
Room 318 Capitol Building
Juneau, Alaska 99801

Re: Senate Bill No. 383 (Minor Consuming
and Driving Privileges -- "Use and Lose")

Dear Senator Binkley:

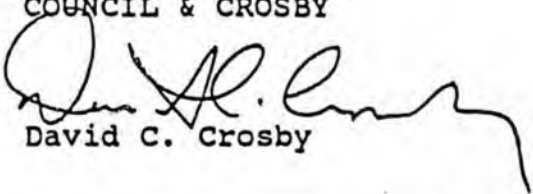
Thank you for notifying me of the hearings on SB 383.
Thank you also for your kind letter of February 11, 1988.

Enclosed is a supplement to the testimony I submitted
to you under cover letter of February 10, 1988.

Due to time constraints, I was unable to run off copies
for all committee members. I would appreciate it if you
would have your staff make copies and distribute them
accordingly.

Sincerely yours,

COUNCIL & CROSBY


David C. Crosby

Enc.

Alaska State Legislature

PRESIDENT
907-465-3755



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

February 13, 1988

David C. Crosby
Council and Crosby
424 North Franklin Street
Juneau, Alaska 99801

Dear Mr. Crosby:

Thank you for providing a copy of your written testimony regarding SB-383, concerning minor consuming alcoholic beverages and driving privileges, or popularly known as the "use and lose" bill.

I just want to let you know that I found your presentation to be excellent in its content and organization. I find myself in agreement with your points and your suggested amendments to the legislation.

Thank you for taking time to submit your thoughts about this proposed legislation. Thanks, too, for getting involved in the effort to stem the tide of alcohol and drug abuse that is so pervasive among our young people.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Faiks".

Jan Faiks
Senator

JF/mg

OUT OF SESSION

3111 C STREET, SUITE 525 ANCHORAGE, ALASKA 99503 907-561-7610

WILLIAM T. COUNCIL
DAVID C. CROSBY

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801
March 21, 1988

(907) 586-1788

The Hon. John Binkley
The Hon. Rick Halford
Alaska State Senate
P. O. Box Y
Juneau, Alaska 99811

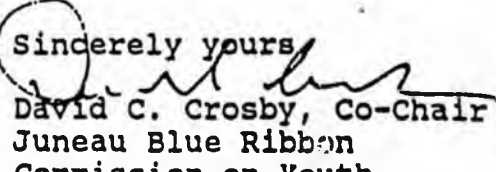
Dear Senators Binkley and Halford:

I am writing to you as Co-Chair of the Finance Committee to urge you to schedule C.S.S.B. 383 relating to minor consuming and driving privileges, for early Finance Committee action. S.B. 383 was originally co-sponsored by yourselves, along with Senators Fischer, Kelly, Rodey, Sturgulewski, Hensley, Josephson and Faiks.

The Juneau Blue Ribbon Commission on Youth is preparing a draft final report for circulation to the public. I anticipate that the Commission will make passage of C.S.S.B. 383 its top legislative priority. I cannot stress too much the importance of passing this crucial piece of legislation. Survey results given to the Juneau School District indicate to me that we are continuing to lose ground in the war on substance abuse by minors. This type of legislation has proven to be effective in Oregon, where it reduced juvenile drug violations by 22% in the first year following its passage. Please do not let this critical piece of legislation die.

I am enclosing with this letter materials that I submitted to the State Affairs Committee in support of S.B. 383. If there is any further information that I can provide to you, I would be pleased to meet with you or a member of your staff. Please be sure to have someone notify me of any scheduled hearings on the bill.

Sincerely yours,


David C. Crosby, Co-Chair
Juneau Blue Ribbon
Commission on Youth
Member, Juneau School Board

cc(w/enc.): Senator Paul A. Fischer
Senator Rick Uehling
Senator Jim Duncan
Senator Fred F. Zharoff
Senator Willie Hensley

WILLIAM T. COUNCIL
DAVID C. CROSBY

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

(907) 586-1780

March 21, 1988

The Honorable Jalmer M. Kerttula
Alaska State Senate
P. O. Box Y
Juneau, Alaska 99811

Dear Senator Kerttula:

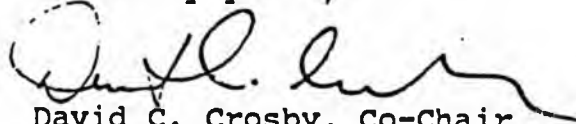
I am writing to you as Co-Chair of the Juneau Blue Ribbon Commission on Youth and as an elected member of the Juneau School Board to urge you to schedule early Judiciary Committee hearings on C.S.S.B. 383.

The Juneau Blue Ribbon Commission on Youth is preparing a draft final report for circulation to the public. I anticipate that the Commission will make passage of C.S.S.B. 383 its top legislative priority.

I cannot stress too much the importance of passing this crucial piece of legislation. Survey results given to the Juneau School District indicate to me that we are continuing to lose ground in the war on substance abuse by minors. This type of legislation has proven to be effective in Oregon, where it reduced juvenile drug violations by 22% in the first year following its passage. Please do not let this critical piece of legislation die.

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Sincerely yours,



David C. Crosby, Co-Chair
Juneau Blue Ribbon
Commission on Youth
Member, Juneau School Board

cc(w/enc.): Senator Arliss Sturgulewski
Senator Joe P. Josephson
Senator Jan Faiks
Senator Patrick Rodey

2-11-88

WILLIAM T. COUNCIL
DAVID C. CROSBY

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

(907) 586-1780

February 10, 1988

The Honorable John E. Binkley
Alaska House of Representatives
Room 318 Capitol Building
Juneau, Alaska 99801

Re: Senate Bill No. 383 (Minor Consuming
and Driving Privileges -- "Use and Lose")

Dear Senator Binkley:

Due to some confusion regarding the time of the hearing held on February 8, 1988, regarding Senate Bill No. 383, I was unable to testify. Please include the enclosed testimony and attachments in the record and have your legislative assistant call me if further hearings are scheduled.

Sincerely yours,

COUNCIL & CROSBY



David C. Crosby

Enc.

- cc: Senator Mitch Abood
- Senator Rick Uehling
- Senator Jan Faiks
- Senator Willie Hensley
- Senator Joe P. Josephson
- Senator Jalmer M. Kerttula
- Senator Arliss Sturgulewski
- Senator Rick Halford
- Senator Patrick Rodey

TESTIMONY OF DAVID C. CROSBY

SENATE BILL 383 (MINOR CONSUMING AND
DRIVING PRIVILEGES -- "USE AND LOSE")

I am the parent of two teenagers, one of whom was diagnosed as alcohol dependent and drug abusive at age 14. I am a member of the City and Borough of Juneau School Board. Prior to my election in 1986, I served on a citizen committee that drafted drug and alcohol disciplinary regulations for the Juneau-Douglas High School. In March of 1987 I was appointed as the Co-Chair of the Juneau Blue Ribbon Commission on Youth, which was created by the Mayor and Assembly at the request of the Juneau Youth Advocates Coalition, of which I am also a member.

Before getting into the specifics of Senate Bill 383, I would like to supply the Committee with some background statistics. Attached to this letter is a brief summary taken from the magazine "Alaska Medicine," January-March 1987 issue. According to this source, Alaska youth ages 12 to 17 have an experimentation rate with marijuana twice the national average, cocaine nearly three times the national average, and alcohol roughly 10% higher than the national average. These statistics correlate with drug and alcohol surveys performed for the Juneau School District on an annual and five year basis.

The most recent five year summary from the University of Alaska indicates that use of illegal substances has increased by approximately 15% in Juneau over the last five years. Perhaps more ominously, the average age when experimentation begins has dropped from 13 to 12 over that same five year period.

In addition to the individual tragedies caused by this epidemic of drug and alcohol use by teenagers in Alaska, recent statistics from the State Office of Alcohol and Drug Abuse document that minors are involved in a disproportionately large number of serious automobile accidents where drug or alcohol use is the contributing cause. (Drivers under 21 constitute 7% of the driving public, but account for 14% of the serious drug and alcohol related accidents.)

I am also enclosing for the record a copy of a recent editorial and "My Turn" column published by the Juneau Empire. These articles discuss the impact of adolescent substance abuse in Juneau, including the recent tragic single-car automobile accident that left one high school student dead, one in a coma and one probably paralyzed for life.

As you may know, Representative Bill Hudson is also a member of the Juneau Blue Ribbon Commission on Youth. Representative Hudson has been instrumental in introducing, through the House HESS Committee, a version of the so-called "Use and Lose" law that is similar in many respects to Senate Bill 383. At a recent hearing held by the Juneau Blue Ribbon Commission on Youth, nearly all witnesses testified favorably in support of a Use and Lose law for Alaska. The Juneau Blue Ribbon Commission on Youth supports this approach, as does the Governor's Blue Ribbon Commission on Youth.

The objectives of the Use and Lose law, as I understand it, are twofold. First, the law would assist in removing from the highways a class of drivers who are responsible for a disproportionately high incidence of serious, drug and alcohol related highway tragedies. Secondly, the Use and Lose law sends a potent message to adolescents who are struggling with the decision whether to use drugs and alcohol. The Senate Bill, as presently drafted, would accomplish neither of these objectives.

Under Senate Bill 383, as presently drafted, a minor could be convicted twice of drug and alcohol related offenses and still receive his or her driver's license on his or her 16th birthday. This is a meaningless sanction,

for at least two reasons. First, the right to obtain a permit, which can only be used in the presence of an adult, is not nearly so significant as the right independently to operate a motor vehicle. It is the latter event that marks the division between the dependence of youth and the independence of adulthood in the minds of many adolescents.

Secondly, I submit to you that we already have a major problem of credibility in enforcing the criminal law with juveniles. Overworked prosecutors (in Juneau there are two prosecutors and three public defenders) do not charge what they regard to be as "insignificant offenses." If the prosecutors won't charge, sooner or later the police stop arresting. Testimony at the recent hearing held by the Blue Ribbon Commission on Youth suggests that this is precisely what is happening with the minor consuming laws in general. Juneau Superior Court Judge Walter Carpeneti advises me that he cannot recall seeing a prosecution for minor consuming in his years on the bench. The sanctions imposed in Senate Bill 383 are so trivial that neither police nor prosecutors will bother with enforcement.

I am also enclosing with this testimony a brief summary of Use and Lose laws from other jurisdictions. While these summaries are no substitute for a detailed analysis of the legislation from other jurisdictions, it nevertheless

suggests that Alaska would be unique in permitting a minor to be convicted of drug and alcohol related offenses and still receive a driver's license on his or her 16th birthday.

I realize that the House HESS version, which would defer or suspend the license privilege for one year or until the 17th birthday for the first offense, and until the 18th birthday for the second offense, may seem harsh or "punitive." It does send a message to the kids that we are very serious about drug and alcohol use by minors. We don't do the children any favors when we set up a system of rules that lacks credibility and that is so slow to impose meaningful sanctions that bad habits -- possibly even addicting habits -- have been permitted to take root before the child encounters any meaningful sanction from society. By that time, it is too late.

For those who are concerned about the harshness of the House Bill, I would suggest that both the House and Senate version give the judge some leniency to restore privileges. If this restoration were made contingent upon successful completion of drug and alcohol counseling, the harshness of the penalty could be mitigated, as it should be, by a showing of a good faith effort to correct the behavior that

is so dangerous to the child and the others who must share the highway with him or her.

Finally, the statistics received by the Juneau School District suggest that the starting age for juveniles affected by the law should be reduced to age 12 to correspond with the age when experimentation is most likely to begin.

To summarize, the Use and Lose concept holds perhaps the greatest promise for both deterring adolescent drug and alcohol use and for reducing drug and alcohol related traffic accidents by modifying the behavior or denying licenses to a class of drivers that is statistically more likely to be involved in serious drug and alcohol related traffic accidents than members of the driving public in general. In order to accomplish these worthwhile objectives, I suggest that the language of Senate Bill No. 383 be amended as follows:

1. Strike "13" and insert "12" in the first sentence of AS 28.15.185.

2. Strike "six months" and "14 and one-half" from AS 28.15.185(b)(1) and insert in their stead "one year" and "17."

3. Strike "15" in AS 28.15.185(b)(2) and insert "16."

4. Insert in AS 28.15.185(c) following "Upon petition of the person," the following language: "and upon proof of successful completion of an approved drug and/or alcohol counseling program,"

Thank you for affording me the opportunity to express my views on this vital piece of legislation. I would very much appreciate the opportunity to state my views in person, should the Committee hold additional hearings.

2-3-88

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Local tragedy being addressed

Nothing is so tragic as a needless injury of life, but that tragedy is even greater if it involves a young person. In Juneau, an increasing number of young people - our young people - are being hurt or killed or permanently injured.

The cause of this tragedy? It's not disease, or a natural disaster. It is the ready availability of drugs and alcohol to teen-agers.

That is one of the findings of the Juneau Blue Ribbon Commission on Youth, a group of concerned citizens that has been probing the complex and as-yet unresolved problems facing young people here.

Today, we are publishing a "My Turn" column written by David Crosby, a lawyer who is co-chair of the commission and a

ISSUE: Youth panel progresses toward solution

member of the Juneau City-Borough Board of Education. It expresses better than any stack of statistics or studies the tragedy and alcohol abuse is working on our young people, it is happening and some of the ways we might be able to stem its tide.

Do not misunderstand the message of this commission. All of our young people are not alcohol or drug addicts. But the overwhelming prevalence of serious alcohol and drug abuse in our community demands our attention.

Recognizing the problem and formulating possible solutions is a giant leap, but the commission recognizes that the real progress will be made with action - in the Alaska Legislature, the Juneau City-Borough Assembly, the school board, the Juneau Police Department and all the way down to individual families. If each segment does its part, there is little doubt the community as a whole will be making a giant stride towards solving the problem.

The commission deserves the thanks of the community for its work so far, but its members recognize that much remains to be done.

The real celebration will come once the appropriate steps are taken and our young people are living better, more fulfilling lives.

MY TURN

By DAVID CROSS

So what's wrong with Juneau? Members of the Juneau Blue Ribbon Commission on Youth asked that question of a cross section of local citizens - students and parents, teachers and religious leaders, business leaders and law enforcement officials - people who make a living providing services to kids. Natives and non-natives. We got lots of interesting answers ranging from lack of recreational facilities to "too many suburbs" but in every group we polled the number one concern was substance use and the easy availability of drugs and alcohol to our kids in Juneau. There weren't any close seconds, not even among the high school students we polled.

Well, you may say, everybody is concerned these days, and Juneau is no worse off than anywhere else. Not so, in part because the names of juveniles injured or arrested while under the influence are never published, the impact of what has been witnessed in this community is depersonalized. Often times the fact that drugs or alcohol are involved in a tragedy involving a minor is not reported in deference to the families of the victims.

My own unofficial tally from the two years I have been back in Juneau is as follows. The recent car accident left one dead, one in a coma, one paralyzed and one with serious internal injuries. Two deaths by drowning. These were kids who stumbled into the water and were too drunk to get themselves out. In both instances their friends were too far away themselves to notice or render any effective assistance. One death by falling from a high tension tower. Another quadriplegic as a result of a motor vehicle accident while under

the influence.

Somewhat less dramatic, but nonetheless disturbing, I have carried a young, semi-conscious high school girl into the emergency room of Bartlett Memorial Hospital after she and a friend tried to down a bottle of vodka in 15 minutes. I have picked a young woman up off the highway and delivered her to the same emergency room after she stepped out of a moving vehicle on Egan Drive. The driver was charged with DWI. I know of two middle school students who went to the emergency room in alcohol induced comas after a recent party. If you have kids in middle school or high school and you keep your ears open, you know that my stories are just the tip of the iceberg.

Extend the definition of "youth" a little (but not much) and you have the young man whose body was thrown into Montana Creek by his own friends after he overdosed on cocaine. The poignant letter to the editor from that young man's mother hinted at what the mother of every drug or alcohol addicted child knows in her heart - there is a kind of living death that consists of watching what was once a bright, energetic, loving young person destroy him or her self, and for which the death of the child comes almost as a welcome release.

Teenage crime goes hand in hand with substance use. Steal from your parents. Steal from your friends. One young Juneau man narrowly escaped a murder charge when the gun he pointed at the liquor store owner failed to go off. He was living with an only slightly older companion who was charged with dealing cocaine. Arrests by the Juneau Police Department for violation of the drug laws

by juveniles jumped from 31 in 1985 to 77 in 1986. Arrests for violation of the liquor laws by juveniles jumped from 110 to 148 over the same period.

I'm staying within my two year time frame. Are you still listening? I moved to Juneau from a suburb of Seattle, where I lived for eight years across the street from the high school. In eight years in that town (Renton), I do not recall as many drug and alcohol related tragedies as I have seen in Juneau in just two.

Statistics for the State of Alaska suggest that one of every two students in Juneau will use marijuana before graduating from high school. (The national average is one in four). One in six will do the same with cocaine. (The national average is closer to one in twenty.) Three out of four kids will use alcohol by the time they graduate, which is slightly higher than the national average. One recently released study of Juneau students found a 15 percent increase in drug and alcohol use since 1982. The average age at which experimentation starts is now 11-12 years old (down from 13 five years ago).

Some of these kids, like those I just mentioned, will kill themselves quickly and by accident. Some will kill themselves deliberately. (Nine of ten adolescents who attempt or successfully commit suicide are harmfully involved with drugs or alcohol.) Some of them will kill others. Although minors in Alaska are only 7 percent of the drivers, they are responsible for 14 percent of the traffic deaths linked to substance use. Still others will just kill their dreams, or the dreams of those who love them.

Is there anything we can do about this? The Commission is looking at long range proposals that focus on

Youth, substance use, and the law

education and providing healthy alternatives to drugs and alcohol. We are also looking at the laws relating to substance use by juveniles. On Feb. 4, at 7 p.m. in the School District Conference Room, the laws subcommittee of the Blue Ribbon Commission on Youth will hold a hearing on substance use and related problems in Juneau and proposals for legal reform.

Among the most promising of reforms put forth to date is a so-called "use and lose" law. The concept is simple: use, possess or sell drugs or alcohol to a minor and the time when you can apply for a driver's license is put off - one year for the first conviction and another year for the second offense. For most kids the day on which they get their driver's license marks the passage from the status of a dependent child to that of an independent adult. It is, as most who read this will no doubt recall, the most long-awaited day of your short life. For kids who use drugs or alcohol because they think it is acceptable "adult" behavior, the "use and lose" law sends a potent message.

The Commission has also received numerous communications urging it to join school districts and other organizations concerned about adolescent substance use in calling for the recriminalization of marijuana. Locally, both the School Board and the Assembly have passed resolutions call for recriminalization.

Although state law currently forbids use or possession of marijuana by minors, the fact that state law legalizes possession and use for adults makes marijuana more readily available to all. Like liquor, smoking marijuana has become a litmus test of the adult status that adolescents

so desperately covet. Put a slightly different way, patterns of adolescent substance use tend to mirror use in the community as a whole. Kids are sensitively attuned to adult hypocrisy. As one high school student testified at hearings on the marijuana recriminalization bill last year, "If it's no good for me, it's no good for you." She may also have had in mind the converse of her own statement: "If it's good for you, it's good for me."

The Commission has received considerable evidence documenting the harmful effects of marijuana usage, especially upon developing adolescents. The so-called "Raven" decision, in which the Alaska Supreme Court found a constitutional right of privacy for adults to use and possess marijuana in their homes (notwithstanding federal laws prohibiting the same conduct), left the door ajar to a different result should advances in medical evidence suggest that the drug is more harmful than was generally believed a decade ago, when that case was decided. Many citizens now believe the case for recriminalization can and should be made. Juneau Rep. Bill Hudson, a Commission member, recently added his name to the list of co-sponsors of the bill to recriminalize marijuana.

Other citizens have expressed dismay and outrage at the apparent ease with which kids are able to obtain alcohol in Juneau. In a poll conducted by the high school newspaper a few years ago, of those students who drank (a majority of the school population), only 5 percent reported that availability was a problem. Alcohol is sold to minors not because it is difficult to determine who is a minor and who is not. It is sold because it is profitable. The kids quickly learn who checks ID and who does not, and give their not inconsiderable business accordingly.

Although it is illegal for a liquor license to sell to a minor, a violation of this provision is treated no more seriously than any other offense. Under current law, a liquor license may not be revoked until the third violation. There appears to be no legitimate reason for this tolerant atti-

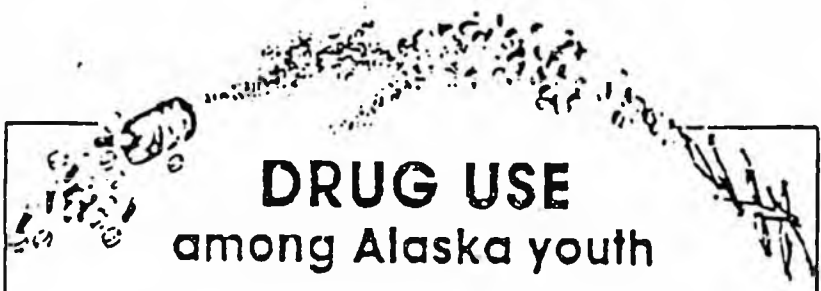
tude, when a simple check of the driver's license could provide a complete defense to prosecution.

The Commission has also received a copy of a Washington "keg law," requiring liquor store owners to record the names and addresses of persons purchasing kegs. All too often when police bust a keg party it is impossible to determine who purchased the alcohol given to the kids, and who sold it to them.

The Commission will also look at enforcement issues. Many citizens have observed that perhaps a better job could be done of policing areas where drugs are used and distributed by and to students, such as the graveyard and the small boat harbor across from the high school. "Sting" operations could and should be mounted against liquor store owners suspected of selling to kids. The Commission has received several complaints that police "bust" parties where drinking is evident, but simply issue verbal warnings. If true, this conduct on the part of the police sends a message that drinking by adolescents is acceptable and expected, as long as it "doesn't get out of hand" - which, of course, it never does until someone climbs the high tension tower, or walks into the lake, or walks into the river, or crosses the median.

The Commission has received communications from some parents who, for very understandable reasons, might be unwilling to give public testimony. The Commission understands and respects this need for confidentiality. If you have information or an opinion that you would like to express to the Commission in confidence about adolescent substance use or related problems in Juneau, you may mail your testimony to the Juneau Blue Ribbon Commission on Youth, care of Rep. Bill Hudson, Pouch Y, Juneau, Alaska 99811. Otherwise, we hope that you will attend the public hearing on Feb. 4 at 7 p.m. at the School District Conference Room.

David Crosby is co-chair of the Blue Ribbon Commission on Youth and a member of the Juneau City-Borough School Board.



DRUG USE among Alaska youth

Percentage of Alaska U.S. youth who have tried drugs

<u>Drug</u>	<u>Alaska youth ages 12-17</u>	<u>U.S. youth ages 12-17</u>
Marijuana	47.4	26.7
Hallucinogens	7.9	5.2
Cocaine	16.6	6.5
Heroin	2.3	0.1
Stimulants	25.9	6.7
Depressants	14.0	5.8
Tranquilizers	11.1	4.9
Alcohol	71.7	65.2
Tobacco	55.0	49.5

Source: Alaska Medicine, January-March
1987 issue

SUPPLEMENTAL TESTIMONY OF DAVID C. CROSBY

SENATE BILL 383 (MINOR CONSUMING AND
DRIVING PRIVILEGES -- "USE AND LOSE")

I would like to supplement my testimony submitted under cover letter of February 10, 1988, to Senator Binkley, with the following information:

1. H. W. Smith, "Oregon says "No" to Driving by Minors Who Use Drugs," The Challenge magazine. Attached to my testimony of February 10, 1988, was page 19 of an article printed in The Challenge magazine. This is a United States Department of Education publication. I am sorry that I cannot provide the volume number or date. The article appeared, however, within the last year. The author, H. Wesley Smith, is generally regarded to be the father of the "Use and Lose" laws. The additional materials submitted provide statistical confirmation that Oregon's Use and Lose law (which is virtually identical to H.B. 361 and similar to S.B. 383, with the exception of the penalty provision) has been effective in reducing alcohol and drug use by minors, including use in connection with driving. The law is credited with reducing juvenile drug arrests by nearly 30% in the four years since its enactment.

2. State of Oregon, interoffice memo dated April 8, 1987. This memorandum provides statistical information similar to that recited in the Smith article, covering the years 1982 through 1984. (The Oregon statute was passed in 1983.)

3. State of Oregon v. Day, 84 Or. App. 291, 733 P.2d 937 (1987), Petition for Review denied, ___ P.2d. ___ (1987). This case upheld the Oregon statute against contentions that it denied equal protection (including a contention that it created a suspect classification of minors) and a contention that the law violated the prohibition against cruel and unusual punishment. In the course of its opinion, the Oregon Court of Appeals had the following to say:

The legislative history reveals that the law was intended to meet two goals: Deterrence of drug and alcohol possession and use among young people and promotion of highway safety. Both goals are legitimate. The legislature considered the sanction appropriate to meet these goals because of the lack of other meaningful penalties for the group and the recognition that driving is a privilege young people do not want to lose.

. . . .

We conclude that the interest in possessing an operator's license, although an important entitlement, is outweighed by the State's goals of promoting highway safety and deterring drug and alcohol possession and use by those between the ages of 13 and 17.

4. Praete v. Commonwealth, 722 S.W.2d 602 (Ky App. 1987). In this case the Kentucky Court of Appeals held that the legislature could constitutionally impose more stringent penalties upon minors than others in connection with drug and alcohol use and driving. The Court of Appeals quoted the lower court's statement:

Those between the ages of 16 and 18 . . . are still deemed to be minors and the legislature may reasonably regard them as a class requiring closer supervision than those over the age of 18. More importantly, the legislature may properly decide that members of the general public are entitled to greater protection from those minors who have demonstrated a lack of maturity in both the consumption of alcohol and the operation of a motor vehicle upon the highways of the State.

5. SOADA Statistics and Bar Graph. In my testimony of February 10, 1988, I represented to you that "drivers under 21 constitute 7% of the driving public, but account for 14% of the serious drug and alcohol related accidents." Attachment 5 is the supporting documentation for this statement.

6. Adolescent Drug-Taking Behavior Follow-up Study, Juneau: Grades 7 through 12 (University of Alaska, 1987). This is a five-year follow-up study on drug and alcohol use among Juneau school students, highlighting changes from 1982 through 1987. The study is marked "Confidential." The

Juneau School District, however, has elected to release the report to the public.

There are two significant findings in this report. The first appears on page 6:

Presently, 58.4% of those surveyed, over half of the sample, reported having tried one or more of the chemical substances listed in the questionnaire during their lifetime. The number of students reported having tried one or more drugs in 1982 was 42.6%. The difference between the two statistics represents an increase of 15.8% (over a five year period).

This statistic should be contrasted with the Oregon statistics set forth in Attachment 1. While the two studies do not purport to measure precisely the same behavior (drug and alcohol violations, as opposed to reports of lifetime experiences with drugs and alcohol), one would logically expect statistics regarding violations to have some logical correspondence to usage. Without attempting to draw any conclusions from the magnitude of change in either study, it is significant to note that Oregon and Alaska appear to be headed in quite different directions concerning the extent of drug and alcohol usage among minors.

The second significant finding appears on page 12:

Previous research suggested that age 13 was the peak year for initiation into drugs, but the present findings indicate that age 12 now appears to be the critical year for initiation into drugs.

I cited this finding to you on page 6 of my original testimony. I wanted the Committee to have the supporting documentation.

Thank you for the opportunity to present these additional materials to you.



STATE OF OREGON

INTEROFFICE MEMO

TO: Catherine Webber
House Judiciary Committee

FROM: Gil Bellamy, J.B.
Administrator

SUBJECT: 13 to 18 Year Old Driver's License Denial Law

DATE: April 8, 1987
04U98702C

The 13-18 year old driver's license denial law took effect October 15, 1983. Under the terms of this law, a person between the ages 13 and 18 who is found to have violated alcohol or drug laws loses their privilege to drive for one year or until age 17 whichever is longer. A second offense results in a denial for one year or until 18, whichever is longer. A judge can end the denial period after 90 days.

This law was proposed by school officials, particularly Wes Smith (967-4515), to reduce the consumption of alcohol and other drugs by students. The law was backed by traffic safety advocates because juveniles who illegally consume alcohol and other drugs inevitably either drive while under the influence or aid and abet other young people in doing so.

This law is virtually cost-free and has been a more effective deterrent than the sponsors of the legislation hoped. The driver's license is the equivalent of a right of passage in America and is highly prized.

Since the law took effect during 1983, a relevant evaluation is to compare 1982 with 1984 data. The following table contains the number of ARRESTS for juveniles (persons under 18) for offenses which result in a denial of the driver's license.

<u>Offense Category</u>	<u># Juveniles Arrested</u>		<u>% Change '82-'84</u>
	<u>1982</u>	<u>1984</u>	
DUI	456	378	-17%
Open Container	373	205	-45%
All Liquor Law Violations	4,496	3,970	-12%
All Drug Violations	969	755	-22%

There were 1,760 driver's license denials for alcohol offenses in 1986. Of this number, 207 were second denials, 27 were third denials, 4 were fourth denials and one person was denied a driver's license five times.

GB:cek

bcc: Wes Smith

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Respondent.

PAULA MARIE DAY, ^{84 Co App 241}
Appellant. ^{733 P2d 957}
(M81-1158; CA A39279)

Appeal from District Court, Douglas County.
Robert H. Anderson, Judge.
Argued and submitted September 11, 1986.

Philip M. Suarez, Roseburg, argued the cause and filed the brief for appellant.

Carol Munson, Assistant Attorney General, Salem, argued the cause for respondent. With her on the brief were Dave Frohmayer, Attorney General, and Virginia L. Linder, Solicitor General, Salem.

Before Buttler, Presiding Judge, and Warren and Rossman, Judges.

ROSSMAN, J.

Affirmed.

Rec'd. denied 04/24/87
Pet'n. for Rev'n. by C.A. (17)
Denied 06/06/87

law and those people apparently is not the same, and in each of those cases they said, 'In this case, the trial judge abused his discretion.' So I would suggest that you be very optimistic.

There was no discretion for the trial court to abuse in this instance. The judgment should have been set aside as having been granted in violation of ORCP 69B(2), which provides, in part:

"If the party against whom judgment by default is sought has appeared in the action or if the party seeking judgment has received notice that the party against whom judgment is sought is represented by an attorney in the pending proceeding, the party against whom judgment is sought (or, if appearing by representative, such party's representative) shall be served with written notice of the application for judgment at least 10 days, unless shortened by the court, prior to the hearing on such application."

In *Denkers v. Durlam Leasing Co.*, 299 Or 544, 704 P2d 114 (1985), the Supreme Court held that there is no notice requirement for the entry of an order of default. That entry is a purely ministerial act, which may be done by the clerk. The ten-day notice to a represented party required by ORCP 69B(2) is a notice of an application for a judgment by default, which presupposes an existing order of default. See also *Morrow Co. Sch. Dist. v. Oreg. Land and Water Co.*, 78 Or App 296, 716 P2d 766 (1986).

Here, defendant's motion was to set aside the judgment, not the order of default. The motion was well taken because of plaintiff's failure to give the notice required by ORCP 69B(2) after an order of default is taken. Entry of the judgment was therefore erroneous, and the court should have set it aside.

Reversed and remanded.

ROSSMAN, J.

Defendant appeals her conviction for driving while suspended, contending that the statute under which her driver's license was suspended is unconstitutional under the Oregon Constitution. She was found to have violated ORS 471.430, which prohibits persons under 21 years of age from possessing alcohol. Because she was 17 years old,¹ her driver's license was suspended pursuant to former ORS 482.593(1),² which provided:

"Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, is convicted of any offense described in this subsection or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the Motor Vehicles Division, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This section applies to any crime, violation, infraction or other offense involving the possession, use or abuse of alcohol or controlled substances."

Defendant first contends that that statute violates Article I, section 20, of the Oregon Constitution:

"No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens."

She does not challenge the legal authority of the legislature to pass legislation controlling alcohol possession or motor vehicle operation, *see State v. Freeland*, 295 Or 367, 667 P2d 509 (1983), but challenges the content of the statute as constituting a constitutionally impermissible classification. She contends that it violates Oregon's Privileges and Immunities Clause, either because its classification is a "suspect class" or because the statute impinges on a "fundamental right," either of which requires the court to apply the strict scrutiny test.

We turn first to defendant's suspect class argument. Here, the state has granted the privilege of driving, which,

¹ In *State ex rel. Ju. Dept. v. White*, 83 Or App 225, 730 P2d 1279 (1986), we held that former ORS 482.593 applied to persons up to their eighteenth birthdays.

² Former ORS 482.593 was repealed by Or Laws 1983, ch 16, § 475, and replaced by ORS 809.260, Or Laws 1985, ch 16, § 206 (which became effective January 1, 1986, Or Laws 1985, ch 16, § 476).

under Article I, section 20, must be available to all citizens "upon the same terms," unless a denial can be reasonably justified. *Former* ORS 482.593 denies driving privileges (or the ability to apply for the privilege) to persons who are 13 through 17 years old and are guilty of being a minor in possession. The group to whom the privilege is denied is not based on an immutable personal characteristic that can be suspected of reflecting "invidious" social or political premises, i.e., "prejudice or stereotyped prejudgments," and therefore it is not a suspect classification. See *Hewitt v. SAIF*, 294 Or 33, 45, 653 P2d 970 (1982).

Because the classification is not suspect, the question is whether the legislative distinction "bears a rational relationship to some legitimate state interest." *Ritchie v. Board of Parole*, 35 Or App 711, 717, 583 P2d 1 (1978), *adhered to as modified* 37 Or App 385, 587 P2d 1036 (1978). See *Olsen v. State ex rel Johnson*, 276 Or 9, 19, 554 P2d 139 (1976). We will not hold it invalid "if any state of facts reasonably may be conceived to justify it." *Broien v. Portland School Dist. #1*, 48 Or App 571, 576, 617 P2d 665 (1980), *rev'd on other grounds* 291 Or 77, 628 P2d 1183 (1981).

The legislative history reveals that the law was intended to meet two goals: deterrence of drug and alcohol possession and use among young people and promotion of highway safety. Both goals are legitimate. The legislature considered the sanction appropriate to meet these goals because of the lack of other meaningful penalties for the group and the recognition that driving is a privilege young people do not want to lose. We hold that *former* ORS 482.593 is rationally related to legitimate state interests.

As a separate challenge, defendant argues that the ability to drive is a "fundamental right" and that, under Article I, section 20, any infringement of that right must be subjected to strict scrutiny. This federal "fundamental rights" analysis does not apply to privileges and immunities challenges under the Oregon Constitution. In *Olsen v. State ex rel Johnson*, *supra*, the court instead balanced the interest involved against the state's justification for denying the interest to a certain group.

Thus, we balance the privilege of driving against the justification for denying it to persons 13 to 17 years of age who

are convicted of minor in possession. We conclude that the interest in possessing an operator's license, although an important entitlement, is outweighed by the state's goals of promoting highway safety and deterring drug and alcohol possession and use by those between the ages of 13 and 17. Accordingly, we hold that *former* ORS 482.593 does not violate Article I, section 20.

Defendant also argues that the statute violates Article I, section 16, of the Oregon Constitution, which provides in pertinent part:

"Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense."

She contends that the license suspension penalty is out of proportion to other penalties for more serious conduct. Juveniles are subject to legal consequences in the juvenile system, including detention or other loss of personal freedom, for misconduct that would not constitute a crime if committed by an adult, e.g., the status offense of being a runaway. A loss of driving privileges for conviction of minor in possession is not a disproportionate penalty when compared to the loss of liberty that can be imposed for other offenses.³

Affirmed.

³ Defendant also contends that the statute violates Article I, section 16, because the penalty is not related to the offense. It is.

Michael D. PRAETE, Movant,
v.

COMMONWEALTH of
Kentucky, Respondent.

Jon T. EMMETT, Movant,
v.

COMMONWEALTH of
Kentucky, Respondent.

Court of Appeals of Kentucky,

Jan. 9, 1987.

On discretionary review from orders of the Circuit Court, Taylor County, William M. Hall, J., and the Circuit Court, Fayette County, Armand Angelucci, J., the Court of Appeals, Wilhoit, J., held that statute relating to revocation of driver's license upon conviction for driving under the influence, by providing for potentially harsher penalties for drivers under age 18, did not violate equal protection, did not constitute special legislation and did not contravene prohibition against cruel and unusual punishment.

Affirmed.

1. Constitutional Law ⇨230.5

Automobile drivers under age of 18 do not constitute suspect class for purposes of equal protection analysis. U.S.C.A. Const. Amend. 14.

2. Automobiles ⇨132

Constitutional Law ⇨230.5

Criminal Law ⇨1213.2(1)

Statutes ⇨77(1)

Statute relating to revocation of driver's license upon conviction for driving under the influence, by providing for potentially harsher penalties for drivers under age 18, did not violate equal protection, did not constitute special legislation and did not contravene prohibition against cruel and unusual punishment. KRS 189A.070, 189A.070(1, 2); U.S.C.A. Const. Amends. 8, 14; Const. § 17.

Phil Allan Bertram, Bertram & Cox, Campbellsville, for movant Michael D. Praete.

Jim M. Alexander, Alexander & Schreiner, Lexington, for movant Jon T. Emmett.

David L. Armstrong, Atty. Gen., Kay Winebrenner, Asst. Atty. Gen., Frankfort, for respondent Com.

Before CLAYTON, HAYES and
WILHOIT, JJ.

WILHOIT, Judge.

These two cases are before the Court on discretionary review from an opinion and order of the Fayette Circuit Court and of the Taylor Circuit Court which affirmed orders of the respective district courts. The only question presented is whether KRS 189A.070 is unconstitutional.

Section (1) of KRS 189A.070 provides that if a person 18 years of age or older is convicted of operating a motor vehicle while under the influence of alcohol or other impairing substance, that person's driver's license shall be revoked for six months for the first offense, 12 months for the second, and 24 months for subsequent offenses. Section (2) of the statute provides that if a person under the age of eighteen is convicted of such an offense, his driver's license shall be revoked until he reaches the age of 18 or for the period of time set out in Section (1), whichever is longer.

The movants contend that the statute's disparate treatment of drivers under the age of 18 and those over that age offends both the Constitution of the United States and the Constitution of Kentucky. They maintain that the equal protection guarantee of the Fourteenth Amendment to the United States Constitution is violated because the statute has created a "suspect classification" (drivers who have not yet reached the age of majority), which requires strict scrutiny by the courts, and that there is no rational basis for not imposing the same penalty upon all drivers who are under the legal age for drinking

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(21), rather than singling out those who are under 18 for potentially harsher treatment.

[1] We do not believe that automobile drivers under the age of 18 constitute a suspect class for purposes of equal protection analysis. See *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307, 96 S.Ct. 2562, 49 L.Ed.2d 520 (1976); hence, we must consider only whether the statutory treatment of those under 18 is so unrelated to the achievement of any legitimate purpose that we can only conclude that the legislature's actions were irrational. See *Vance v. Bradley*, 440 U.S. 93, 99 S.Ct. 939, 59 L.Ed.2d 171 (1979).

[2] The opinion of Judge Angelucci of the Fayette Circuit Court points out as well as could we why the statute does not fail the "rational basis test." That opinion held as follows:

While it is true that individuals between the ages of eighteen and twenty-one cannot legally purchase alcoholic beverages in Kentucky, under KRS 2.015 they are deemed to be adults for all other purposes unless they are handicapped. Those between the ages of sixteen and eighteen, on the other hand, are still deemed to be minors and the legislature may reasonably regard them as a class requiring closer supervision than those over the age of eighteen. More importantly, the legislature may properly decide that members of the general public are entitled to greater protection from those minors who have demonstrated a lack of maturity in both the consumption of alcohol and the operation of a motor vehicle upon the highways of the state.

For these same reasons the statute does not constitute special legislation in contra-

vention of Section 59 of the Kentucky Constitution. The statute applies equally to all drivers who have not attained the age of majority, and as pointed out by Judge Angelucci, there are distinctive and natural reasons, based upon a consideration of maturity, or rather a lack thereof, for making such a classification. As also pointed out, the classification bears a reasonable relationship to the legislative purpose of protecting public safety. See *Schoo v. Rose*, Ky., 270 S.W.2d 940 (1954). Likewise, the statute does not violate Section 3 of the Kentucky Constitution. See *Markendorf v. Friedman*, 230 Ky. 484, 133 S.W.2d 516, 127 A.L.R. 416 (1939).

Finally, we do not believe that the statute contravenes the prohibition against cruel and unusual punishment found in the Eighth Amendment to the United States Constitution, or Section 17 of the Kentucky Constitution. For one thing, the penalty imposed upon those under 18 does not shock the conscience, neither is it greatly disproportionate to the offense, nor does it go beyond what is necessary to achieve the legislative intent. See *Workman v. Commonwealth*, Ky., 429 S.W.2d 374, 33 A.L.R.3d 326 (1968).

The judgments of the trial courts are affirmed.

All concur.



ACCIDENTS BY DRIVER AGE GROUPS
1986

DRIVER AGE	DRIVERS INJURY ACC	DRIVERS FATAL ACC	DRIVERS TOTAL ACC	% OF TOTAL INJURY	% OF TOTAL FATAL	% OF TOTAL ACC	DRIVERS ALC INJ	DRIVERS ALC ACC	DRIVERS TOTAL ALC	% OF ALC INJ	% OF ALC ACC	% OF ALC TOTAL	TOTAL DRIVER LICENSES	% OF LICENSES
0-20	1,010	25	3,535	16.8%	10.0%	14.5%	76	5	257	14.1%	14.6%	13.9%	25,675	6.7%
21-30	2,115	53	8,075	34.7%	32.1%	32.7%	387	19	636	45.4%	46.3%	42.7%	103,325	25.6%
31-40	1,551	32	6,157	25.5%	25.6%	24.9%	170	11	344	26.9%	26.6%	25.1%	125,756	32.7%
41-50	676	12	2,854	11.4%	6.6%	11.7%	44	4	125	6.7%	23.5%	8.7%	69,962	16.1%
51-60	358	13	1,435	5.5%	7.4%	5.9%	15	0	44	2.3%	0.0%	3.0%	36,015	9.4%
61-70	177	0	654	2.5%	0.0%	2.6%	9	0	22	1.4%	0.0%	1.5%	18,047	4.7%
70+	66	2	245	1.1%	1.4%	1.0%	2	0	6	0.5%	0.0%	0.4%	6,055	1.6%
UNK	139	2	1,670	2.5%	1.4%	6.6%	26	1	103	3.0%	2.4%	6.9%	0	0.0%
TOTAL	6,094	137	24,723	24.5%			661	41	1,451	44.3%	2.7%	6.0%	335,166	

PERCENT OF DRIVER BY AGE GROUP

INVOLVED IN ALCOHOL ACCIDENTS

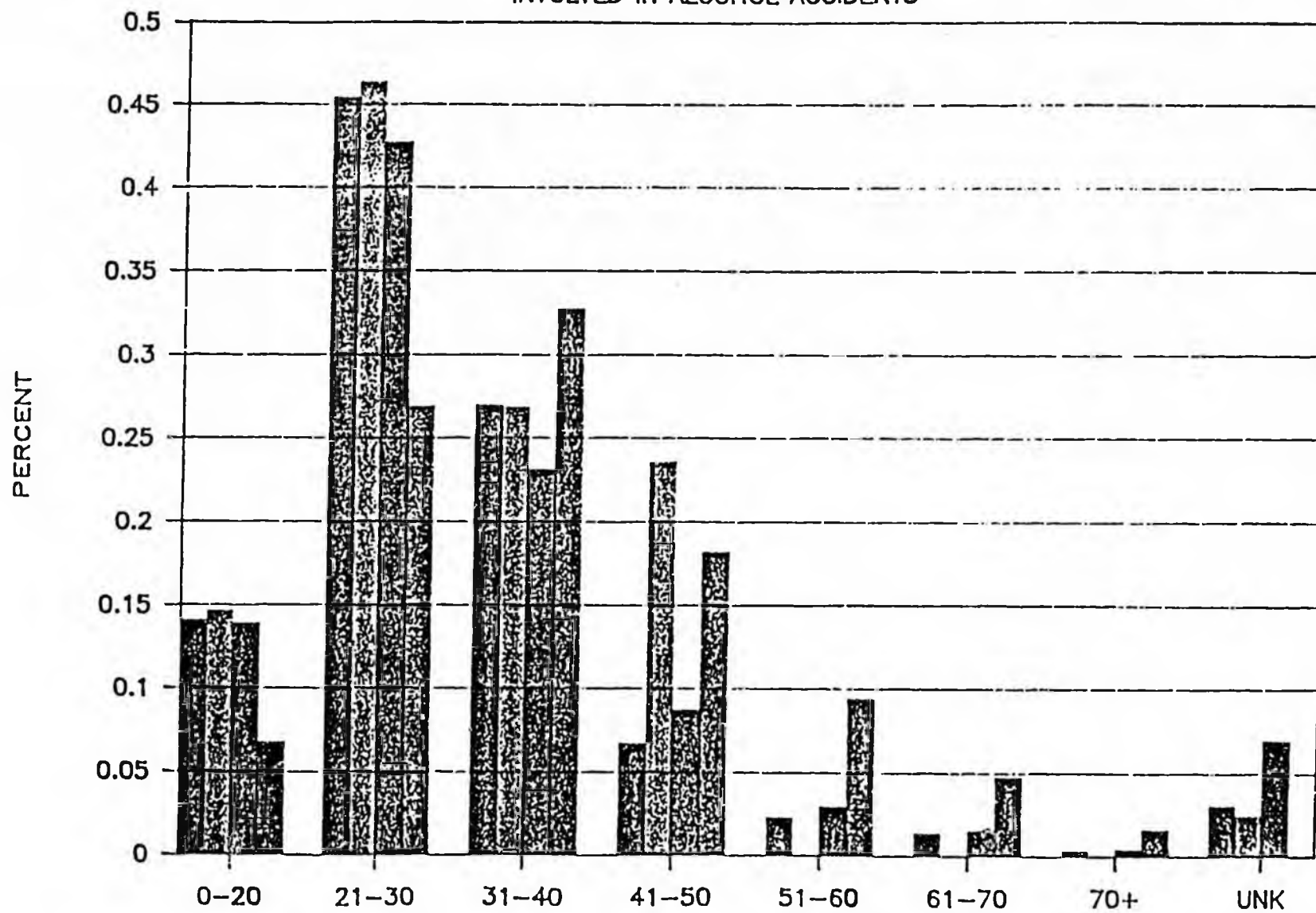


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Oregon Says "No" To Driving By Minors Who Use Drugs

By H. Wesley Smith

When H. Wesley Smith was a school principal in Albany, Oregon, he led the movement to enact the 1983 Oregon law that suspended the driving privileges of teenagers who violated alcohol and drug laws.

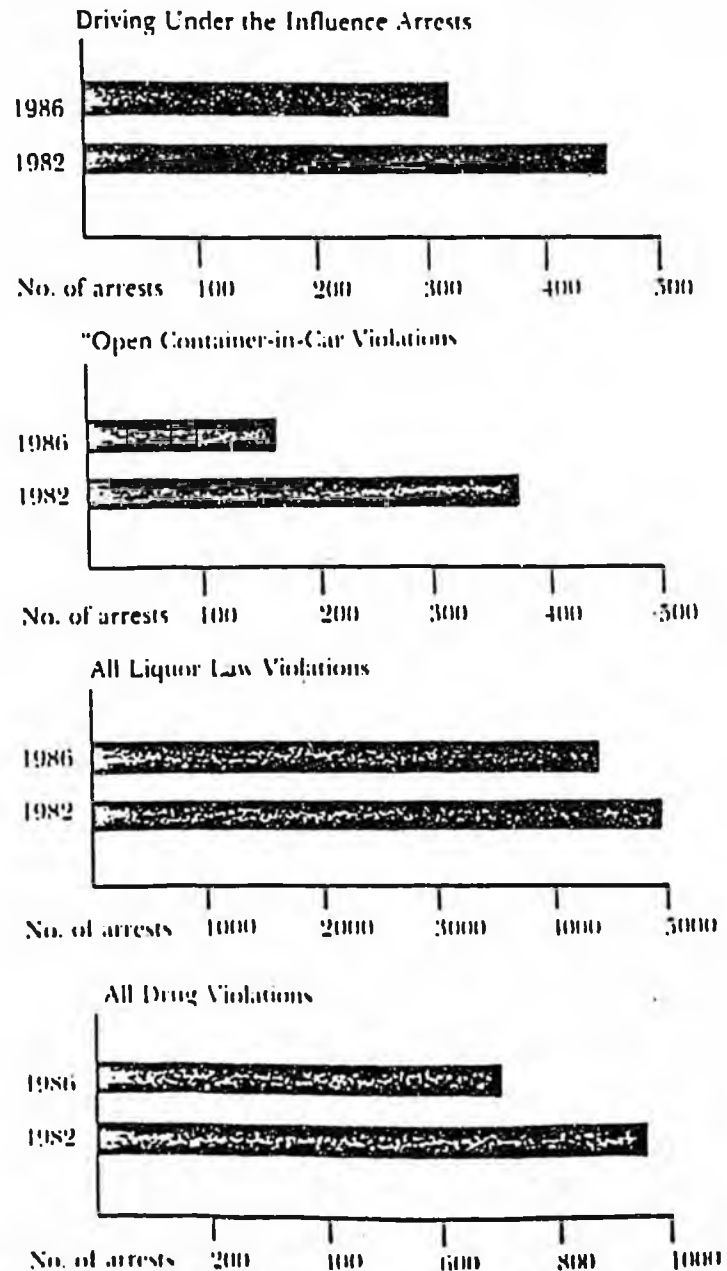
In 1983 I was principal of a school that was considered to have an outstanding drug education program. And yet, the students were still using drugs.

I felt there had to be a way to motivate young people to stop using drugs. I thought that students might be encouraged to stay away from drugs to protect their privilege of driving. Receiving a driver's license is important to a teenager.

With this in mind, I exercised my right as an Oregonian to submit a proposal to the state legislature. My proposal stipulated that 13- to 17-year-olds found in violation of any drug or alcohol laws would lose their driving privileges for 1 year or until age 17, whichever was longer. The violator would be unable to apply for a license during the penalty period. In the case of a 13-year-old violator, the youth would have to wait until age 17 to apply, invoking the 1-year penalty after the youth became eligible at the age of 16. This penalty would be imposed whether or not a motor vehicle was involved. A second violation would require the suspension of driving privileges for 2 years or until age 18, whichever was longer. The proposal also provided an appeals procedure.

After much deliberation, the "Oregon Denial Law" was passed in 1983. The law was credited with

Denial Law Causes Sharp Decline in Drug Use



reducing juvenile drug arrests 22 percent by the end of 1984 and an additional 7 percent by the end of 1986. Open-container-in-vehicle violations were reduced 45 percent by the end of 1984 and an additional 19 percent by the end of 1986.

The most persuasive arguments in favor of the law's concept were:

- It helped youth by giving them a reason to say "no" which was acceptable to their peers.
- It gave judges an effective tool to use in responding to drug violators.
- In contrast to traditional prevention programs, this penalty program was nearly cost-free to the state.
- It provided positive reinforcement to drug-free teenagers by maintaining their eligibility to drive.
- It demonstrated society's commitment to fight drug use by taking firm legal action.
- It provided an absolute consequence to drug violations.
- The law supported parents, schools, and others fighting drug abuse.

Passage of the law was not without struggle. Although opponents of the bill criticized it as harsh, and possibly in violation of the state constitution, we answered those criticisms. Oregon courts have upheld the law.

Public response to the law has been overwhelmingly positive. To obtain more information about the law, write to H. Wesley Smith, Assistant to the Superintendent, Greater Albany Public Schools, 718 Seventh Avenue, S.W., Albany, OR 97321 or telephone (503) 967-4515.

Oregon Denial Law Upheld

In April 1987, the Oregon Court of Appeals upheld that state's "Denial Law," which had been challenged on state constitutional grounds. In affirming the constitutionality of the statute, the court held that:

- The law meets its two intended goals—deterrence of drug and alcohol possession and use and promotion of highway safety; and
- A teenager's interest in possessing a driver's license is outweighed by the state's goals in this instance.

The court also rejected the claim that enforcement of the law constituted cruel and unusual punishment, that it treated minors unconstitutionally as a "suspect class," and that the license suspension penalty is out of proportion to more serious conduct.

The statute also survived an earlier court challenge based on arguments that it denied students their rights to equal protection under the state constitution.

States Follow Oregon's Lead

Several states have been actively considering proposals similar to Oregon's "denial" law. Here's a progress report from around the country:

New Jersey's new anti-drug law, effective since July 1987, contains provisions that relate drug use to driving privileges. New Jersey minors face a \$550 fine and a 6-month license suspension if caught with even one marijuana cigarette. Students found in possession of drugs before receiving a driver's license will have to wait 6 months past the normal date of eligibility before applying for a driver's license.

Missouri students will be subject to provisions of that state's new "abuse and lose" law scheduled to take effect on September 28, 1987. In Missouri, students under age 21 who are convicted of drunk driving or drug violations stand to lose their driving privilege for 1 year. Those under 16 would face a 1 year suspension beginning on their 16th birthday. These strict penalties also apply to students convicted of falsifying identification cards or carrying such cards.

The California legislature is considering a bill that would suspend or delay driving privileges of residents under 21 who are convicted of drug violations. Conviction for any drug or alcohol violation would result in a mandatory 1-year suspension of driving privileges for those with licenses. Students under 16 would be penalized by delaying their eligibility to drive for 1 year. The bill passed the California Senate by a vote of 21 to 4 and has been forwarded to the Assembly for further consideration.

In Georgia, Representative Thomas E. Wilder has introduced a bill in the General Assembly to deny auto licenses until the age of 17 to persons convicted of misdemeanors while under the influence of alcohol or drugs.

Wilder plans to seek passage of the bill in the next session of the General Assembly.

THE STRAIGHT SOURCE

A PUBLICATION OF WSSAC

November/December 1987

Volume 4

Number 3

Focusing On The Future

"Abuse Free Washington"

WHAT: 5th Annual WSSAC Legislative Update Event

WHEN: Wednesday, January 27, 1988, 9:00 a.m.-3:00 p.m.

WHERE: Westwater Inn, Olympia

WHY:

- To disseminate factual information for use in your community.
- To provide an opportunity to interact with your legislators.
- To provide an opportunity for adults and youth statewide to network.
- To focus on how best to insure continued emphasis on this social issue.

Mark your calendars now and watch for details. Plan to attend...another WSSAC event scheduled with YOU in mind.

Alcohol, Other Drugs And The Law

This is a summary of the Washington laws pertaining to the possession and use of alcohol and other drugs by minors, and to the Adult Responsibility for the use of alcohol and other drugs by minors. For more information, please contact your attorney or local law enforcement agency.

1. Minor in possession, or consuming alcohol: Any person under age 21 who has alcohol in their possession may be guilty of misdemeanor, punishable by a fine up to \$500 and/or 60 days maximum in jail. It is also unlawful for a person under age 21 to consume alcohol unless; 1) it is done with parental or guardian approval at the parents or guardian's home, 2) it is administered by a physician or dentist from medical purposes, 3) it is consumed in connection with religious services. Consumption of alcohol by a minor under any other circumstances is a misdemeanor punishable by a fine of up to \$500 and/or imprisonment of up to 60 days. (RCW 66.44.270)

2. Parental permission: Any parent or guardian may permit his or her child, who is under 21, to consume alcohol in their home. (RCW 66.44.070)

3. Supplying liquor to minors: Any person, other than a consenting parent or guardian who furnishes alcohol to a minor is guilty of supplying liquor to a minor. This includes a person who allows a minor to consume alcohol on premises under his/her control. Such an offense is a misdemeanor punishable by a fine of up to \$500 and/or imprisonment of up to 60 days. (RCW 66.44.270)

4. Driving while under the influence of intoxication and/or drugs: It is unlawful for a person under the influence of intoxicating liquor or other drugs to drive. Driving under the influence of alcohol/other drugs is a gross misdemeanor punishable by a minimum fine of \$400 and up to 180 days in jail (mandatory minimum jail sentence of 1 day). Upon conviction, the operator's license will be suspended until age 19 for a minor. Subsequent offenses result in greater fines and penalties. (RCW 46.61.502-504)

5. Minors in taverns: It is unlawful for any person under age 21 to be found in or about a tavern, regardless of whether that person is consuming alcohol. This offense is a misdemeanor and punishable by a fine of up to \$350 and/or imprisonment of up to 90 days. (RCW 66.44.310)

6. False identification to obtain liquor: It is a misdemeanor for a person under age 21 to use identification to make false representations as to his age to obtain liquor. It is also unlawful to transfer identification to a person under age 21 for such purposes. Violation results in a fine of up to \$350 and/or imprisonment of up to 90 days. (RCW 66.44.325)

The 1988 DEBBIE ARMSTRONG YOUTH CHALLENGE: Say "NO" to Alcohol & Other Drugs is coming soon!



Students from Kennewick High, the 1988 Challenger School, accept a trophy from Olympic Gold Medalist Debbie Armstrong and Governor Booth Gardner at a Recognition Rally in Olympia. 73% of Kennewick's 1550 students took the pledge!

Campaign runs mid-January to mid-March. Registered schools collect signatures from those students who choose to say NO! to the use of harmful and illegal chemical substances. All middle, junior and senior highs in Washington may participate!

Topics...

Recognition...

Recognition Rally...

Signatures...

Last year, 24,000 kids (gr. 6-12) in 78 Washington schools signed!

Watch the next issue of the Straight Source for details.

-continues on page 2

Alaskans for Drug Free Youth

ALASKA LEGISLATIVE UPDATE

WE SUPPORT

HB361 - "Use & Lose"
CSSB331 - Drug Paraphernalia
HB174 - Minor drinking at home
SB32 - Marijuana Recriminalization

HB361 is explained elsewhere in this newsletter.

CSSB331 would make it illegal to sell drug paraphernalia anywhere in the state.

HB174 would correct a problem in present state law where a minor can consume an alcoholic beverage in the home with parental permission and then leave the home while under the influence.

SB32 passed the Senate 15 - 3 Feb. 18, 1988. We have less than eighty days to get this bill to the floor of the House for a vote.

WE DO NOT SUPPORT

CSHB283 - Drug Testing

Our objections to HB283 - Drug Testing are that we support drug testing, and this bill as presently written would disallow pre-employment testing which has been court tested & upheld. We do feel that testing must be done in a qualified laboratory and that a positive test should be followed up by a second test. We do not feel that drug testing should be used to fire an impaired person, but to help that employee get treatment.

We urge each of you to send a public opinion message (POM). Write a letter or make a phone call to your Senator and Representative. Make your opinions known on these issues.

OREGON SAYS "NO" TO DRIVING BY MINORS WHO USE DRUGS

by H. Wesley Smith

In 1983 I was principal of a school that was considered to have an outstanding drug education program. And yet, the students were still using drugs.

I felt there had to be a way to motivate young people to stop using drugs. I thought that students might be encouraged to stay away from drugs to protect their privilege of driving. Receiving a driver's license is important to a teenager.

With this in mind, I exercised my right as an Oregonian to submit a proposal to the state legislature. My proposal stipulated that 13- to 17-year-olds found in violation of any drug or alcohol laws would lose their driving privileges for one year or until age 17, whichever was longer. The violator would be unable to apply for a license during the penalty period. In the case of a 13-year-old violator, the youth would have to wait until age 17 to apply, invoking the 1-year penalty after the youth became eligible at the age of 16. This penalty would be imposed whether or not a motor vehicle was involved. A second violation would require the suspension of driving privileges for two years or until age 18, whichever was longer. A second violation would require the suspension of driving privileges for two years or until age 18, whichever was longer. The proposal also provided an appeals procedure.

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The statute also survived an earlier court challenge based on arguments that it denied students their rights to equal protection under the state constitution.

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Adolescent Drug-Taking Behavior Followup Study

Juneau: Grade 7 thru 12



Bernard Segal, Ph.D.
 The Center for Alcohol and Addiction Studies
 University of Alaska Anchorage
 October, 1987

Get him down here.

Funded by a grant from the State Office of Alcoholism and Drugs Abuse,
 Department of Health and Social Services

Segal working on
 ground conclusions
 for all districts

Preface

Adolescent Drug-Taking Behavior Followup Study (Preliminary Findings)

During 1981 and 1982 an extensive statewide study, sponsored by the State Office of Alcoholism and Drug Abuse (SOADA), was undertaken by the Center for Alcohol and Addiction Studies (CAAS) to estimate the prevalence of drug-taking behavior among Alaskan youth. A comprehensive report of the findings was released in 1983 (Segal et al., 1983). That research involved eight widely separated urban and rural school districts representative of the different regions of Alaska, except for the Aleutian chain. The locations were Anchorage, Juneau, Bethel, Fairbanks, Juneau, Kotzebue, Nome, and Sitka. These sites were selected in order to obtain a representative sample of the state's junior and senior high school students. This research also served to establish baseline information about drug-taking behavior among Alaskan youth so that comparisons could be made with subsequent studies.

The present research, also under the auspices of a grant from SOADA, is a follow-up study of the initial study undertaken during 1981-1982. The overall aims of the current study are: (1) to assess the nature and extent of current drug-taking behavior among Alaskan youth, (2) to compare the current findings with the initial study of drug-taking behavior, (3) to examine psychosocial characteristics associated with use and nonuse of chemical substances, and (4) to explore some of the implications that the findings have for prevention of substance abuse. Some of the specific objectives are:

- (1) To obtain demographic and socialization information about adolescents in grades 7 - 12 relative to use or nonuse of chemical substances.
- (2) To obtain information on the prevalence of specific chemical substances, including alcohol and tobacco.
- (3) To obtain data relating to the patterns of drug-taking behavior, including alcoholic beverages and tobacco products.
- (4) To obtain data relating to actual or perceived peer group use of specific drugs, including alcohol and tobacco.
- (5) To obtain information on the consequences of drug-taking behavior
- (6) To obtain information about which factors serve to contribute to or mitigate against drug-taking behavior.

The preliminary results of the study pertaining to Juneau students is presented as a confidential report to the Juneau Borough School District. The findings will not be made public in any manner by CAAS, and will not be presented in any way that will allow Juneau to be identified in published documents. If the school district chooses to make the findings public, only then will the information be in the public domain.

This document presents a summary of the major findings, specifically focusing on substance use, alcohol, and tobacco. Comparisons will be made with previous findings and with findings from other Alaska communities. A complete report of the findings will be released by SOADA upon the study's completion. Additional findings pertaining to Juneau will be forwarded after further analysis of the data is completed.

I would like to express my appreciation to the Juneau Borough Schools for enabling me to include Juneau in this follow-up study.

Bernard Segal, Ph.D.
Principal Researcher and,
Director, Center for Alcohol and Addiction Studies

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Bernard Segal, Ph.D.
Principal Researcher and
Director, Center for Alcohol and Addiction Studies

identifying information on the questionnaire was age, gender, grade, and ethnicity, none of which could be used to identify any single student.

Method

Questionnaire

The questionnaire used in the 1987 study was similar to the one used in the previous study, but with a different format. The questionnaire was designed to be self-administered and restricted to an administration time of one class period (about 50 minutes). The types of data items outlined below were collected through the questionnaire shown in Appendix A.

(1) Demographic

This section included questions that inquired about: gender, ethnic background, age, participation in drug education programs, grades obtained, and length of time lived in community.

(2) Drug Usage

Information on drug usage included an extensive set of questions on nonprescriptive or social/recreational use of marijuana, cocaine, crack, stimulants, hallucinogens, depressants, heroin, inhalants, and tranquilizers, with specific reference to recency and frequency of use, problems from use, age of first use, and level of peer use.

(3) Alcohol

This section includes information about the quantity and frequency of consumption, and about some adverse consequences of drinking.

(4) Tobacco

Information on cigarette smoking and on use of smokeless tobacco products, including the quantity and frequency of use.

(5) Personality Items

The use or nonuse of drugs is in part influenced by personality characteristics. The incorporation of a measure of personality attributes facilitates an evaluation of what personality traits are related or unrelated to nonuse of drugs and to differing pattern of drug use.

The Sample

Sampling within the Juneau schools was undertaken by the School District itself, utilizing the method of stratified random sampling to obtain a representative sample of students in grades 7-12. Stratification was based on class and gender. A total of 418 completed questionnaires were obtained. A response rate cannot be provided because the total number of students asked to complete the questionnaire is not known. Additionally, since the total

number of students in grades 7-12 is not known, it is not possible to report what percentage of the total population of students in grades 7-12 is represented in the sample. A description of the samples follows.

Characteristics of the Juneau Student Sample

<u>Gender</u>	<u>N</u>	<u>%</u>	<u>Ethnicity</u>	<u>N</u>	<u>%</u>	<u>Grade</u>	<u>N</u>	<u>%</u>
Males	199	47.6	Alaska Native	41	10.0	7	86	20.6
Females	218	52.2	White	317	75.8	8	88	21.1
Unreported	<u>1</u>	<u>.2</u>	Am. Indian	11	2.6	9	70	16.7
Total	146		Asian-Pacific	21	5.0	10	66	15.8
			Black	10	2.4	11	78	18.7
			Hispanic	6	1.4	12	29	6.9
			Other	6	1.4	NR*	1	.2
			Not reported	6	1.4			

*Not reported

Participation by School, Gender*, and Grade*

<u>School</u>	<u>Grade</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>Total</u>
Drake								
Males		21	22					43
Females		22	27					49
Dryden								
Males		20	17					37
Females		23	21					44
J. Alternative								
Males			1	19	1			21
Females				15	0			15
Juneau-Douglas H.S.								
Males				11	37	37	13	98
Females				25	28	41	16	110
Total:		86	88	70	66	78	29	417
Males								199
Females								218

*One student did not report gender, and one did not indicate grade.

The extent to which this sample is representative of the school district's student population cannot be estimated because the actual class sizes and

representation by gender are unknown. What is evident, however, is that the sample is that seniors are underrepresented and, overall, more females than males are represented in the sample.

Results

Part I. Chemical Substances

Opportunity to Try and Trying Drugs

Trying mood-altering drugs does not occur without an opportunity to be exposed to such substances. After exposure, a choice is then made to try or not try a given drug. Table 1, which is represented graphically in Figure 1, presents the findings with respect to the number of students who indicated that they had an opportunity to try one or more of the different mood-altering substances listed in the questionnaire. A comparison with the 1982 findings is also presented.

Inspection of the findings indicate that some changes in students' opportunity to try, or exposure to, chemical substances has occurred since 1982. Most noticeable is the increase in opportunities to try inhalants (+18.9%), which is almost doubled since 1982. A large increase in opportunities to try tranquilizers (+11.0%) has also taken place. In contrast, opportunities to try cocaine decreased since 1982 (-4.5%). Although some other changes have also occurred, the nature of these shifts suggest that exposure to these substances has remained fairly constant. Overall, what these findings suggest is that adolescents may be trying to keep up with current drug trends or "fads." It is thus possible that an actual increase in the actual available of these substances has not occurred, but that the changes reported by the students reflects a shift in their pattern of use.

Lifetime Experience (Prevalence)

(1) Prevalence of Use: Trying One or More Drugs

Figure 2A shows how many respondents reported actually having tried one or more chemical substances. Presently, 58.4 percent of those surveyed, over half of the sample, reported having tried one or more of the chemical substances listed in the questionnaire during their lifetime. The number of students reported having tried one or more drugs in 1982 was 42.6 percent. The difference between the two statistics represents an increase of 15.8 percent (over a five year period). Table 2 shows the patterns of use reported by the students.

(2) Lifetime Prevalence: (Ever vs. Never Trying a Chemical Substance)

Table 2, accompanied by Figure 2B, indicates how many adolescents in the

Table 1
Opportunity to Try and Trying Drugs:
Comparison of 1982 and 1987 Findings
Juneau Schools
Grades 7-12

<u>Drug</u>	<u>1987</u> (n=418) Percent of Sample <u>Having a Chance to Try</u>	<u>1982</u> (n=298) Percent of Sample <u>Having a chance to Try</u>
Marijuana	69.4	68.7
Hallucinogens	25.1	26.5
Cocaine	30.1	34.6
Heroin	8.6	9.1
Inhalants	47.4	28.5
Stimulants	46.2	44.6
Depressants	22.7	18.1
Tranquilizers	24.2	13.4
Crack	1.4	--

Figure 1
Juneau Schools
Opportunity to Try Chemical Substances
Comparison of 1987 and 1982 Findings
Grades 7-12

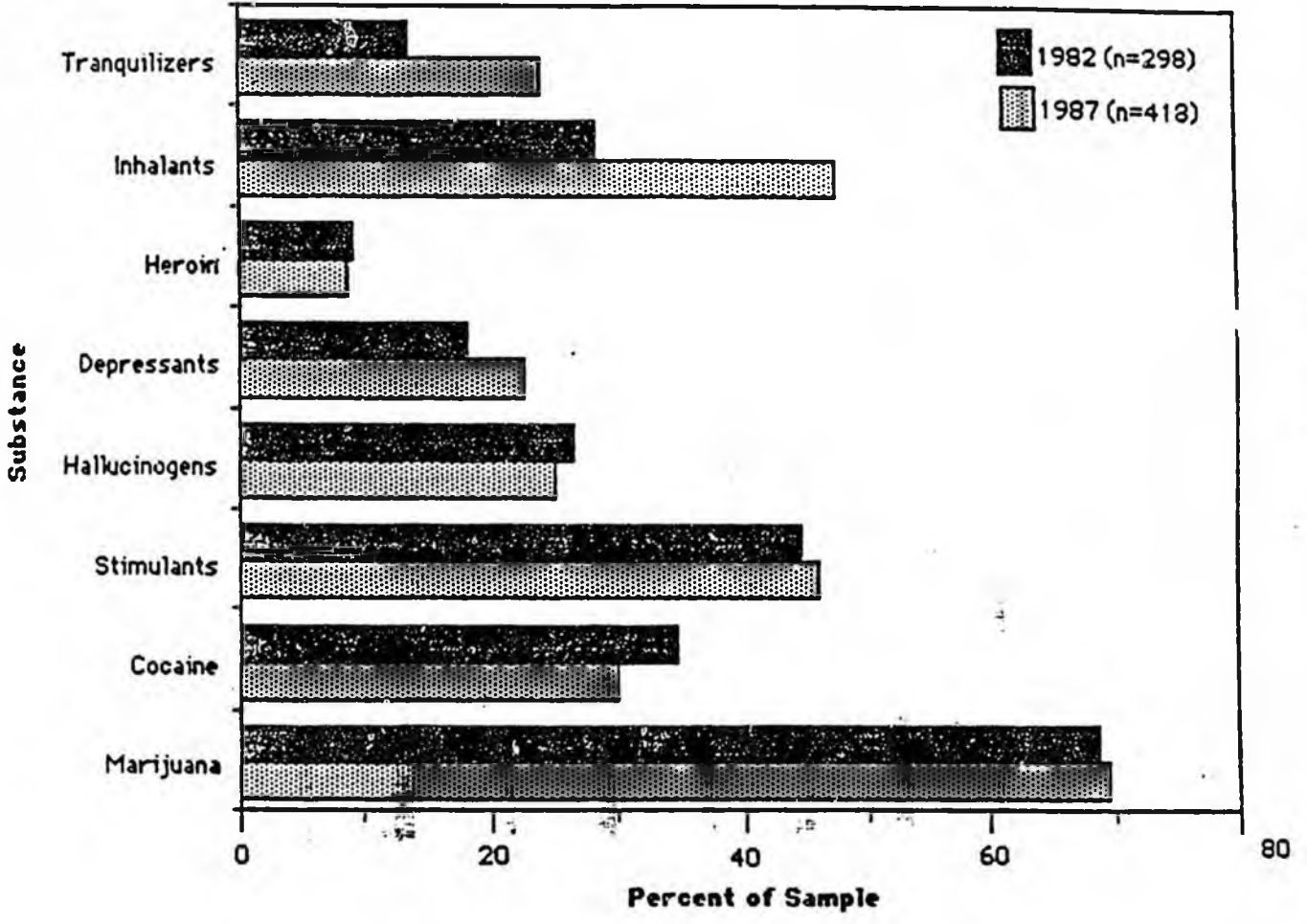


Figure 2A
Juneau Schools
Lifetime Experience with One or More Chemical Substances
Grades 7-12

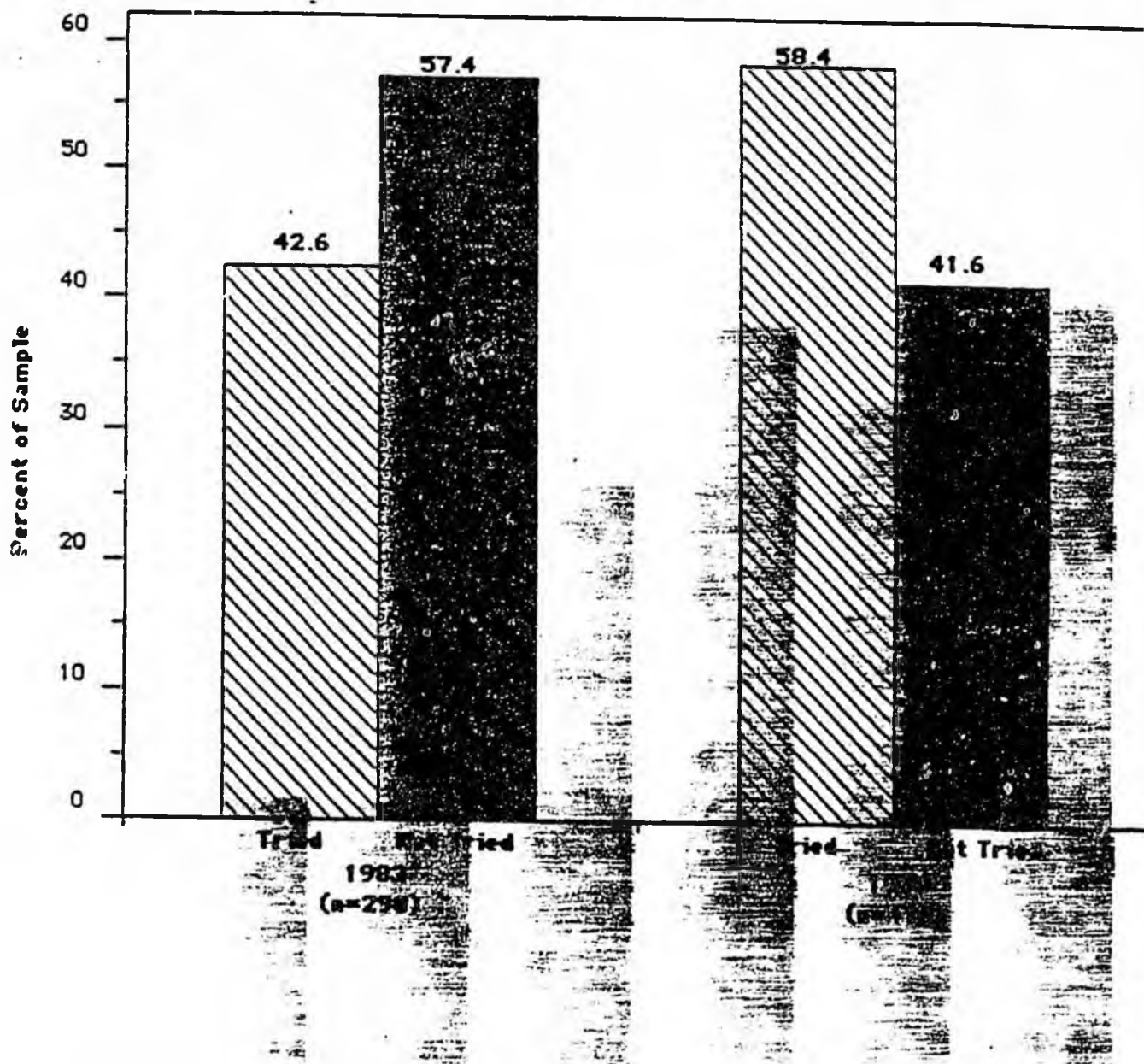
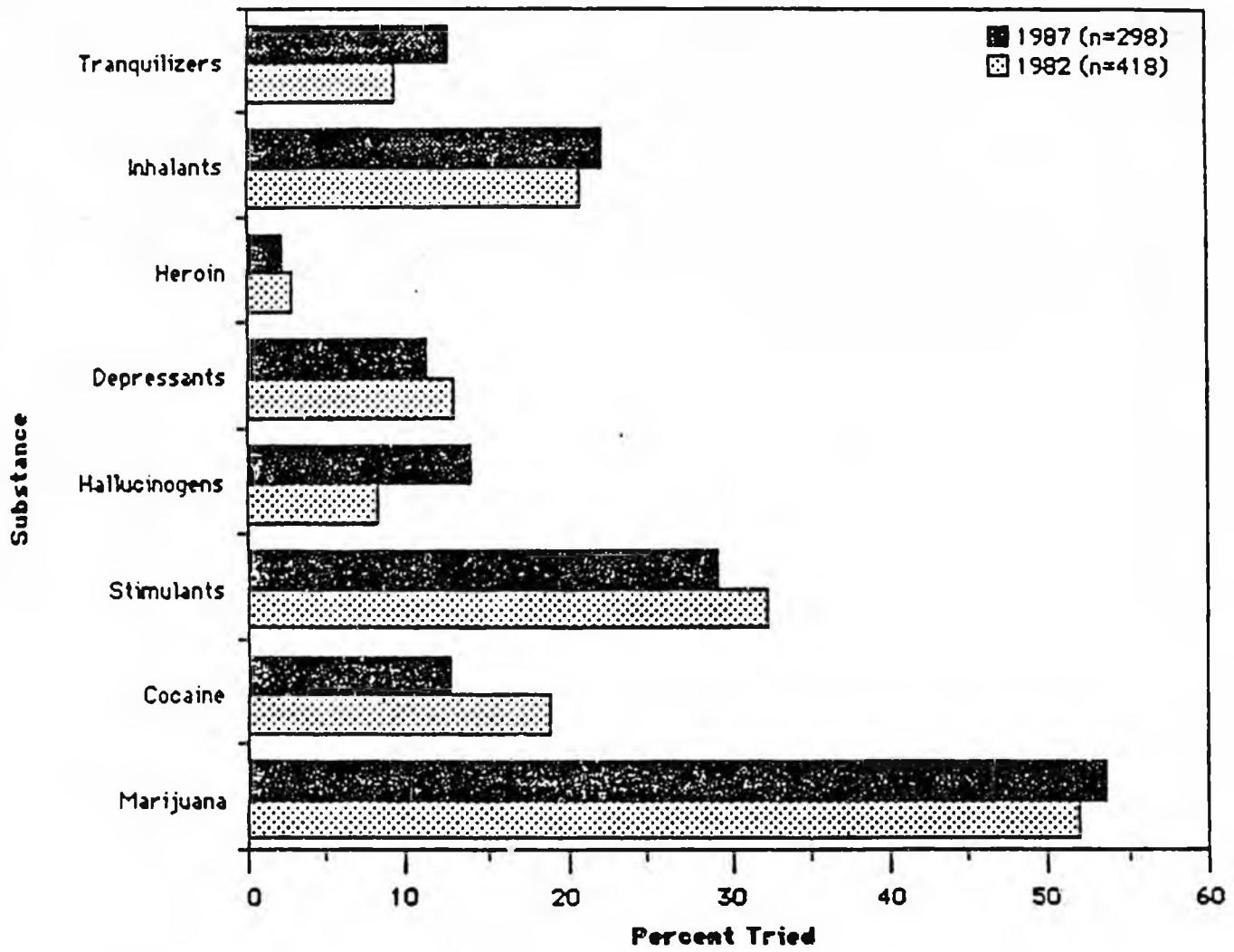


Table 2
Lifetime Experience with One or More
Chemical Substances
1982 and 1987
Juneau Schools
Grades 7-12

<u>Drug</u>	<u>Lower*</u> <u>Limit</u>	<u>1987</u> <u>(n=418)</u>	<u>Upper*</u> <u>Limit</u>	<u>1982</u> <u>(n=298)</u>	<u>Change</u>
Marijuana	48.5	53.3	58.1	51.7	+ 1.6%
Hallucinogens	10.6	13.9	17.2	8.1	+ 5.8%
Cocaine	9.5	12.7	15.9	18.8	- 6.1%
Heroin	0.8	2.2	3.6	2.7	- .5%
Inhalants	18.2	22.2	26.2	20.8	+ 1.4%
Stimulants	25.0	29.4	33.8	32.2	- 2.8%
Depressants	8.2	11.2	14.2	12.8	- 1.6%
Tranquilizers	9.5	12.7	15.9	9.4	- 3.3%
Crack	0.3	1.4	2.5	--	--

*95% Confidence Interval. These figures represent the lower and upper confidence intervals within which the true population value lies (95 out of 100 times).

Figure 2B
Juneau Schools
Lifetime Experience with One or
More Chemical Substances
Comparison of 1982 and 1987 Findings
Grades 7-12



sample indicated having tried one or more of the different substances during their lifetime. (Also incorporated in Table 2 are the upper and lower confidence levels for the statistics obtained from the 1987 sample. These figures represent the range within which the true population value would be found 95 out of 100 times.) Based on these findings it is clear that marijuana was the most commonly experienced drug, but that the number of adolescents trying it has increased very slightly since 1982 (+1.6%). The largest increase in lifetime experience was for hallucinogens (+5.8%). Experiences with cocaine have shown a decrease (-6.1%), and stimulant use has also declined (-2.8%). Inhalants have shown a modest increase of 1.4%.

The overall pattern of use, however, has generally remained the same since the initial study. Marijuana, stimulants, and inhalants, continue to be the top three drugs tried, respectively. Cocaine, which was fourth in 1982, is presently tied for fifth place with tranquilizers. The decline in the prevalence of cocaine is consistent with national trends indicating a decrease in its use among youth (NIDA, 1987).

Number of Drugs Tried

Figure 3 shows the number of drugs tried by gender. The largest number of students tried only one drug, with males exceeding females by 14.2%, but more females tried two or three drugs than males. An equal number of males and females have tried four drugs (50%), after which the pattern varies between males and females as to who had tried more drugs. After four drugs, however, as the number of drugs tried increases, the number of students trying five or more drugs decreases.

Experience With Drugs by Grade

Figure 4A provides a report of drug use according to grade and gender. What this table describes is the percentage of students who have tried one or more drugs by the time they have reached their current grade level. Inspection of the data shows that as grade level increases there is a corresponding increase in drug-taking behavior. The increase between grades 7 - 10 is particularly striking, increasing at what appears to be a consistent rate of about 6 percent per year. Although there is a slight decrease in the number of students who tried drugs by the 11th grade, this decline is offset by a slight increase in drug use among seniors (12th grade).

Experience with Drugs by Gender Within Grade Levels

Figure 4B expands the data in Table 4A by including gender. As can be observed, in the early grades (7 and 8) males tend to have tried more drugs than females, but that by the 9th and 10th grades, females begin to exceed males with respect to experiences with chemical substances. These two grades also appear to be the grades levels during which drug-taking behavior

Figure 3
Number of Drugs tried by Gender
Juneau Schools
Grades 7-12
1987

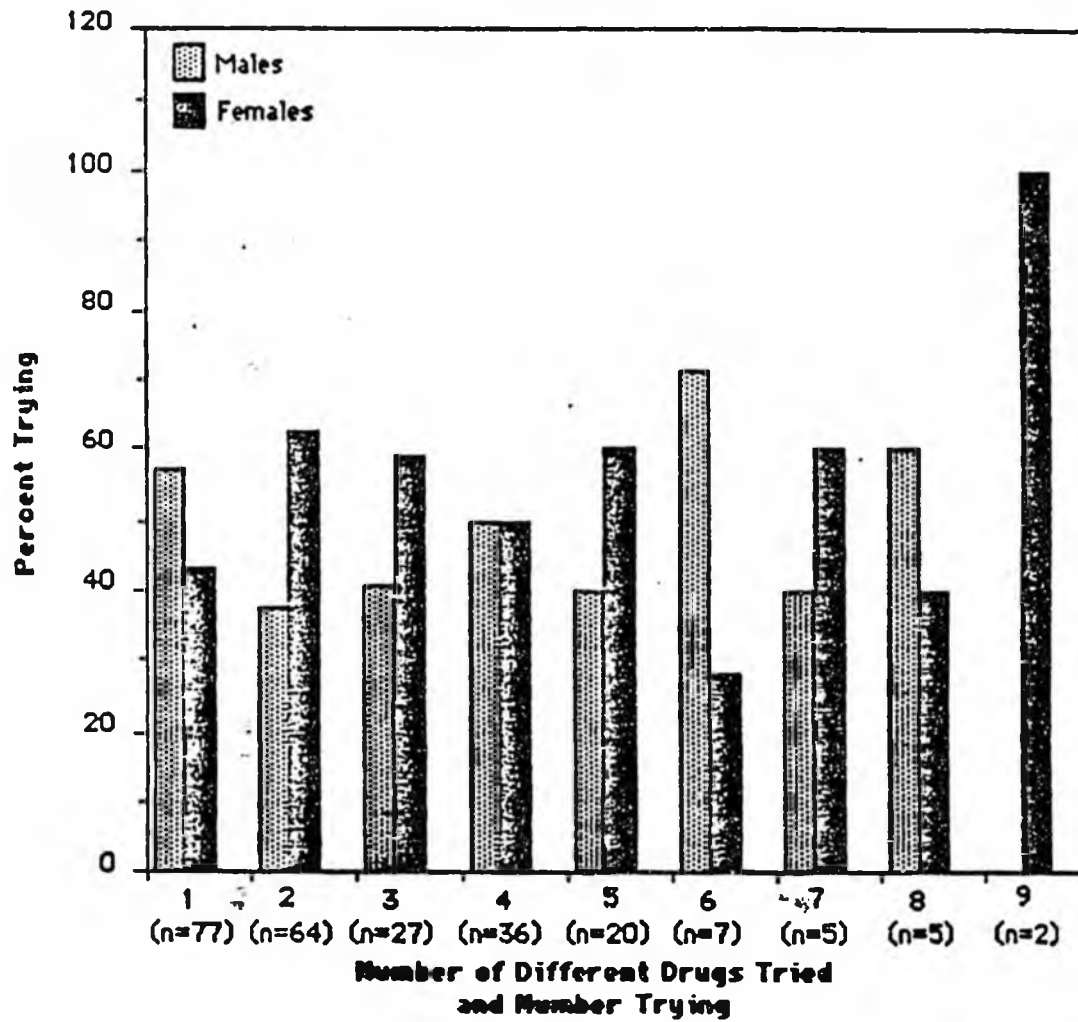


Figure 4A
Experience with Drugs by Grade
Juneau Schools
Grades 7-12
1987

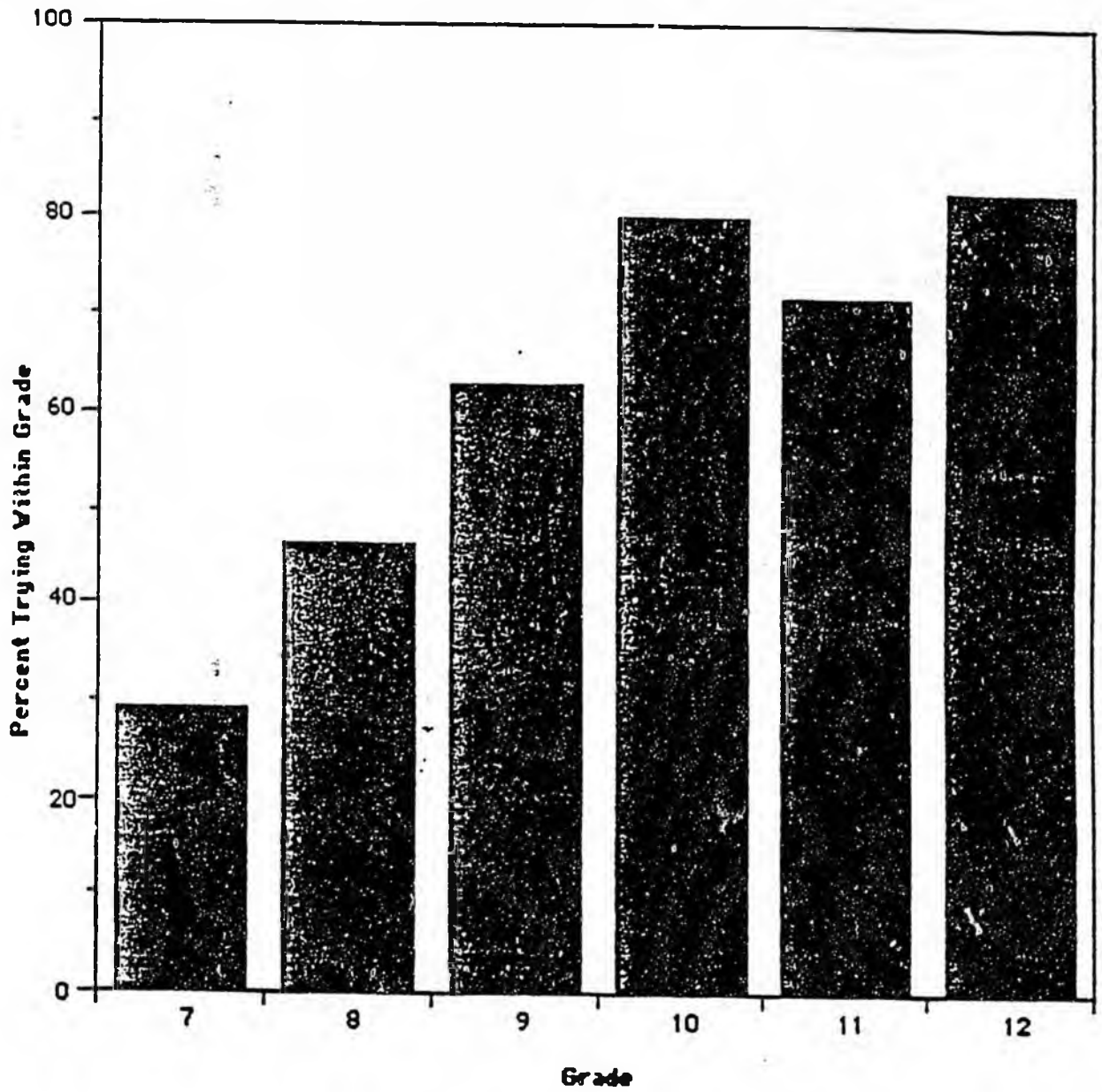
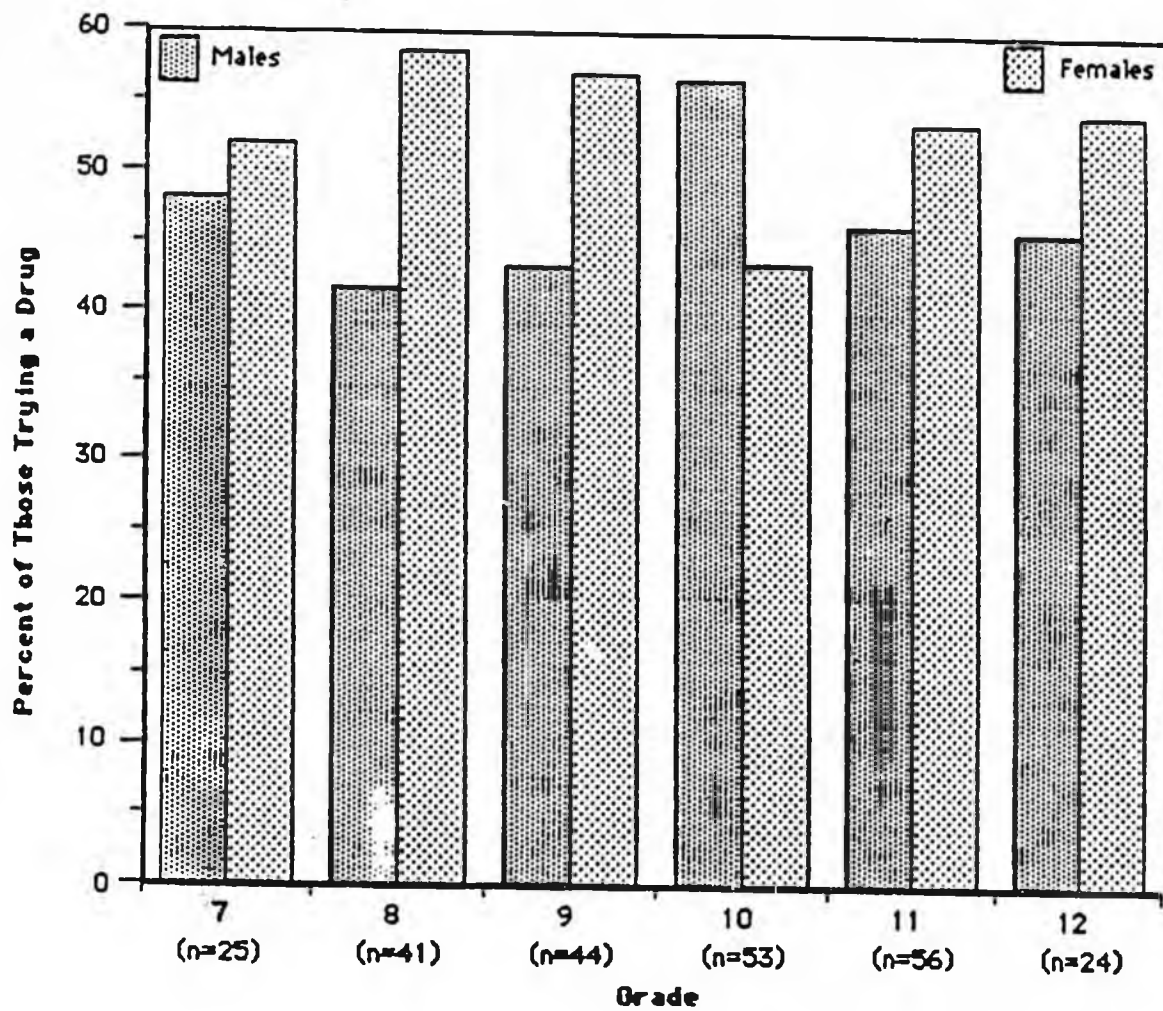


Figure 4B
Experience with Drugs by Gender and Grade
Juneau Schools
Grades 7-12
1987



begins to peak. By the 11th and 12th grades drugs-taking behavior begins to decline, with more females having experienced drugs in the 11th grade than males. This process is dramatically reversed in the 12th grade where females exceeded the number of males with respect to drug-taking behavior.

Frequency and Recency of Use

The report thus far has described data pertaining to lifetime experience with drugs, that is, ever having tried one or more drugs without respect to the number of times tried or how recently a drug may have been taken. This section focuses on how many times respondents reported having used a drug during the month prior to sampling (past month), during past year, and during their lifetime. The data is based on an analysis of the reports of use by those adolescents who have indicated that they have tried any substance. Both crack and heroin were not included because of their low prevalence rates. It should be noted that the reports of lifetime experience, past year, and past month experiences may not have been treated as mutually exclusive categories by the respondents. Therefore the data presented may reflect a summation of experiences, in which an individual reported that he or she tried a substance once during their lifetime, which occurred either during the past year or past month or both. It is imperative to recognize that the following seven figures (5A-5G) depict three unique percentages (lifetime, past year, past month) derived from the total number of students who ever tried each of the substances. The number of students who have ever tried each substance for the given time period is included in the legend within each figure.

1. Marijuana

Figure 5A shows the distribution of reports of frequency and recency of use of marijuana. What is evident is that the prevalence of marijuana has been high, and that both experimental and regular use has occurred. Experimental use (1-2 times) was highest during the past month, suggesting ongoing infrequent or experimental use. In contrast to this pattern, a large number of students have used marijuana more extensively. Over 30% of those having used marijuana did so 40 or more times during their lifetime, over 20 percent did so during the past year, and slightly over 5 percent reported having used marijuana forty or more times during the past month. Overall, many students have apparently tried and continue to use marijuana, following a pattern that ranges from infrequent to what may be termed "regular" use.

2. Cocaine

Table 5B shows that of those adolescents who have indicated having tried cocaine at some point in their life, the clear majority do so experimentally or infrequently (five times or less). Of these, 80 percent had tried it during the past month, over 50 percent reported having tried it during the past year, and over 40 percent had tried it at some point during their lifetime. A small

Figure 5A
Frequency and Recency of Marijuana Use
Juneau Schools
Grades 7-12
1987

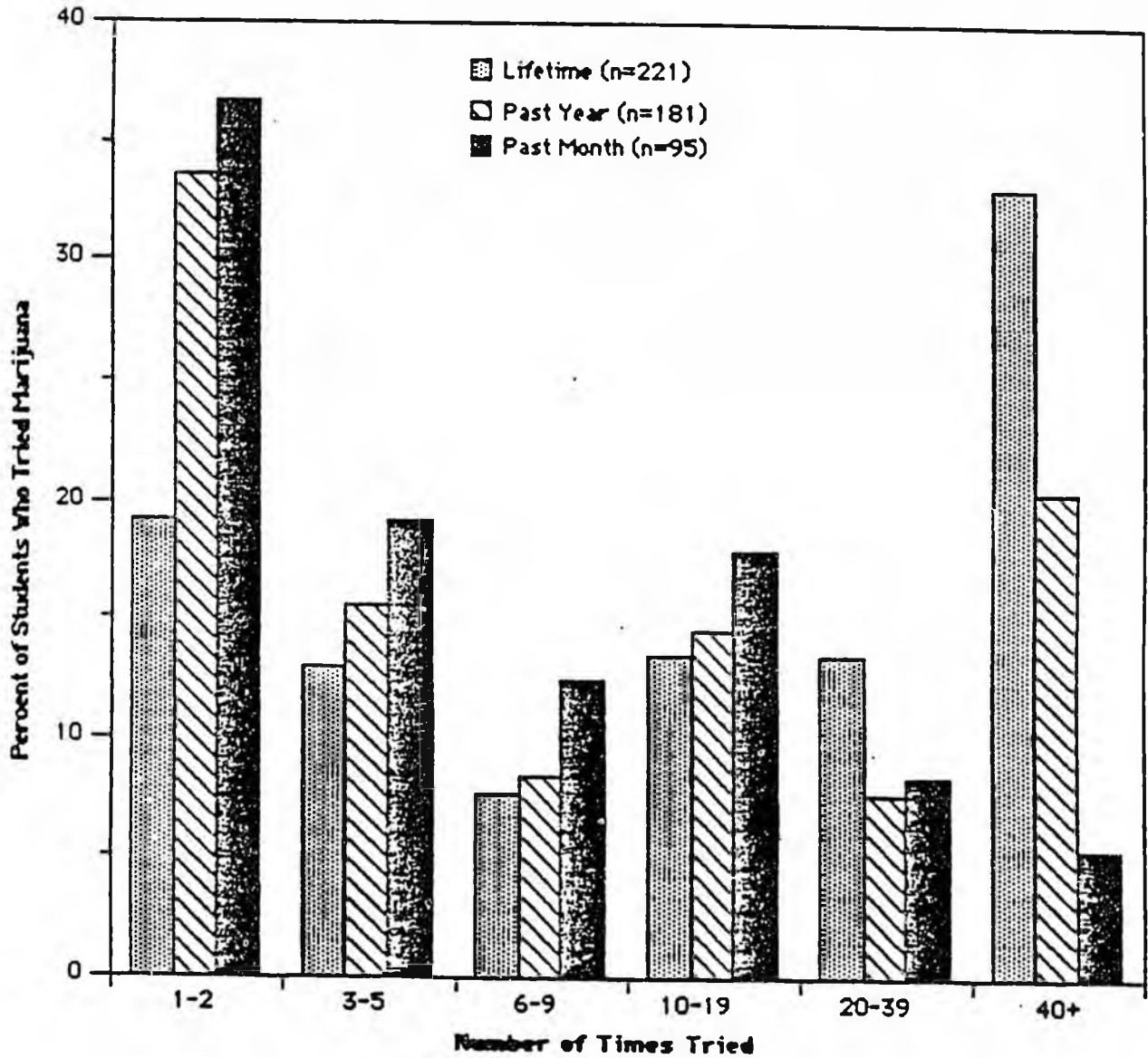


Figure 5B
Frequency and Recency of Cocaine Use
Juneau Schools
Grades 7-12
1987

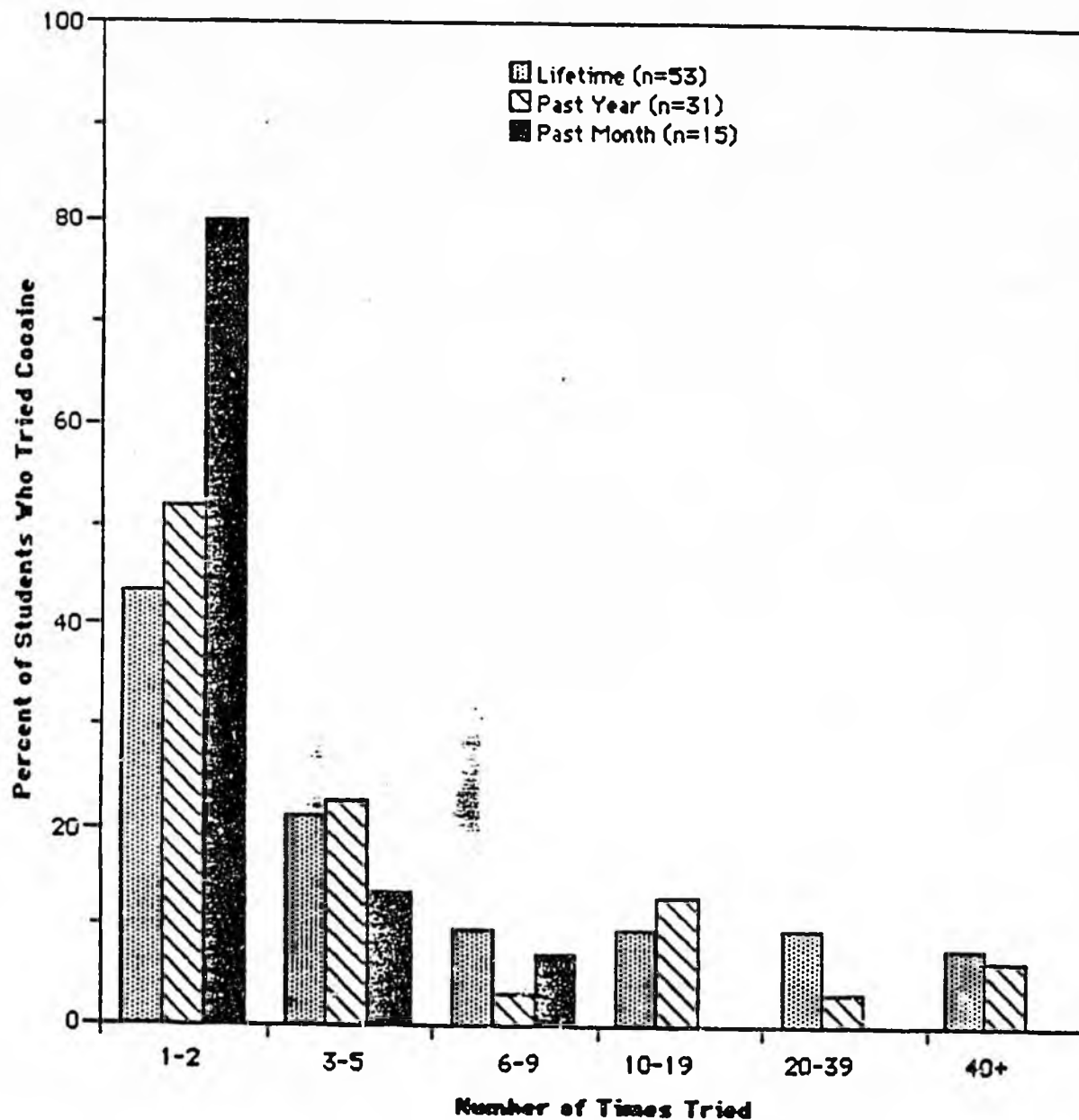


Figure 5C
Frequency and Recency of Stimulant Use
Juneau Schools
Grades 7-12
1987

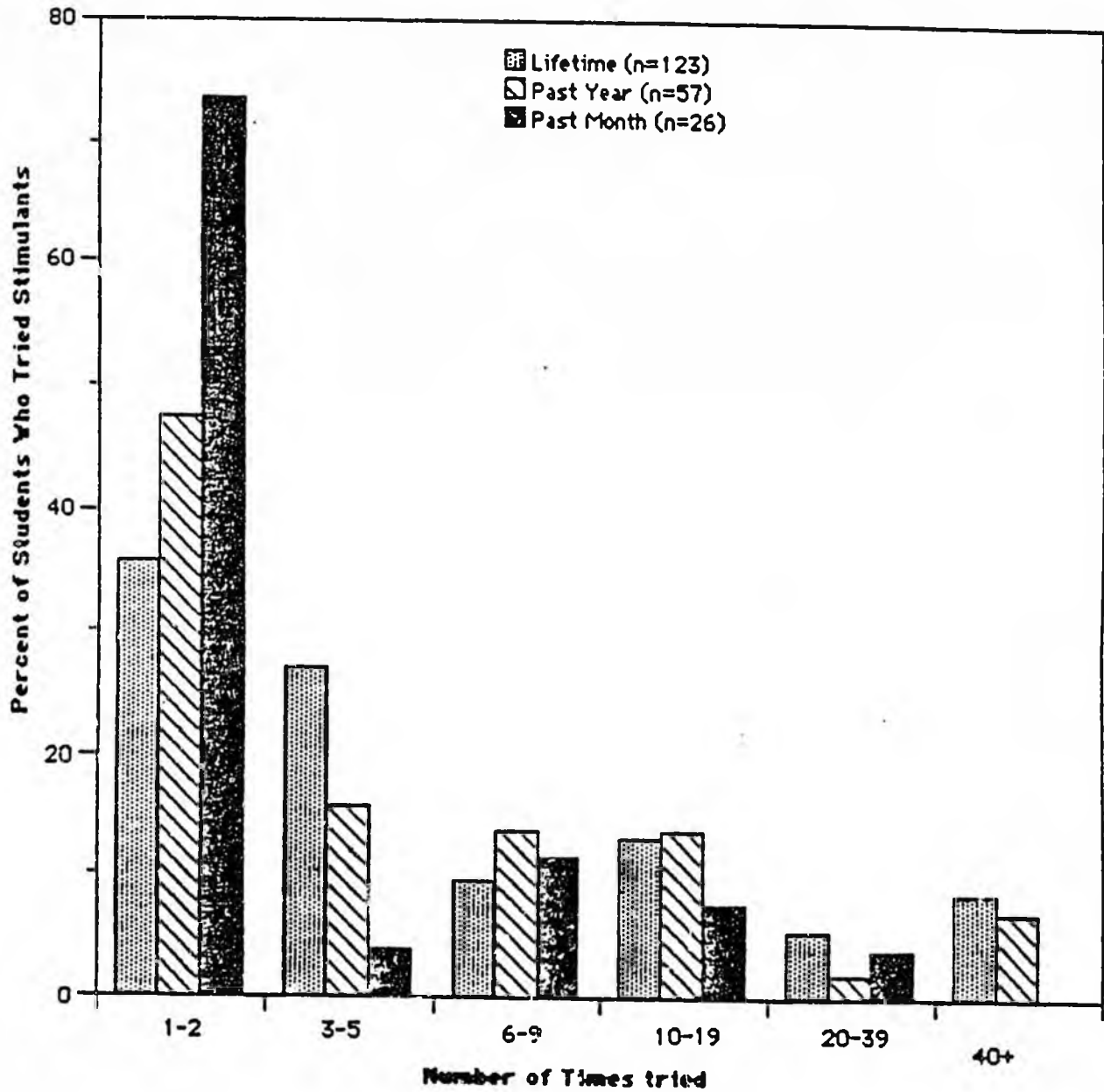


Figure 5D
Frequency and Recency of Hallucinogen Use
Juneau Schools
Grades 7-12
1987

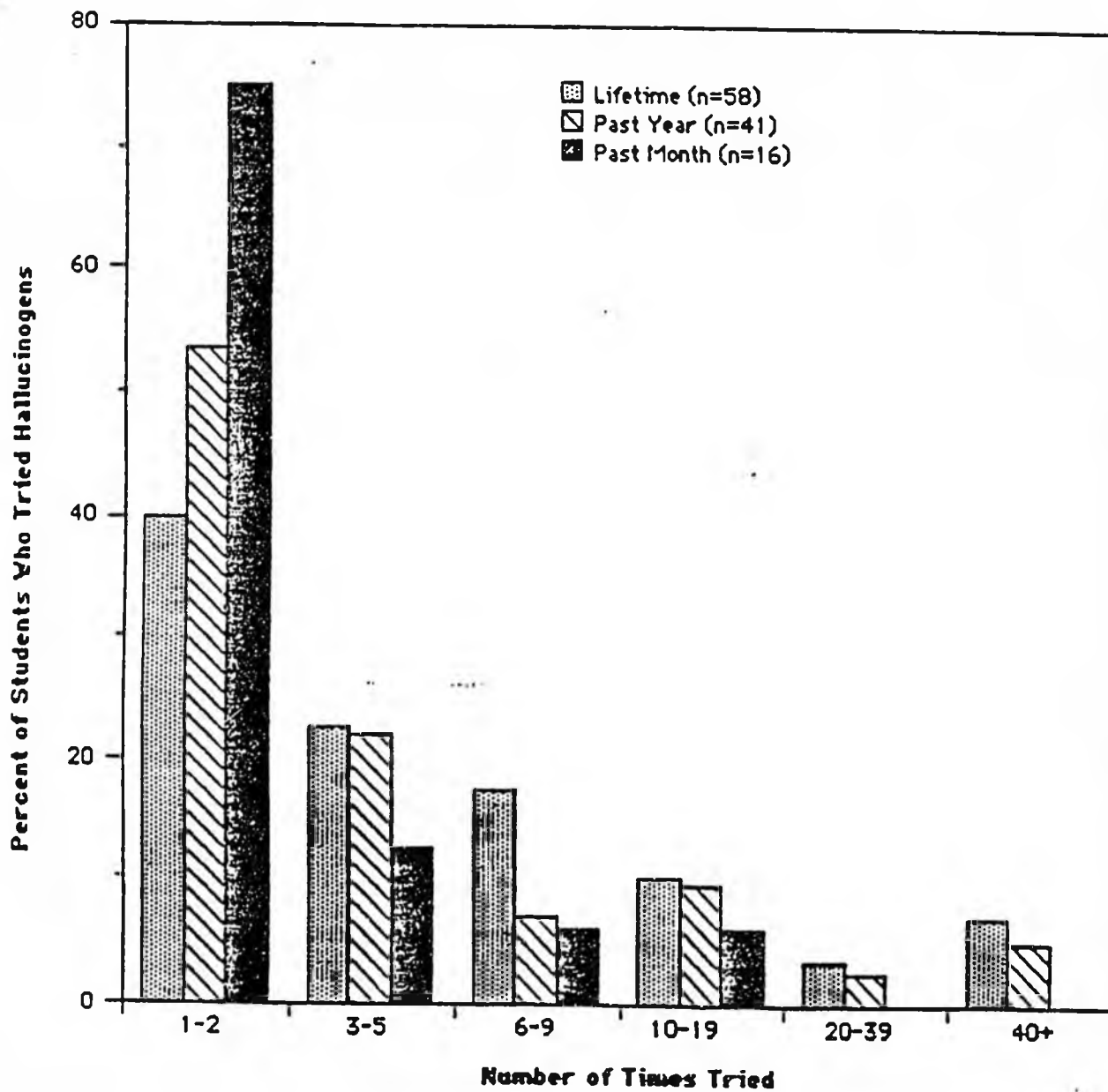


Figure 5E
 Frequency and Recency of Depressant Use
 Juneau Schools
 Grades 7-12
 1987

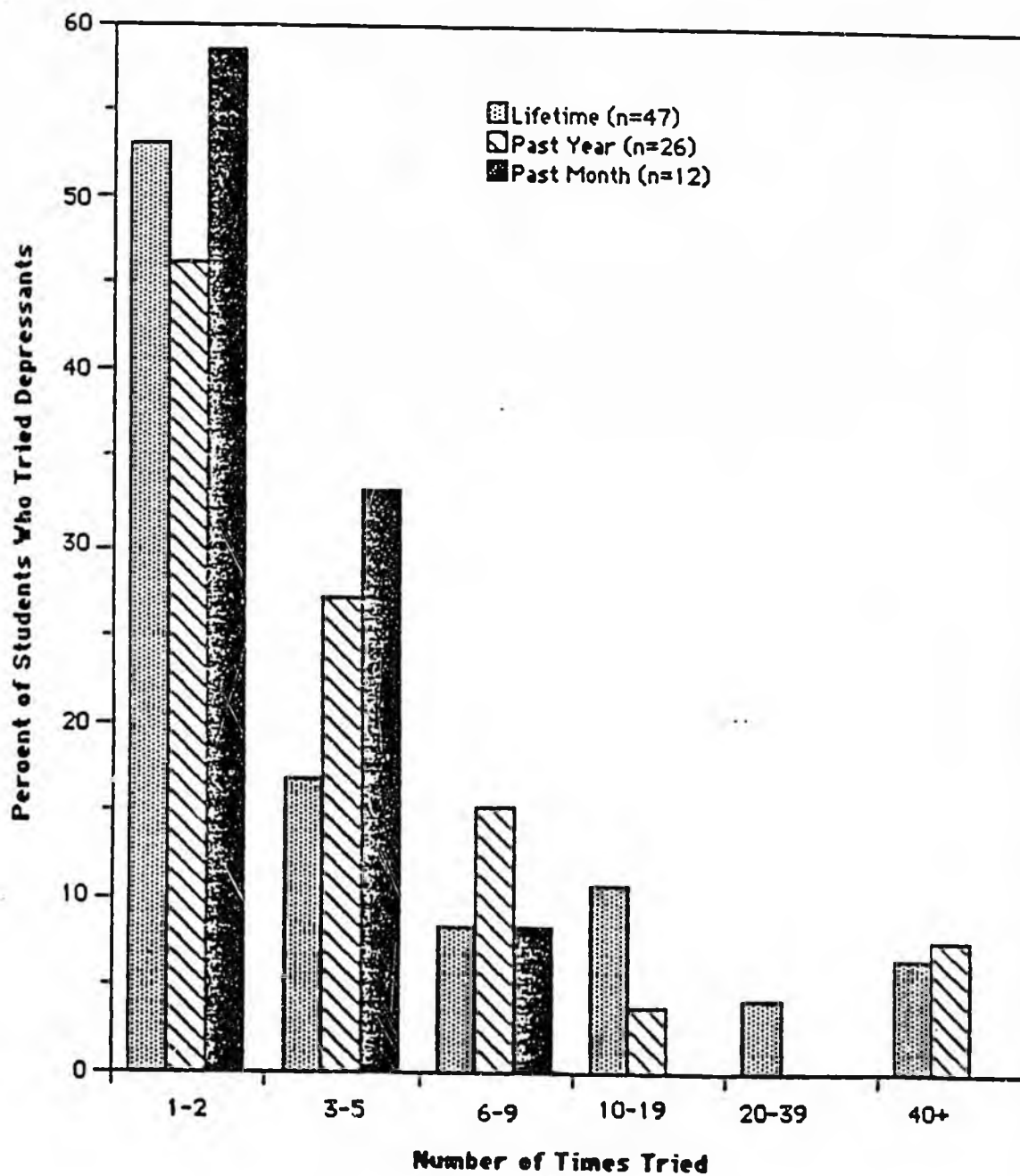


Figure 5F
 Frequency and Recency of Inhalants Use
 Juneau Schools
 Grades 7-12
 1987

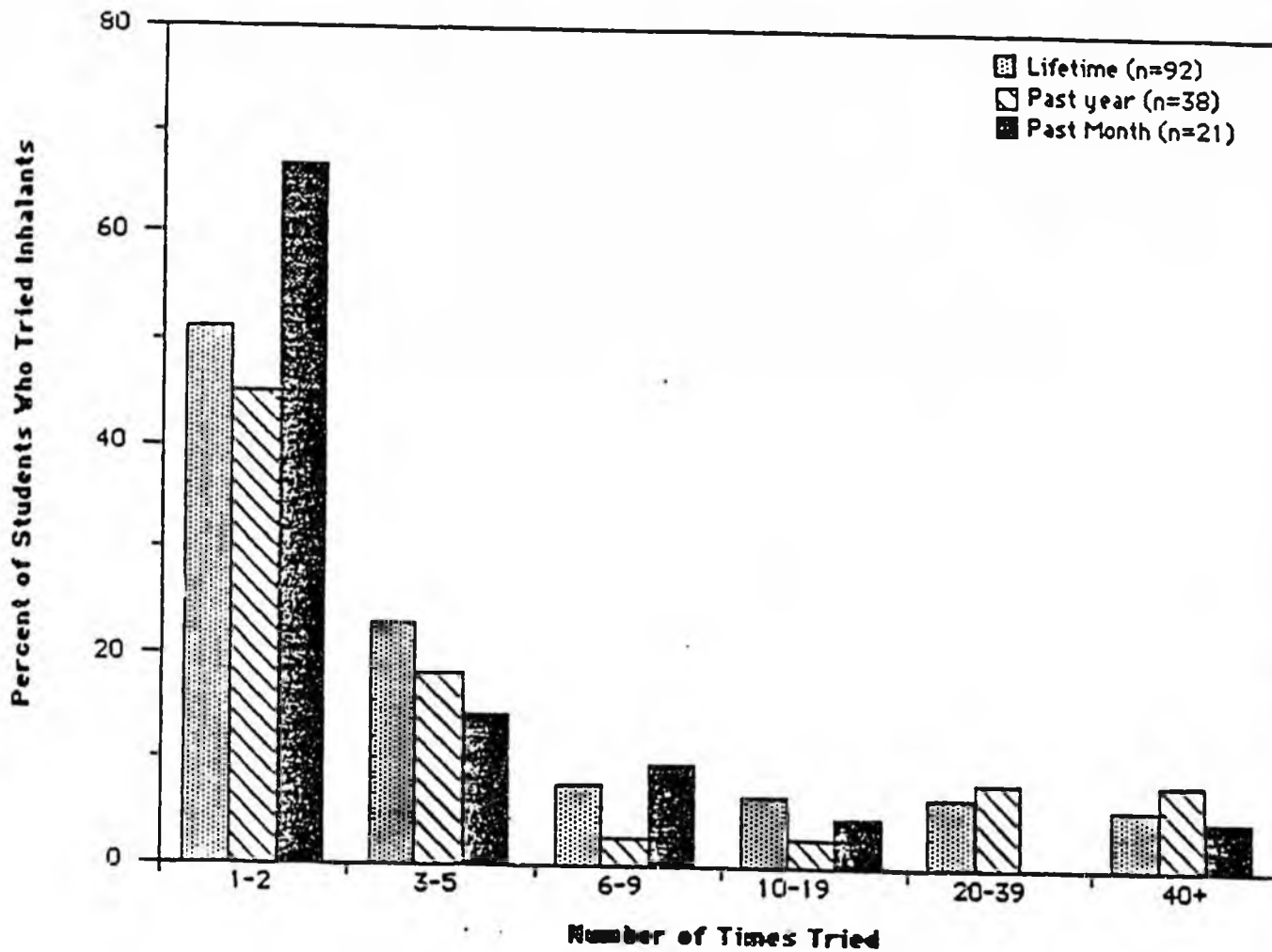


Figure 5G
Frequency and Recency of Tranquilizers Use
Juneau Schools
Grades 7-12
1987

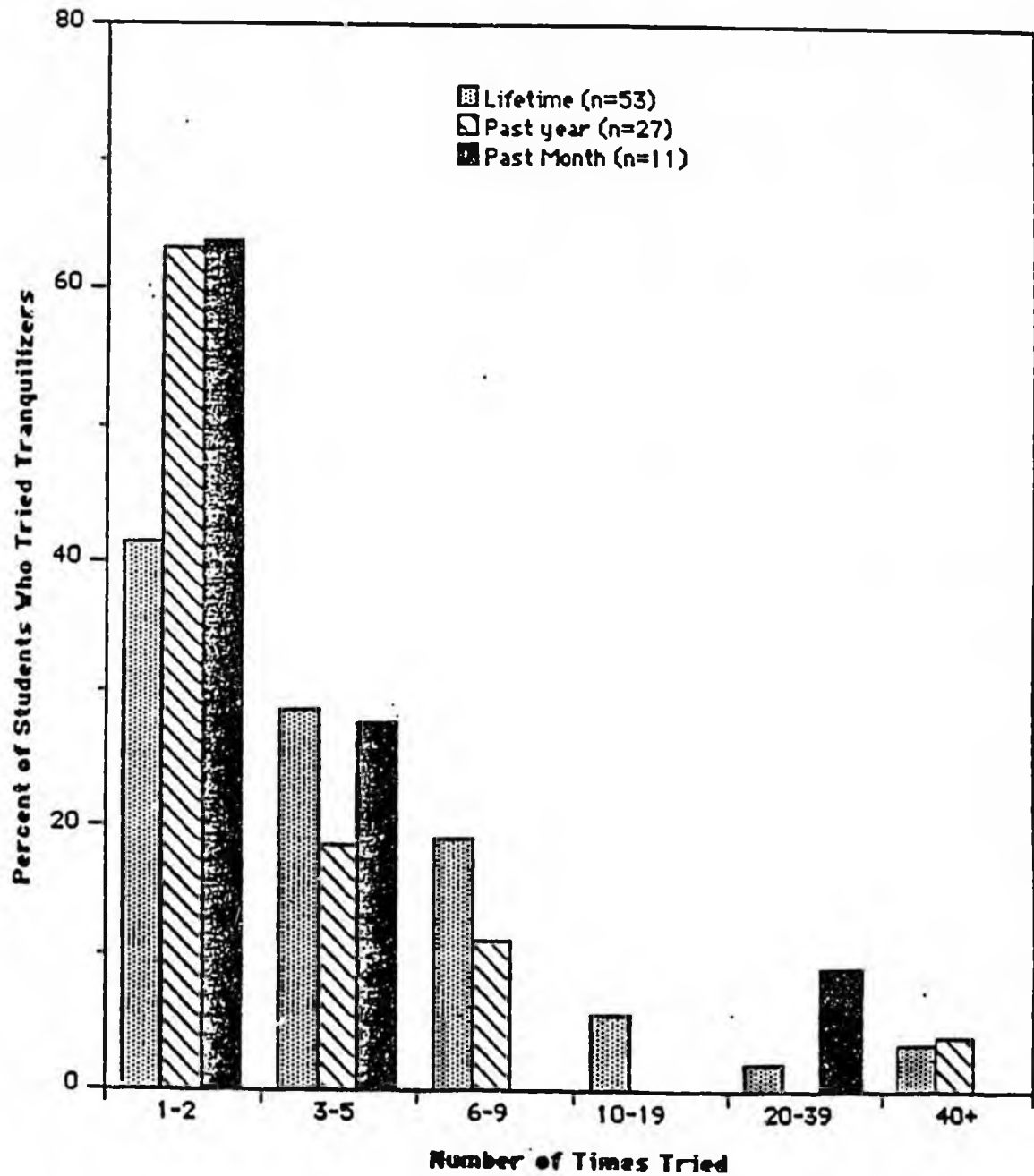
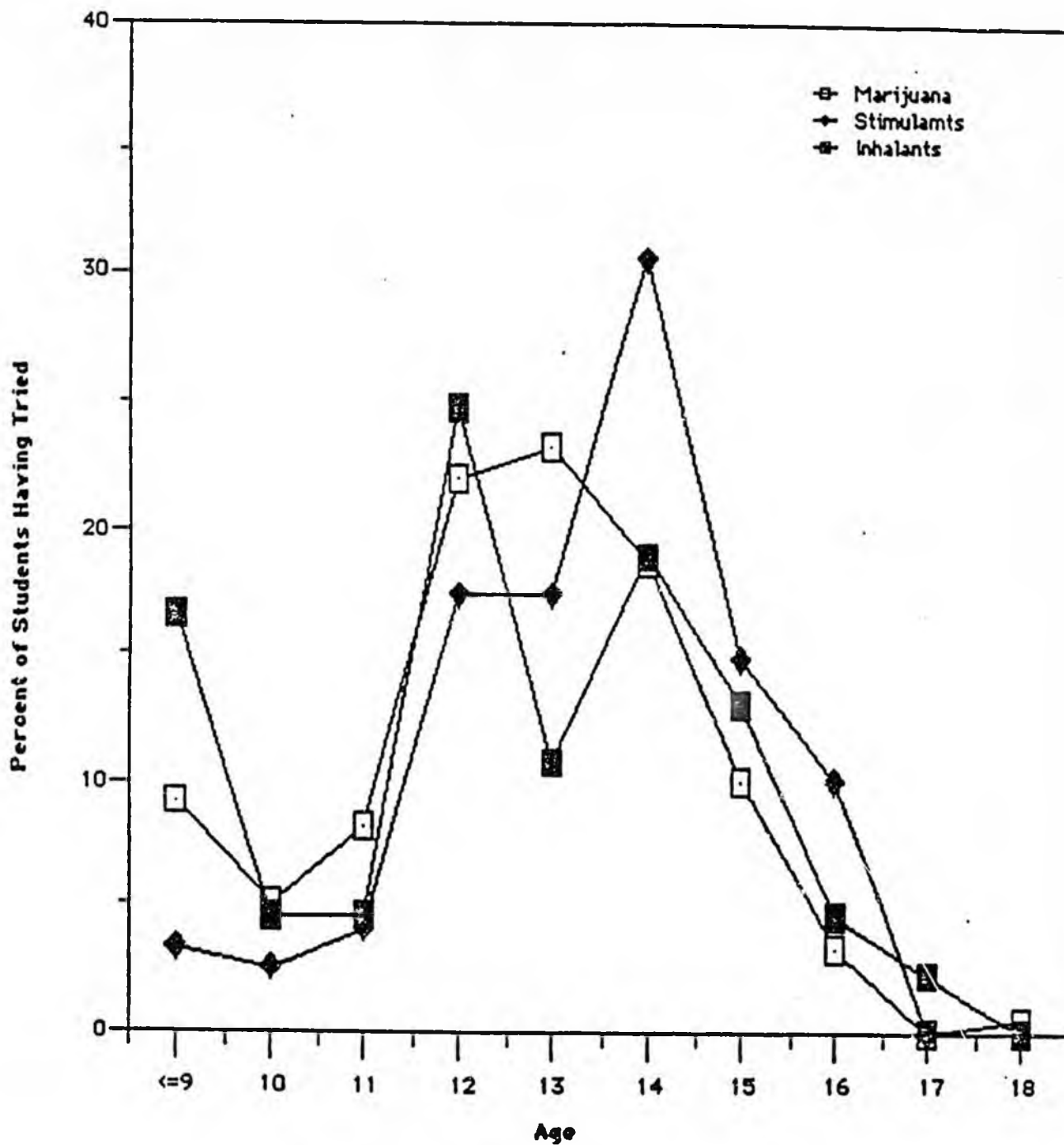


Figure 6
Age of Initiation into
Marijuana, Stimulants, and Cocaine
Juneau Schools
Grades 7-12
1987



marijuana, stimulants, and inhalants, the three drugs tried most frequently by the sample. At nine years or less a small number of students have been initiated into substance use, with the highest number trying an inhalant type substance. Subsequent to nine years there is a decrease in initiation until age 12, where the first major peak occurs for all three substances. This high initiation level then drops sharply for inhalants, increases slightly for marijuana, and remains stable for stimulants at age 13. Subsequent to this point initiation into marijuana declines sharply. By age 14 initiation into stimulants peaks again at age 14, then drops sharply. Initiation into inhalants also increases, and then declines.

What the configuration of these three curves suggests is that inhalants tended to be used more than marijuana and stimulants at an early age, but that as age increases, interest shifts to experiencing marijuana and stimulants. Twelve years appears to correspond to a "critical period" of initiation into trying marijuana, inhalants, and stimulants. Subsequent to age 12 initiation to these substances declines, except for stimulants, which seems to attract the attention of 14 year olds. The data also suggests that if these substances were not tried by or before age 17, initiation into their use declines.

Part II. Alcohol

Lifetime Prevalence of Experience with Alcohol

Figure 7 shows the number of students who reported ever having tried alcohol in 1987 and 1982. (The lower confidence limit for the statistic pertaining to the number of students who drank is 64.7; the upper limit is 73.5.) As can be observed, the prevalence of lifetime experience with alcohol has decreased very slightly (1.4%) since 1982. The difference, however, is sufficiently small to conclude that the number of students who tried alcohol in 1982 and in 1987 remains at a consistent level.

Frequency of Drinking During the Past 30 Days

Figure 8 reports the frequency of alcohol consumption among students who indicated having consumed alcohol during the past 30 days. Of those, over 30% indicated that they did not drink during the past 30 days. Among those who did report that they consumed alcohol, the largest number reported drinking 2-3 times a week. What seems evident from the data is that alcohol is being consumed, and its use ranges from infrequent for a majority of respondents, to more frequently (more than 3-4 times a week) for a smaller number of students.

Drinking by Gender

Figure 9 reports on use of alcohol by gender, comparing lifetime and past year experience with alcohol. Interestingly, more females than males showed

Figure 7
Lifetime Experience With Alcohol
Comparison of 1982 and 1987
Juneau Schools
Grades 7-12

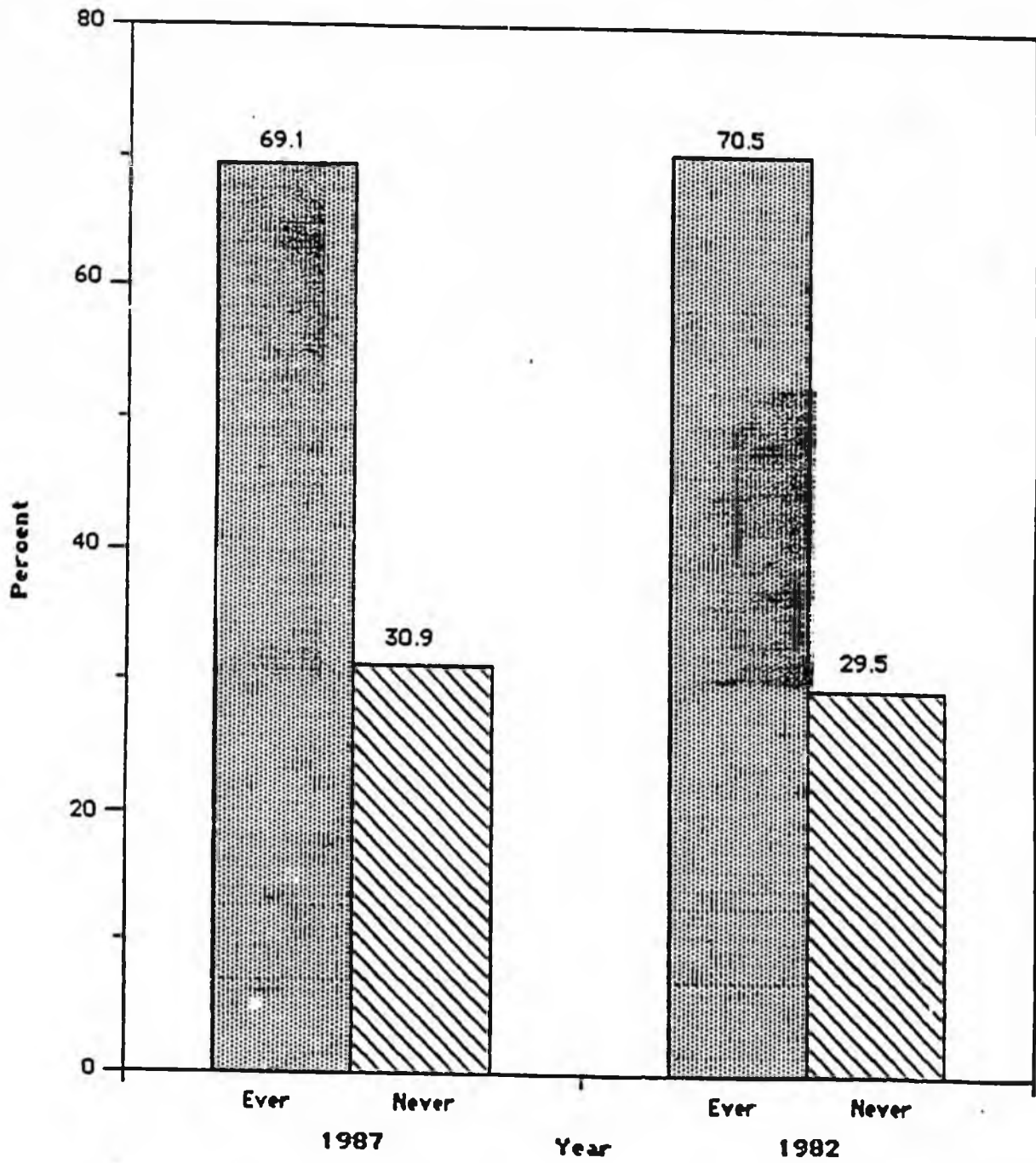


Figure 8
Frequency of Drinking Past 30 Days
Juneau Schools Grades 7-12
1987
(n=289)

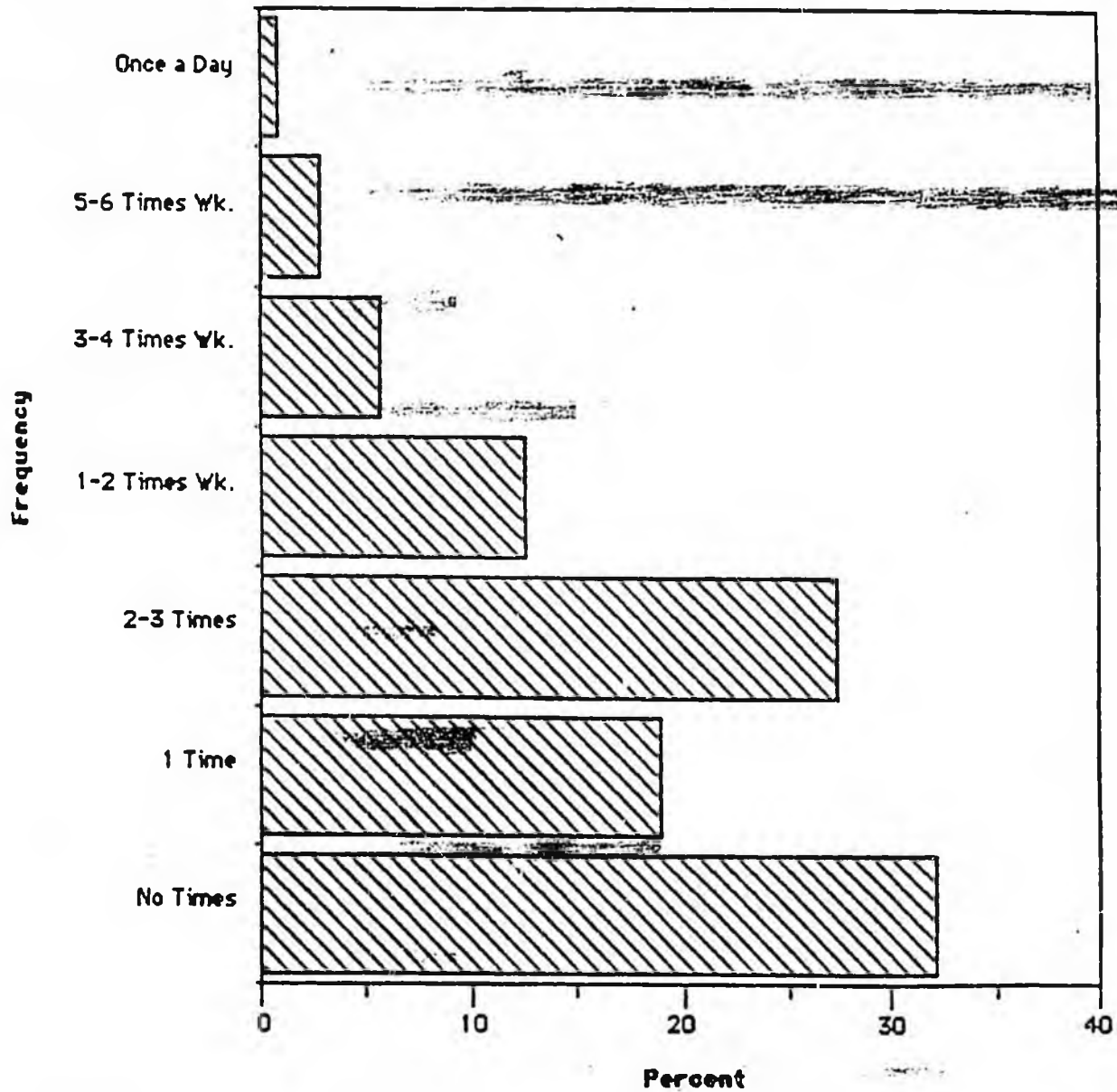
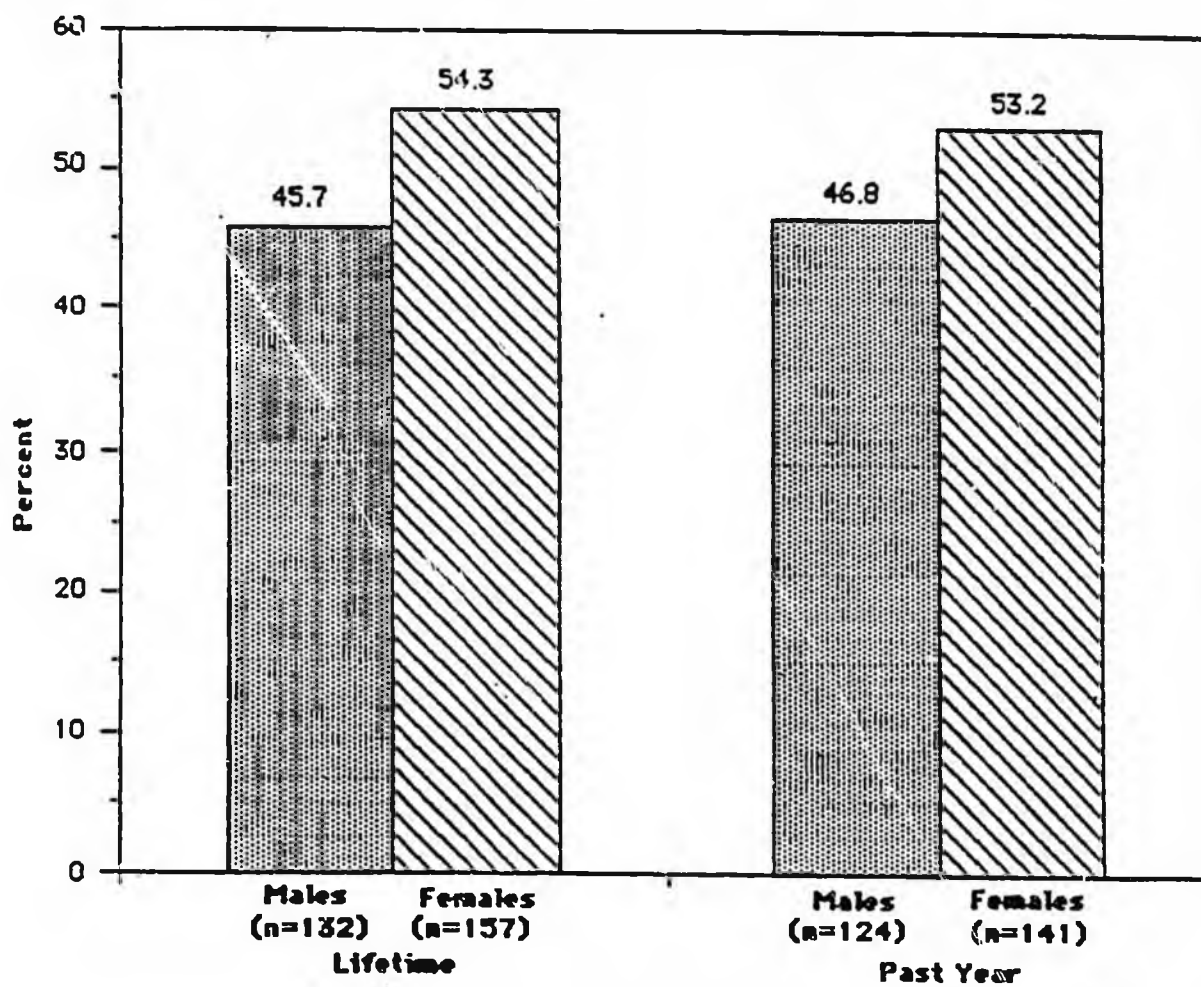


Figure 9
Alcohol Use by Gender During
Lifetime and Past Year
Juneau Schools
1987



both higher rates of lifetime prevalence and use during the past year

Consequences of Drinking

Figure 10 shows how many respondents reported the frequency with which their drinking resulted in either feeling high, getting drunk or very high, or in having gotten sick during the past year. Inspection of the findings indicate that most of the students who drank did so to get high, but many of those who did drink experienced drunkenness or became sick one or more times. There are some students, however, who report more frequent incidents of adverse consequences associated with their drinking, and if these self-reports are accurate, these occurrences meet established criteria representative of "problem drinking" among adolescents (Rachel et al., 1980).

Part III. Tobacco

Smoking and Chewing/Smokeless Tobacco

Figure 11 provides a description of the prevalence rates for lifetime use of tobacco (ever tried), and a comparison of the present findings with those obtained in 1982. Data for comparing the prevalence rates from the 1982 sample for chewing/smokeless tobacco were unavailable. As can be noted, the prevalence of cigarette smoking has increased (by 24.7 percent) since 1982. Over a third of those sampled have also indicated having used smokeless or chewing tobacco.

Part IV. Students' Perception of Increase or Decrease in Drug Use

Figure 12 presents the summarized results of questions that asked students to report whether they thought use of any of the substances had increased or decreased in their school during the past year. The students' perception of the level of use, for the most part, appears to be consistent with the pattern of drug use observed with respect to the reports of recency and frequency of substance use. Marijuana, cocaine, hallucinogens, and stimulants, which showed a recent and frequent pattern of use, are all perceived by the students as having increased in use during the past year. Surprisingly inhalants, which showed a recent and frequent pattern of use, was perceived as having decreased in use by the students. The students also report that alcohol and tobacco use have increased during the past year, and this perception is almost universal.

Part V. Comparison with Other Alaska Communities

Figure 13 provides a comparison of the findings for reports of lifetime experience with chemical substances from Juneau with two other Alaskan communities surveyed in the spring of 1987. As can be observed Juneau, except for lifetime experiences with stimulants, either shows the lowest, or second lowest, prevalence rate among the three communities.

Figure 10
Consequences of Drinking During
the Past Year
Juneau Schools
Grades 7-12
1987

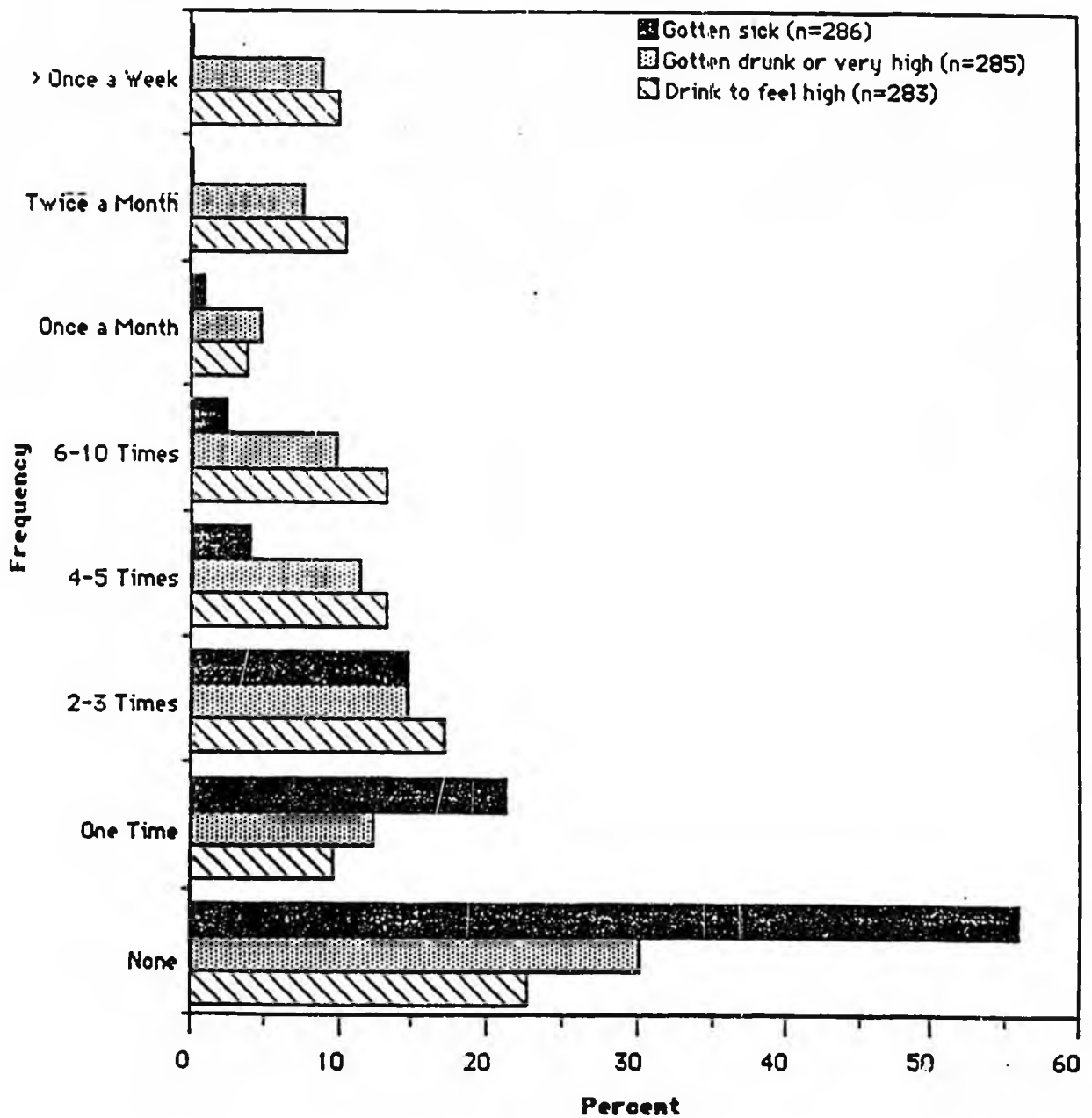


Figure 11
Use of Tobacco Products
Lifetime Experience
Juneau Schools

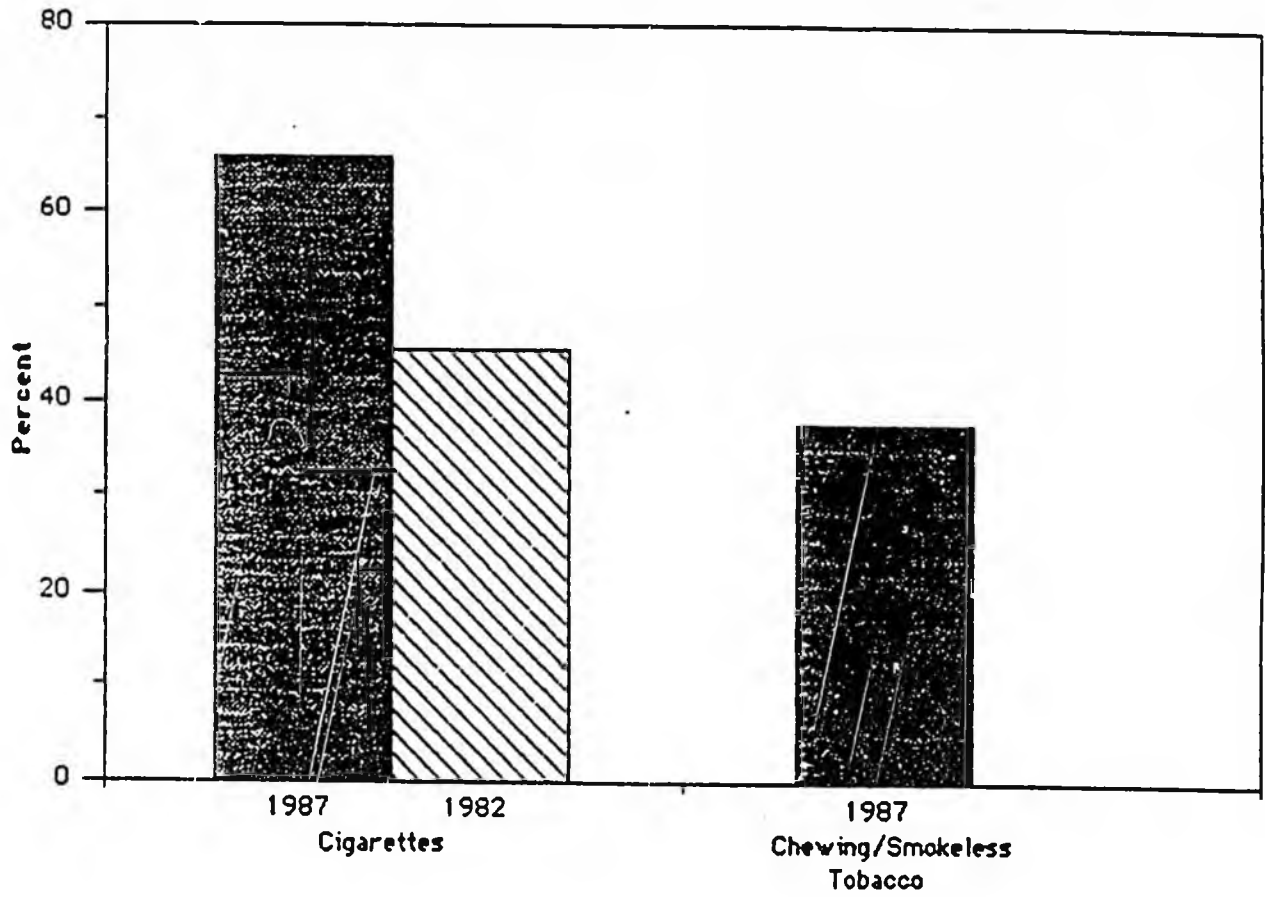
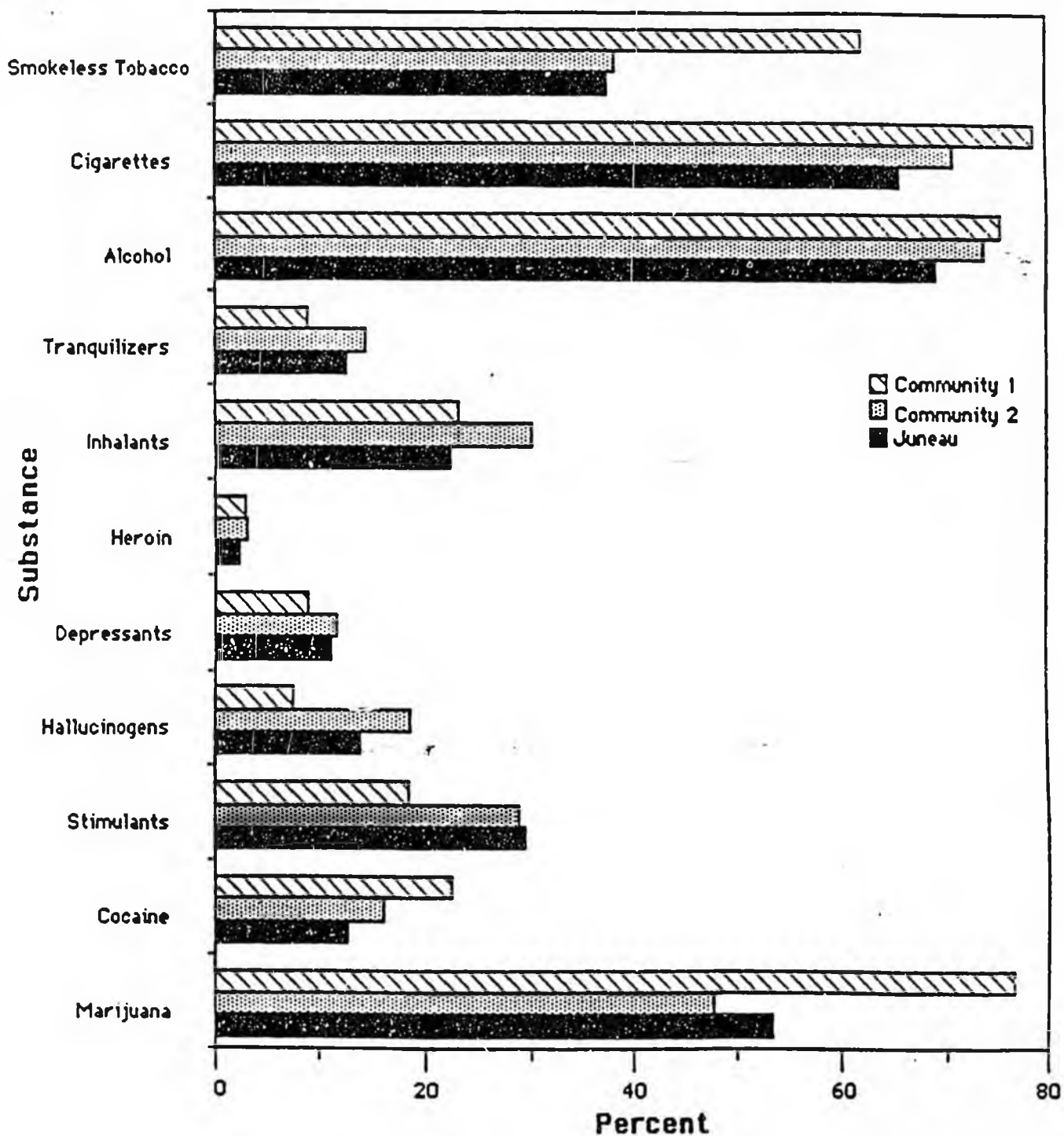


Figure 13
Lifetime Prevalence
Comparison of Experiences with Chemical
Substances Among Three Alaska Communities
1987



Discussion and Implications

In summarizing the findings, it is apparent that drug-taking behavior is prevalent in varying degrees among the students responding to the questionnaire, and that changes in the pattern of drug use has taken place since the previous survey was undertaken in 1982. Increases have occurred in the use of some substances, some have appeared to stabilize, while others have decreased. Although marijuana continues to show the highest overall prevalence, experience with hallucinogens and inhalants have increased slightly, while cocaine has decreased. While the findings do suggest that the drug-taking behavior reported by the students can largely be described as experimental or infrequent use, a pattern of more frequent use is also evident. Of special interest in this pattern of use is that more females than males are involved in drug-taking behavior. Additionally, the present findings indicate a downward trend in age of initiation into drug use. Previous research (Segel, 1986) suggested that age 13 was the peak year for initiation into drugs, but the present findings indicate that age 12 now appears to be the critical year for initiation into drug use.

The prevalence of alcohol use was also high, and encompassed a wide range of different types of consumption, one of which is consistent with criteria indicating problem drinking among a small number of students. The extent of smoking is also high, having increased by 25 Percent since 1982.

The findings suggest that efforts are needed to reduce or minimize teenage involvement with chemical substances, tobacco products, drinking, and its associated negative consequences. Both direct and indirect strategies can be utilized to modify the situation. Direct strategies encompass drug education or prevention programs within the school setting that deal directly with the problem. Indirect strategies focus on modifying conditions believed to influence adolescents' behavior with respect to use of drugs. An example of an indirect strategy is a program to help students develop decision making skills useful in dealing with high risk situations. Such a program, however, needs to correspond to the point at which students are at a high risk for initiation into drugs, alcohol, or tobacco products. Based on the results of this study, a critical point would be at the grade level corresponding to age 11, one year before the first peak initiation period occurs.

In approaching the problem of preventing/minimizing the use of mood-altering substances, smoking or use of chewing/smokeless tobacco, and use of alcohol, it is important to take note that illicit drug use, smoking, and drinking, have become incorporated into the American lifestyle. Adolescents are thus, to a large extent, reflecting the value system of the larger society, and their behavior with respect to alcohol, drugs, and tobacco, can be

considered, to some extent, to be "normative" behavior. Many adolescents thus become involved with drugs in order to know what drug experience are like. Segal (1985-86) has shown that a major reason given by adolescents who try drugs is to experience the sensation that drugs provide. This does not diminish the need, however, to eliminate or reduce drug use among youth, particularly when other adolescents have reported that they used drugs to reduce stress (Segal, 1985-86), a motive that suggests that some adolescent drug users may be in need of help.

An effective way to combat the problem of drug use is a combination of both direct and indirect programs, in which the school and community cooperate on establishing an education/prevention program that is designed to meet common goals and objectives. A broadbased, community-wide approach, involving all elements of the community (parents, children, educators, police, governmental officials, counselors, etc.) is required to alleviate the problem of teenage smoking, drinking, and drug-taking behavior.

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The Center for Alcohol and Addiction Studies

University of Alaska, Anchorage

Confidential Student Questionnaire

Dear Student:

The purpose of this study is to help us to understand better your feelings and experiences with respect to alcohol and other drugs. About 3,000 students across Alaska will take part in this study. Your answers will be kept absolutely confidential. There is no way to identify any student who responds. We do not ask your name - do not write it anywhere on the questionnaire. Your participation is voluntary. We need your help, and hope that you will contribute to the success of this study.

Thank you for your cooperation.

Directions

This is not a test and you are not timed on any section or group of questions. Please read carefully all the directions for each question. It is important that you follow the order of questions within each section. If you do not understand or cannot read a question raise your hand and someone will assist you.

When you have finished the questionnaire put it in the envelope that has been provided by the monitor. No one at the school will see or read your answers. The envelope will be sealed after the last questionnaire is completed. All the envelopes will be immediately taken to the University to be coded and entered into the computer. All questionnaires will be destroyed after the computer file has been set up.

Part 1. Background Information

1. I am

- Female
 Male

2. My ethnic background is? (Please check the correct one.)

- Alaska Native Hispanic
 American Indian White
 Asian or Pacific Islander Other: Which _____
 Black

3. How old were you as of your last birthday? _____

4. What grade are you in? (Please check the correct one.)

- 6th 7th 8th 9th 10th 11th 12th

5. Have you ever taken part in an alcohol or drug education/prevention program in one of your classes?

- No (Go to #7)
 Yes (continue)

6. At which grade did you take part? (Check all that apply)

- 5th grade or below 9th grade
 6th grade 10th grade
 7th grade 11th grade
 8th grade 12th grade

7. What grades do you usually get? (Check the one that applies to you for each column.)

During this school year

- Mostly A's
 Mostly A's and B's
 Mostly B's
 Mostly B's and C's
 Mostly C's
 Mostly C's and D's
 Mostly D's and F's

During the year before

- Mostly A's
 Mostly A's and B's
 Mostly B's
 Mostly B's and C's
 Mostly C's
 Mostly C's and D's
 Mostly D's and F's

8. How many years have you lived in this community? _____

Part 2. This set of questions asks about your experiences with recreational drugs used to get high or to feel good.

Section 1. Marijuana

Marijuana, which is sometimes called "grass," "pot," "weed," "smoke," "bud," "Mary Jane," or "joint," is a substance that is usually smoked.

9. Have you ever had a chance to try marijuana? No Yes

10. Have you ever tried marijuana?

- No (Go to Section 2)
 Yes (Continue)

11. How old were you when you first tried it? _____

12. Have you ever been high or stoned on marijuana to the point where you were pretty sure that you had experienced its effect?

- I never got high Have gotten high more than once
 Have gotten high once I get high almost every time I use it

13. How many different times have you used marijuana?

	No times	1-2 times	3-5 times	6-9 times	10-19 times	20-39 times	40+ times
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 2. Cocaine.

Cocaine, which is called "coke," "loot," "blow," or "snow," or other names, is a white powdery substance that is usually sniffed or smoked.

14. Have you ever had a chance to try cocaine? No Yes

15. Have you ever tried cocaine?
 No (Go to Section 3)
 Yes (Continue)

16. How did you use it? (Check all the apply to you.)
 I have sniffed it
 I have smoked it
 I have injected it (shot it up)
 I have used it in freebase form

17. How old were you when you first tried it? _____

18. Have you ever been high on cocaine to the point where you were pretty sure that you had experienced its effect?
 I never got high Have gotten high more than once
 Have gotten high once I get high almost every time I use it

19. How many different times have you used cocaine?

	No times	1-2 times	3-5 times	6-9 times	10-19 times	20-39 times	40+ times
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 3. Crack

Another type of cocaine is called "crack." This form of cocaine looks like a piece of rock or soap, and is smoked.

20. Have you ever had a chance to try crack? No Yes

21. Have you ever tried crack?
 No (Go to Section 4)
 Yes (Continue)

22. How old were you when you first tried it? _____

23. Have you ever been high on crack to the point where you were pretty sure that you had experienced its effect?
 I never got high
 Have gotten high once
 Have gotten high more than one
 I got high almost every time I use it

24. How many different times have you used crack?

	No <u>times</u>	1-2 <u>times</u>	3-5 <u>times</u>	6-9 <u>times</u>	10-19 <u>times</u>	20-39 <u>times</u>	40+ <u>times</u>
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 4. Stimulants ("Uppers")

Stimulants or amphetamine drugs, known as "uppers," "speed," "crystal," "bennies," "dexies," "pop pills," "crosstabs," "crossroads," and "crisscross," among other names, are used to make one feel more alert, energetic, or to obtain a high. They are usually taken in pill form.

25. Have you ever had a chance to try stimulants? No Yes

26. Have you ever tried stimulants?

- No (Go to Section 5)
- Yes (Continue)

27. How old were you when you first tried any? _____

28. Have you ever been high on a stimulant to the point where you were pretty sure that you had experienced its effect?

- I never got high
- Have gotten high more than once
- Have gotten high once
- I get high almost every time I use it

29. How many different times have you used stimulants?

	No <u>times</u>	1-2 <u>times</u>	3-5 <u>times</u>	6-9 <u>times</u>	10-19 <u>times</u>	20-39 <u>times</u>	40+ <u>times</u>
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 5. Hallucinogens

Hallucinogens, which are also called psychedelics, consist of such substances as LSD ("Acid"), Mescaline, and PCP, among other substances. Some of the slang names for hallucinogens are "mushrooms," "ecstasy," or "angel dust," "window pane," and "blotter acid." These substances are used to experience hallucinations, or to alter how things are seen, change one's mood, feelings, or level of awareness.

30. Have you ever had a chance to try hallucinogens? No Yes

31. Have you ever tried hallucinogens?

- No (Go to Section 6)
- Yes (Continue)

32. How old were you when you first tried any? _____

33. Have you ever been high on an hallucinogen to the point where you were pretty sure that you had experienced its effect?

- I never got high
- Have gotten high more than once
- Have gotten high once
- I get high almost every time I use it

34. How many different times have you used hallucinogens?

	No <u>times</u>	1-2 <u>times</u>	3-5 <u>times</u>	6-9 <u>times</u>	10-19 <u>times</u>	20-39 <u>times</u>	40+ <u>times</u>
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 6. Depressants ("Downers")

Depressant or "downer" type drugs, known as barbiturates, one of which is called Quaalude, are chemical substances used to calm oneself down or to get a high, much like using alcohol. Such drugs are usually taken in pill form, and are called "barbs," "blues" or "blue devils," "yellow jackets," "purple hearts," "soapers," or "Judes."

35. Have you ever had a chance to try depressants? No Yes

36. Have you ever tried depressants?

- No (Go to Section 7)
 Yes (Continue)

37. How old were you when you first tried any? _____

38. Have you ever been high on a depressant to the point where you were pretty sure that you had experienced its effect?

- I never got high Have gotten high more than once
 Have gotten high once I get high almost every time I use it

39. How many different times have you used depressants?

	No <u>times</u>	1-2 <u>times</u>	3-5 <u>times</u>	6-9 <u>times</u>	10-19 <u>times</u>	20-39 <u>times</u>	40+ <u>times</u>
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 7. Heroin

Heroin, which is sometimes called "H," "horse," "junk," "Mexican brown," or "smack," can be a white or brownish powdery substance that can be injected (shot up), sniffed, or smoked.

40. Have you ever had a chance to try heroin? No Yes

41. Have you ever tried heroin?

- No (Go to Section 8)
 Yes (Continue)

42. How old were you when you first tried it? _____

43. Have you ever been high on heroin to the point where you were pretty sure that you had experienced its effect?

- I never got high Have gotten high more than once
 Have gotten high once I get high almost every time I use it

44. How many different times have you used heroin?

	No <u>times</u>	1-2 <u>times</u>	3-5 <u>times</u>	6-9 <u>times</u>	10-19 <u>times</u>	20-39 <u>times</u>	40+ <u>times</u>
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 8. Inhalants

Inhalants are chemical substances, such as gasoline, kerosene, aerosol sprays, paint, glue, and other chemicals, or drugs such as nitrous oxide or amyl nitrate, that are sniffed or inhaled to induce a high.

45. Have you ever had a chance to try inhalants? No Yes

46. Have you ever tried any inhalants?

- No (Go to Section 9)
 Yes (Continue)

47. How old were you when you first tried any? _____

48. Have you ever been high on an inhalant to the point where you were pretty sure that you had experienced its effect?

- Not sure I ever got high Have gotten high more than once
 Have gotten high once I get high almost every time I use it

49. How many different times have you used inhalants?

	No times	1-2 times	3-5 times	6-9 times	10-19 times	20-39 times	40+ times
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Section 9. Tranquilizers

Tranquilizers are substances used to calm oneself, to relax or to get high. One such drug is Valium.

50. Have you ever had a chance to try tranquilizers? No Yes

51. Have you ever tried any tranquilizers?

- No (Go to Part 3)
 Yes (Continue)

52. How old were you when you first tried any? _____

53. Have you ever been high on a tranquilizer to the point where you were pretty sure that you had experienced its effect?

- I never got high Have gotten high more than once
 Have gotten high once I get high almost every time I use it

54. How many different times have you used tranquilizers?

	No times	1-2 times	3-5 times	6-9 times	10-19 times	20-39 times	40+ times
In your lifetime	—	—	—	—	—	—	—
During the last 12 months	—	—	—	—	—	—	—
During the last 30 days	—	—	—	—	—	—	—

Part 3.

If you have never tried a drug answer #54. If you have tried a drug, skip to #55.

54. If you have never tried a drug, was it because of any of the following?

(Check the column that best applies to you for each item.)

	Very True of me	Often True of me	Sometimes True for of me	Seldom True of me	Not True of me
Fear of damage to my mind	—	—	—	—	—
Moral reasons	—	—	—	—	—
Knowing friends who had a bad trip	—	—	—	—	—
Fear of having a bad experience	—	—	—	—	—
No opportunity to try a drug	—	—	—	—	—
Disappoint my parents	—	—	—	—	—
Pressure from friends	—	—	—	—	—
May cause addiction	—	—	—	—	—
It is illegal	—	—	—	—	—
Not important for me to try	—	—	—	—	—
Because of something I learned in school. ...	—	—	—	—	—

(Skip to #56)

55. Have any of the following ever happened to you as a result of your experience with any type of drug?
(Check all that apply to you.)

	<u>Never</u>	<u>Once</u>	<u>2-3 Times</u>	<u>4 or more Times</u>
Got into trouble with your teachers or principal.	—	—	—	—
Had it get in the way of school work.	—	—	—	—
Got you in trouble with your friends.	—	—	—	—
Got you in trouble with the police.	—	—	—	—
Had a bad trip.	—	—	—	—
Resulted in an accident or injury to you or others.	—	—	—	—
Been suspended from school.	—	—	—	—

(Continue below)

56. Do you think the use of any of the substances listed below has increased in your school during the past year? (Please check all the ones you believe have gone up.)

<input type="checkbox"/> Alcohol	<input type="checkbox"/> Cocaine	<input type="checkbox"/> Stimulants
<input type="checkbox"/> Tobacco	<input type="checkbox"/> Crack	<input type="checkbox"/> Depressants
<input type="checkbox"/> Marijuana	<input type="checkbox"/> Hallucinogens	<input type="checkbox"/> Inhalants
<input type="checkbox"/> Heroin	<input type="checkbox"/> Tranquilizers	

57. Do you think the use of any of the substances listed below has decreased in your school during the past year? (Please check all the ones you believe have gone down.)

<input type="checkbox"/> Alcohol	<input type="checkbox"/> Cocaine	<input type="checkbox"/> Stimulants
<input type="checkbox"/> Tobacco	<input type="checkbox"/> Crack	<input type="checkbox"/> Depressants
<input type="checkbox"/> Marijuana	<input type="checkbox"/> Hallucinogens	<input type="checkbox"/> Inhalants
<input type="checkbox"/> Heroin	<input type="checkbox"/> Tranquilizers	

58. About how many of your friends have tried: (Check the appropriate place)

	<u>None</u>	<u>1 or 2</u>	<u>Several</u>	<u>Most</u>	<u>All</u>	<u>Don't Know</u>
Marijuana	—	—	—	—	—	—
Cocaine	—	—	—	—	—	—
Crack	—	—	—	—	—	—
Stimulants	—	—	—	—	—	—
Hallucinogens	—	—	—	—	—	—
Depressants	—	—	—	—	—	—
Heroin	—	—	—	—	—	—
Inhalants	—	—	—	—	—	—
Tranquilizers	—	—	—	—	—	—
Alcohol	—	—	—	—	—	—
Cigarettes	—	—	—	—	—	—
Smokeless tobacco	—	—	—	—	—	—

59. About how many of your friends use: (Check the appropriate place)

	<u>None</u>	<u>1 or 2</u>	<u>Several</u>	<u>Most</u>	<u>All</u>	<u>Don't Know</u>
Marijuana	—	—	—	—	—	—
Cocaine	—	—	—	—	—	—
Crack	—	—	—	—	—	—
Stimulants	—	—	—	—	—	—
Hallucinogens	—	—	—	—	—	—
Depressants	—	—	—	—	—	—
Heroin	—	—	—	—	—	—
Inhalants	—	—	—	—	—	—
Tranquilizers	—	—	—	—	—	—
Alcohol	—	—	—	—	—	—
Cigarettes	—	—	—	—	—	—
Smokeless tobacco	—	—	—	—	—	—

Part 4. The questions in this part ask about your experiences with beer, wine, and liquor.

60. Have you ever had a drink of wine, beer, or liquor - not just a sip or taste - with friends outside of your home?

- No (Go to Part 5)
 Yes (Continue)

61. Have you had a drink of wine, beer, or liquor - not just a sip or taste - with friends outside of your home during the past year?

- No
 Yes

62. How old were you when you had your first drink (not just a sip or taste) with friends at a party or some other kind of get together outside of your home? _____

63. How many times did you drink beer, wine, or liquor during the past 30 days?

- No time
 1 time
 2-3 times
 1-2 times a week
 3-4 times a week
 5-6 times a week
 Once a day
 More than once a day

64. Think of all the times when you had beer, wine, or liquor during the past 30 days. How many drinks do you usually have?

(Think of one can of beer, a glass of wine, or a mixed drink as equal to one drink.)

- I did not drink during this time
 1 drink
 2 drinks
 3-5 drinks
 6-10 drinks
 11 or more drinks

65. During the past year, about how many times did you drink just to feel a little high or light-headed?

- None 2-3 times 6-10 times Twice a month
 One time 4-5 times Once a month Once a week or more

66. During the past year, about how many times have you gotten drunk or very, very high?

- None 2-3 times 6-10 times Twice a month
 One time 4-5 times Once a month Once a week or more

67. During the past year, about how many times have you gotten sick (nauseas or vomiting) as a result of drinking?

- None 2-3 times 6-10 times Twice a month
 One time 4-5 times Once a month Once a week or more

68. Have you ever had any of the following happen to you as a result of drinking?

(Place a check where it applies to you for each item.)

	Never	Once	2-3 Times	4 or more Times
Got into trouble with your teachers or principal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Had it get in the way of school work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Got you in trouble with your friends.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Got you in trouble with the police.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Got you in a fight.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Resulted in an accident or injury to you or others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have driven when drinking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

69. How many of your close friends drink alcoholic beverages at least once a week?

- Most of my friends don't drink at all
- None of my friends drink at least once a week
- Some of my friends drink at least once a week
- Most of my friends drink at least once a week
- All of my friends drink at least once a week

Part 5. Tobacco

70. Have you ever tried smoking cigarettes?

- No (Go to #78)
- Yes (Continue)

71. Have you smoked more than two or three times?

- No
- Yes

72. How old were you when you first tried smoking cigarettes? _____

73. How many times during the past 30 days have you smoked cigarettes?

- None (Go to #77)
- 1 time
- 2-3 times
- 1-2 times a week
- 3-4 times a week
- 5-6 times a week
- Once a day
- Two or three times a day
- More than four times a day

74. Think of all the times when you have smoked during the past 30 days. About how many cigarettes did you smoke during a day?

- 1-5 cigarettes a day
- 6-10 cigarettes
- 11-15 cigarettes
- 16-20 cigarettes
- 21 or more cigarettes

75. Would you consider yourself:

- An occasional smoker (go to #79)
- A moderate smoker (Go to #76)
- A light smoker (Go #76)
- A heavy smoker (Go to #76)

76. How old were you when you became a light, moderate, or heavy smoker? _____

(Skip to #79)

77. If you have stopped smoking, was it for any of these reasons? (Check all that apply to you.)

- Just didn't feel a need to smoke anymore
 - Fear of damage to my body
 - Parents disapproved
 - Friends disapproved
 - Because of something I learned in school
 - Other: _____
- (Go to #79)

78. If you have never smoked, was it for any of the following reasons? (Check all that apply to you.)

- Just don't feel a need to smoke
 - Fear of damage to my body
 - Parents disapproved
 - Friends disapproved
 - Because of something I learned in school
 - Other: _____
- (Go to #79)

79. Have you ever tried chewing tobacco or smokeless tobacco (such as Skoal)?

No (Go to #85)

Yes

80. How old were you when you first tried smokeless tobacco? _____

81. How many times during the past month (30 days) have you used either chewing or smokeless tobacco?
(Check the columns that apply to you for both types of smokeless tobacco.)

	Chewing Tobacco	Smokeless Tobacco
None.....	_____	_____(Go to #84)
1 time.....	_____	_____
2-3 times.....	_____	_____
1-2 times a week...	_____	_____
3-4 times a week...	_____	_____
5-6 times a week...	_____	_____
Once a day.....	_____	_____
More than once a day.	_____	_____

82. Would you consider yourself:

An occasional user (Go to #84)

A moderate user (Go to #83)

A light user (Go to #83)

A heavy user (Go to #83)

83. How old were you when you became a light, moderate, or heavy smokeless or chewing tobacco user? _____

(Skip to Part 6)

84. If you have used smokeless or chewing tobacco but have now stopped, was it for any of these reasons?
(Check all that apply to you.)

Just didn't feel a need to use it anymore

Fear of damage to my body

Parents disapproved

Friends disapproved

Other: _____

85. If you have never used smokeless tobacco, was it for any of the following reasons? (Check all that apply to you.)

Just don't feel a need to use it

Friends disapproved

Parents disapproved

Fear of damage to my body

Because of something I learned in school

Other: _____

Please Continue on the Next Page

Part 6

Please answer the following questions, whether you have used drugs or not, concerning some different feelings or experiences that people have. Read each item and check the statement that best describes you. Answer every item.

	Very True <u>of me</u>	Often True <u>of me</u>	Sometimes True <u>of me</u>	Seldom True <u>of me</u>	Not True <u>of me</u>
I would enjoy being a famous person.	—	—	—	—	—
I don't really have fun at parties.	—	—	—	—	—
I often act without thinking.	—	—	—	—	—
I enjoy being alone.	—	—	—	—	—
I am pretty cautious.	—	—	—	—	—
I daydream about doing hard tasks.	—	—	—	—	—
I care what others think about me.	—	—	—	—	—
I do not give up easily on a problem.	—	—	—	—	—
I feel that I have a lot of control over my future. ...	—	—	—	—	—
I often wish I had more good friends.	—	—	—	—	—
My daydreams often cheer me up when I feel sad. ...	—	—	—	—	—
I almost never ask for help or advice.	—	—	—	—	—
Being successful is important to me.	—	—	—	—	—
I like to tell others how to do things.	—	—	—	—	—
I try not to take life very seriously.	—	—	—	—	—
When I want something - I want it now - not later. ...	—	—	—	—	—
I'm afraid I'm not very popular.	—	—	—	—	—
I am not interested in anything unless it is exciting. .	—	—	—	—	—
My feelings are easily hurt.	—	—	—	—	—
I sometimes question the reason why I do things. ...	—	—	—	—	—
Sometimes I take myself too seriously.	—	—	—	—	—
Being successful at what I do is important to me.	—	—	—	—	—
What others think of me is not important to me.	—	—	—	—	—
I like to feel free to come and go as I please.	—	—	—	—	—
I am not easily pressured by my friends.	—	—	—	—	—

This is the end of the questionnaire.

Thank you for filling it out.



UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

FOR RELEASE: 10:30 A.M. (EST)
Wednesday, December 16, 1987

Contact: Lon Anderson
(202) 732-4576

WILLIAM J. BENNETT
U.S. SECRETARY OF EDUCATION

Address to
The White House Conference
for a Drug-Free America

* See Page 7: Use + Lose Concept Discussion.

Marriott Marquis Hotel
New York, New York
December 16, 1987

It is an honor to address this White House Conference for a Drug-Free America.

I have said on previous occasions that the foremost responsibility of any society is the nurture and protection of its children. This is the standard, I believe, by which a civilization must ultimately be judged. And in America today, one of the most serious threats to the health and well-being of our children is drug use.

Having served as Secretary of Education for almost three years now -- after having discussed the problem of school-age drug use with parents, educators, and narcotics officers and after having seen firsthand how drugs can destroy schools -- I am more convinced than ever of the dangers to our children from drugs. When it comes to drugs in schools, my message is a simple one: get them out. In some cases, it may require very tough measures on the part of teachers and principals; for example, it may necessitate expelling students who are drug pushers. Drugs should have no place in the lives of our children.

In the efforts to curb drug use in our schools (as well as drug use among adults), I do think we have some grounds for hope, some reason for cautious optimism. We have, as a nation, finally become serious about drug prevention. It is now an issue of high national priority. It is now an issue that has the attention of our young people. It is an issue that has brought groups together -- parents, teachers, school

boards, law enforcement personnel, local, state, and federal officials -- to send a consistent, firm, and morally sound message: Drug use is wrong; drug use is dangerous; and drug use must be stopped. Drugs undermine learning, shatter families, and take lives. This message is having an effect.

An article from last month's Baltimore Sun entitled "The New No Generation: Pendulum is Swinging Away from Drug Use Among Teenagers" helps illustrate my point: "The alliance that seemed so inalienable only a decade ago -- the alliance of illicit substances and youth -- is beginning to dissolve. Abstention has acquired cool. The war on drugs is finding allies not only among the old guard but also among the youthful avant-garde." National surveys indicate that in general, drug use by high school seniors has declined between 1981 and 1986.

Why did these changes occur -- and more importantly, how do we sustain and extend them? Any discussion of drug prevention in America must begin, of course, with the First Lady, who has worked tirelessly against drug use by children and, in so doing, has drawn national attention to the problem. President Reagan has done much in this area as well. Last October, he signed the Anti-Drug Abuse Act of 1986, providing \$1.7 billion in federal funds to supplement the \$2.2 billion already spent each year, to improve enforcement, treatment and education programs. The Anti-Drug Abuse Act also toughened sentences for drug violators. As Mark Moore, a

professor of criminal justice policy at Harvard University's John F. Kennedy School of Government has said, "The Administration has been remarkably successful in changing attitudes and norms. The President's public role has legitimized the drug issue."

At the Department of Education, we have taken several steps to help get drugs out of schools. In September 1986, we released Schools Without Drugs, a handbook that provides practical information for parents, teachers, principals, and community leaders in combating the problem of drugs among our young people. I'm proud to say Schools Without Drugs is now one of the most popular books in federal publishing history (1.7 million copies distributed), and many of its recommendations have been adopted by schools throughout the country. To help with the implementation of local anti-drug measures we have followed up Schools Without Drugs with "The Challenge Campaign," a cooperative program of 14 national organizations to help schools and communities apply the proven methods set forth in Schools Without Drugs. And we are now developing a similar program for colleges and universities.

With the passage of the Anti-Drug Abuse Act, our department also implemented 15 programs and disbursed \$200 million designed to lend support to sound anti-drug efforts in our schools. So, here and elsewhere in the federal government, we're helping schools and communities to put an end to drug use.

More importantly, Americans themselves are turning the tide in the battle against drugs in our schools. The methods that have been used and the actions that have proven effective are no mystery. We know what works. We know that drug use can be stopped. We know what needs to be done. And we have provided the financial resources to do the job.

Of course, there is more to be done. Drug use among our students is still unacceptably high, still outrageously high. Over one-half of last year's high school seniors used illegal drugs and, unlike the decline in the use of most other drugs, cocaine use has shown no appreciable decline. Seventeen percent of last year's seniors had used cocaine. Drug-related crimes still plague our society, and strain our courts, social service agencies, and police. Experience tells us that in the end, curbing drug use among the young will depend -- as it depends in so many areas of life -- on the active involvement of adults, speaking and acting in a manner that conveys to young people the message that drug use is wrong and harmful and should be avoided.

Ladies and gentlemen, this is not a time to rest, or to lose clarity about what needs to be done, or to grow weary in our war against drugs. This war is not over. It is a time instead to take the next step. It is time, in short, to attend to the unfinished business of ensuring "a drug free America."

Let me be more specific. Curbing drug use depends on two

things -- reducing supply and cutting demand. As we continue to expand our efforts at interdicting the drug supply, we must also insist on a proportionate effort at reducing demand. Let me be candid: On the demand side, we still have much to do. We have paid too little attention to the principle of user responsibility. This country still consumes 80 percent of the cocaine coming out of Latin America. This demand feeds the web of criminality that disrupts life in these foreign countries as well as destroying lives in this country. In Colombia, guerrilla organizations such as the Colombian Revolutionary Armed Forces guard fields and landing strips for producers, while the National Liberation Army and the terrorist group M-19 cooperate with traffickers. American users are funding terrorism and insurgency when they buy cocaine and marijuana.

At home, we read all too frequently of neighborhoods that have been virtually taken over by the drug trade; neighborhoods that have become unsafe for children as well as adults.

We must send the message to young people -- and to all adults -- that they are responsible for their actions. We have not done enough to establish the principle of user responsibility when it comes to drugs. Holding users accountable is a necessary element in establishing a community in which drug use is not tolerated. We need to enforce greater user responsibility for adults, and there is much that

we should do to promote greater responsibility among young people. School districts in particular need to adopt drug policies that are fair, but tough -- tougher, I believe, than we now see in many places. Let me give you an example of one school district that has put into place a particularly sound drug policy.

In Anne Arundel County, Maryland, the school district has developed its current policy in response to particularly serious drug-related incidents in the 1979-80 school year. Today, when a student is found using or carrying drugs in Anne Arundel County schools, strong and effective steps are taken. First, the police and parents are notified and the student is suspended from one to five school days. Next, the special assistant to the superintendent meets with both parents and student, and the student, in order to gain readmission to school, is asked to tell from whom he got the drugs. At the same time, the student must choose either to take part in the district Alternative Drug Program at night, while going to school during the day, or enroll in evening courses. He must also take five hours of counseling while accompanied by his parents. Failure to complete the Alternative Drug Program results in automatic enrollment in evening courses. Second time use or possession brings expulsion.

Anne Arundel's approach works because it has tough rules that are strictly enforced. Drug offenses have declined by 58 percent (from 507 offenses in 1979-80 to 211 in 1984-85).

Here is an example of an approach -- a tough but fair approach -- that works. We need to study the success stories like Anne Arundel County, to publicize them, to replicate them, and to fashion policies that foster similar success.

Also, we can establish other measures that deter drug use by young people. Laws that take away or delay the privilege of driving a car if a young person is caught using drugs are one such deterrence. New Jersey, Missouri, and Oregon already have laws like this. Other states are considering them and I hope more states will enact such denial laws.

The key to effective prevention programs is the determination of local educators, parents, students, and communities to remove drugs from their schools and the lives of students. If that determination is lacking, no federal program can substitute for it. But in some instances there is also a need for specific resources to establish greater security within and around schools and to get comprehensive prevention efforts up and running. Federal funds are now being provided to all schools to supplement state and local resources.

But I am aware that in some instances even the expanded federal help may not be enough. So today I want to take this opportunity to announce that I am making available some \$2 million from my discretionary funds for proposals to assist schools that face a serious immediate threat from illegal drug use, and that lack the resources to address this threat. If

the forces of inertia or unresponsive local and state education bureaucracies are standing in the way of getting drugs out of a school, we stand ready to help principals overcome these obstacles. We want to provide resources and technical assistance where they are needed. Funds will be available to support prevention activities involving law enforcement officials, parents, school personnel, students, and community organizations. So: If a school has a drug problem and federal resources are needed to help, I invite the principal to call the Department of Education. Call: (202) 732-3566, tell us what you need, and we will work to see that resources and assistance are provided up to the limits of our legal authority.

In most neighborhoods, the work of committed adults can make a difference. We're seeing a shift in thinking across America principally as a result of the work that many of you here today are doing. We must continue this effort, with more emphasis on making users responsible for the damage they cause both here at home and abroad.

We are making progress on the war on drugs. We have seen fundamental changes in attitude, and even changes in the levels of drug use. But we must do more. We have to finish the job we have begun in the war on drugs. Drugs are striking down too many of our children. We have to strike back. There are few more important tasks before us.

State of Washington

FINAL BILL REPORT

HB 1482

C 148 L 88

Distributed by
Representative Bill Hudson
April 28, 1988

BY Representatives Rasmussen, Dorn, Winsley, Crane, Holland, Holm, Cooper, Walker, Betrozoff, Rayburn, Scott, Hargrove, Grant, Kremen, Unsoeld, Barnes, Baugher, Doty, Moyer, Wineberry, Anderson, Jesernig, Jones, Brough, Basich, Meyers, Ballard, P. King, May, Taylor, Miller, Spanel, Silver, Ferguson and Butterfield

Revoking or suspending juveniles' drivers licenses for violation of certain drug or alcohol laws.

House Committee on Judiciary

Senate Committee on Law & Justice

SYNOPSIS AS ENACTED

BACKGROUND:

Juveniles under the age of 18 convicted of driving while intoxicated are, on the first conviction, subject to a suspension of driving privileges for 90 days or until age 19, whichever is longer. A second conviction results in a one year revocation, and a third or subsequent conviction results in a two year revocation.

The Liquor Control Act makes it illegal for a person under the age of 21 to possess, consume, purchase or attempt to purchase alcoholic beverages. The Controlled Substances Act makes it illegal for any person to possess, manufacture or sell controlled substances. The Legend Drug Act makes it illegal for a person to possess, distribute or manufacture prescription drugs without a prescription or without authorization. The Imitation Controlled Substances Act makes it illegal for a person to sell or represent a substance as a controlled substance.

SUMMARY:

The driving privileges of a juvenile between the ages of 13 and 18 who is found to have violated the provisions of the Liquor Control Act, the Controlled Substances Act, the Legend Drug Act or the Imitation Controlled Substances Act will be revoked by the Department of Licensing. The court or juvenile diversion unit must notify the department within 24 hours after the judgment is

entered or the diversion agreement is signed. For the first conviction or agreement involving an alcohol or drug offense, the juvenile's privilege to drive will be revoked for one year, or until the juvenile is 17, whichever is later. For a second or subsequent offense the revocation will last until the juvenile is 18 or for one year, whichever is later.

A juvenile who has been found to have committed an alcohol or drug offense by a court may petition the court for reinstatement of his or her driving privileges. The juvenile's privilege to drive may not be reinstated earlier than 90 days after the judgment, for the first offense, or earlier than one year after the judgment for a second or subsequent offense.

If the juvenile signed a diversion agreement, the diversion unit must notify the department when the juvenile completes the agreement. The department may not reinstate the juvenile's driving privileges until 90 days after the agreement was signed for a first offense, or until one year after the agreement was signed for a second or subsequent offense.

VOTES ON FINAL PASSAGE:

House	93	4	
Senate	48	0	(Senate amended)
House	90	3	(House concurred)

EFFECTIVE: June 9, 1988

State should pick 'official mom'

OLYMPIA — Washington has an official bird, an official flower, an official tree, an official this, an official that.

One thing we don't have, quite yet, is an official mom.

So I nominate Marilyn Rasmussen, the state representative from little old Eatonville.

She has a knack for mothering bills through the Legislature. And generally, the bills have something to do with her favorite subjects, "kids and cows" — her label for education and agriculture.

Just recently, she got the House and Senate to pass a bill suspending the driving privileges of anybody under the age of 18 who is nailed for partaking of illegal drink or drugs.

And this punishment applies regardless of whether the offender was driving when caught.

Rep. Rasmussen's objective is not simply to keep drunks and dopers out from behind the steering wheel. She also wants to discourage our kids from abusing alcohol or drugs in the first place.

And being the mom that she is, she realized that nothing strikes fear into the heart of a teen-ager like the threat of having to walk instead of drive.

The message she wants to send is that "no" means "no" — and not "please don't."

I think that's what counselors call tough love.

Marilyn Rasmussen clearly loves kids, even though she has seven of her own, plus two grandchildren, and probably had half of Eatonville's kids traipsing through her house.



Dave Workman

Daily News special writer

Sometimes I wonder if she's a walkaway from the set of the Waltons, Earl Hamner's '70s TV show about the ideal American family.

She and husband Don operate a 360-acre dairy and timber farm.

She's a member of the Washington State Dairy Federation, American Agri-Women, the Ohop Grange, the Washington State Dairy Wives and Women for Survival of Agriculture.

She spent six years on her school board.

In her spare time, she runs a household.

And now, she's also a legislator.

Other than that, she has nothing to do.

She once described what it's like commuting from the farm to the Capitol during legislative sessions. "I wear my barn boots in the mornings before work, and in the evenings I put them back on. I am still the same farm lady," she said.

I believe it, but the farm lady is getting to know her way around the political barnyard, too. In 14 months, she has several legislative victories to her credit — more than some legislators achieve in years.

It took only two tries to win passage of her

alcohol and drug bill, which suspends an under-18 offender's driving privileges for one to two years, depending on the offender's age and number of offenses.

And last year, she won passage of a bill authorizing the superintendent of public instruction to spend money from something called the Clearinghouse for Educational Information; plus a bill allowing cooperative associations to sell milk through a marketing agent; and a bill regulating the use of veterinary biologics (viruses, serums, toxins and so forth) for inoculating animals.

That last one has a personal touch.

Being dairy farmers, the Rasmussens have used the usual veterinary biologics to immunize their critters. And one of their daughters became paralyzed, possibly from exposure to the biologics, although nobody knows for sure.

These bills didn't just pass through the Legislature. They passed with votes like 96-0 and 84-3 in the 98-member House, and 47-0 and 48-0 in the 49-member Senate.

Talk about motherhood and apple pie.

Come to think of it, she probably makes a pretty good pie, too.

I doubt that Marilyn Rasmussen, with her just-off-the-farm folksiness, ever expects to be one of the legislative power brokers. And she probably won't knock anybody's socks off in debate.

But Eatonville's farm lady legislator brings a touch of freshness that the Capitol needs. She is probably pretty much what the framers of our state constitution had in mind when they created a part-time citizen Legislature.

Earl Hamner could have done worse.

The Pierce County Herald welcomes letters reflecting all viewpoints within the community. However, only those letters which are signed and bear the writer's address and telephone number will be considered for publication. The addresses and telephone numbers will be used only for verification purposes and will not be published. Except in rare circumstances, letters are published on a first-come, first-served basis. The Herald reserves the right to edit all letters for libel purposes and length.

Penalties may hamper drunks

Second District Democratic Rep. Marilyn Rasmussen was ecstatic that her bill to deter teen-agers from drinking and driving by suspending violators' driver's licenses overwhelming passed both houses of the Legislature last week. It now awaits only the almost certain signature of Gov. Booth Gardner to become law.

But Rasmussen was almost as happy about another aspect of her bill, the portion that raises the penalties of those using false identification to purchase beer and wine.

As a result, the Eatonville legislator's bill vows to step up the penalties for minors using fake ID to buy alcohol from \$25 to \$225 and could result in the suspension of their driver's licenses for a year or more.

Those convicted of selling beer to minors can be fined hundreds or thousands of dollars and have their establishments closed for days.

It's no secret that a large percentage of all alcohol-related traffic accidents involve teen-agers or minors. Almost anything we can do to make them more responsible drivers, or at least get the drunken abusers off the road, is justified.

The *Morning* News Tribune

Tacoma, Washington

Serving Puget Sound from Sea-Tac to the state capital

Teen drug-alcohol use could cost driver's license

Tues., March 8, 1988

By Matt Miaterek
The News Tribune

OLYMPIA — Rep. Marilyn Rasmussen doesn't want to be a party pooper. She just wants youths to stay off drugs and booze.

The Eatonville Democrat's proposal to take away the driver's license of teenagers caught in drug- or alcohol-related crimes is an eyelash away from becoming law.

The bill has been passed by the House and Senate and requires only the signature of Gov. Booth Gardner to become law. Gardner claims to support the premise of cracking down on juvenile offenders by revoking their driver's licenses, Rasmussen said.

Rasmussen said the measure isn't intended to block youths from frat-

ernizing and having fun; it simply aims to save lives by deterring youths from starting or continuing drug and alcohol habits.

"I'm not out to headhunt," she said. "I just want to put out a clear message to young people that they're going to be held accountable."

A handful of legislators have voted against the bill.

"It all comes down to the punishment fitting the crime," said Rep. Dick Nelson (D-Seattle), who opposed the bill.

The bill does clamp down on youths more than adults, Rasmussen said. Juveniles would be stripped of their licenses for selling drugs, buying drugs, or trying to purchase liquor with phony identification. Adults, however, only lose their licenses for driving while intoxicated.

Eventually, Rasmussen said, her bill should be extended to adults, but an immense backlog in the court system makes that unlikely.

After a first offense, the juvenile



I'm not out to headhunt. I just want to put out a clear message to young people that they're going to be held accountable.

— Marilyn Rasmussen

would lose the license for a year or until age 17 — whichever is later. Driving privileges would be lost for two years — or until age 18 — for a second offense. Youths can petition the court for reinstatement of the license 90 days after the judgment.

If a teen as young as age 13 commits a drug or alcohol offense, driving rights are delayed a year.

"Teenagers choose how to wear their hair, what clothes to wear, and which friends to hang around with," Rasmussen said. "Why not also give

them an incentive to make the decision not to do drugs?"

The idea for the bill was triggered by a similar law in effect in Oregon, Rasmussen said. Her nieces and nephews in Oregon told her the law keeps them substance-free, since they cherish their driving privileges.

She sought input from many young people in regular schools, alternative schools and youth groups, she said.

"They were dead quiet when I asked 'who opposes this?'" she said.

The only opposition came from one youth who said the bill would not be potent enough to thwart serious drinkers and drug abusers.

Last year, Rep. Seth Armstrong (D-Seattle) killed the bill in the House Judiciary Committee. The proposal seemed unfair because it revoked driver's licenses for unrelated, non-automobile crimes, according to Armstrong.

He still has the same concerns, but soaring drug and alcohol problems have persuaded him to support

the bill.

"The threat is larger and it's enveloping our whole society," he said.

Rasmussen had the bill refined over the interim to make certain it was constitutional and in accordance with Washington statutes. Oregon's statute has been able to withstand constitutional scrutiny, she said.

Fellow Democratic Rep. Randy Dorn, Eatonville High School principal, said Rasmussen's bill would help combat drug and alcohol abuse in the schools. Students now who are caught drinking or using narcotics are kicked out of school for a few days.

"I'm extremely proud of Marilyn for working this bill so hard," Dorn said.

Rasmussen praised Pierce County prosecutors and law-enforcement officials for helping get the bill through the Legislature.

"I might have quarterbacked it, but Pierce County officials took the ball and ran with it," she said.

LEGISLATURE '88



House of Representatives

Democratic Communications

(206) 786-7748



FOR IMMEDIATE RELEASE -- Mar. 1, 1988

OLYMPIA -- Teenagers are about to get a new reason to stay away from drugs and alcohol, said Rep. Marilyn Rasmussen, D-Eatonville.

Rasmussen's House Bill 1482, which would suspend the driver's licenses of teenagers convicted of drug or alcohol violations, was approved by the Senate, 48-0, today, and now requires only a signature from the Governor before becoming law.

"Telling kids that alcohol and drugs are bad for them isn't always enough," said Rasmussen, a mother of seven. "Taking away a kid's driver's license backs up our words with action. It gets kids' attention and shows them we are serious when we say we want them to leave drugs and alcohol alone."

HB 1482 would suspend a juvenile drug offender's driving privileges for one to two years depending upon the age of the offender and the number of offenses they have committed.

Rep. Randy Dorn, D-Eatonville, and the principal of Eatonville High School, is a co-sponsor of HB 1482.

"Students with drug and alcohol problems are at a real disadvantage in school, and in life," said Dorn. "Turning them away from drug and alcohol now is the best thing we can do to further their educations and prepare them for adult life."

"This approach works," said Rasmussen. "We know it works because it has already been tried in Oregon, and the number of their teenage drug and alcohol crimes have gone down."

-- more --

Rasmussen's bill has been supported by Mothers Against Drunk Driving, Students Against Drunk Driving, the state Parent-Teacher's Association and numerous other civic and law enforcement groups.

"This bill is the product of a lot of work by a lot of people," said Rasmussen. "I can't tell you how many classrooms full of kids, and how many law enforcement groups and parents' groups I have talked to in the last year and a half about this idea. I can tell you, they have all supported this bill."

"Most teenagers believe in accountability. This legislation is about accountability. It says driving privileges are a reward for responsibility and that using drugs and alcohol is irresponsible behavior that can lose you that privilege."

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Pierce County
Herald 2/19/93

Meridian Street Beat

My proposal: Abolish teen-age drivers

Gordon Koestler



Second District Democrat Marilyn Rasmussen is on the right track: Hit teen-agers who abuse drugs and alcohol and then drive where it affects them most — right behind the wheel.

Rasmussen is the prime sponsor of a bill in the state House that would revoke the driving privileges of those teen-agers convicted of a drug- or alcohol-related offense.

"There is a lot of concern about the way alcohol and drug abuse are increasing among our kids," states Rasmussen in the House Democratic news organ. "It makes sense to tie driving privileges to drug and alcohol violations because driving, beside being a privilege, is a responsibility. Using drugs and alcohol is irresponsible."

Judging by the crowded streets surrounding most east-county high schools these days, Rasmussen makes sense when she says, "Telling a kid they can't drive is a great way of getting their attention." Kids love their cars. Cars take students' minds off boring stuff, like studying.

However, many fatal traffic accidents, if not the majority, involve young drinking drivers. While Rasmussen's bill addresses the problem of young drinking or drugging drivers somewhat, her plan resurrects a two-pronged solution I have advocated for some years. Some will like it. Some will hate it. Some will say it's impossible, but here it is.

Part 1 is the more controversial argument of the two. Since the use of alcohol and its effects is so celebrated in our culture, and since most teen-agers don't have access to it unless they raid Mommy and Daddy's secret stash, why not take the limitations off the sale and use of alcohol? Sell it to anyone over 12 who walks into a liquor store or tavern. Make it available at the dinner table every night like they do in France, Italy or other countries where com whiskey doesn't have the storybook allure it does in America.

The idea is that children would either learn to deal with the effects of alcohol, learn that to be drunk in public is not grown-up or funny, or leave it alone altogether. It would be like your parents catching you smoking for the first time and then sitting down to watch while you chain-smoked half a pack. Yech! No more experimentation.

Absurd? No. Un-American? Absolutely, given our traditional homage paid to the shrine of John Barleycorn. Unworkable? Europeans, who lack our Puritanical/hypocritical streak, and those in other parts of the world don't have near the social problems we have with alcohol. Either way, I don't hold out any hope that the Boy Scouts' annual jamboree will serve white table wine this year or any other. I'm more attached to Part 2 of the plan.

Marilyn Rasmussen's bill would suspend the driving privileges of any teen-ager caught driving under the influence for one year, two years, or until the driver is 18, if caught the second time.

A wrist-slap, I say. For starters, I don't think children, which is what they are, should be allowed to drive until they are 21, maybe 25. For one thing, that would force most to learn how to

use the school and public-transportation system to get back and forth to school or jobs. For another, since my deregulation-of-alcohol suggestion is likely to fall flat, not permitting kids to drive until they are 25 would take kids who drink illegally off the highways until they figure out how dangerous drinking and driving is.

Maybe, if the Pierce County's public-transportation system pulls itself together and adds enough routes to become useful, some people would never drive. My Grandma Maudie, who lives in Tacoma, has a learner's permit. She never applied for a driver's license and hasn't driven a car in about 50 years. She takes the bus everywhere, only relying on my mother, uncle or my sister for special trips.

So it can be done, and should be done. But taking teen-agers off the road won't be done in our lifetimes because of America's continuing passionate love affair with the automobile and the country's hypocritical deifying of Demon Rum.

Good bill, Marilyn. And yours probably stands a better chance of passing the House than mine would.

Sticks and stems —

All supporters of good music pay attention, please: Gary Johnson and Peggy Burrough need our help. The Washington State Music Educators Association has asked the Puyallup School District to host the All-State Mixed Choir and All-State Treble Choir. The "cream of the crop" choristers will rehearse at Puyallup High School for three days prior to a Monday, Feb. 15 performance in Tacoma.

The kids need a place to stay, however, Friday, Saturday and Sunday evenings. Two students — boys or girls — would stay with Puyallup-area residents for the three days for \$8 a day or a total \$24 housing fee, says Burrough, who adds that those

their housing fee to her Ayley Boys Choir fund to pay for the local students' trip to Indianapolis this summer. (Peggy never misses a trick, does she?)

Johnson, Puyallup School District music coordinator, notes that the All-State students are good young people and will give local hosts a chance to share Puyallup hospitality while they learn about life in a different part of the state.

Let's give the kids a hand, people. For more information, call Ayley Junior High, 841-8723.

This is National Child Passenger Safety Awareness Week, according to the folks at the Washington State Safety Restraint Coalition, which urges parents to buckle in their children before driving, whether it's in seat belts or safety seats.

Good idea. I had the unnerving experience about four years ago to be in a head-on auto accident on Interstate 5 west of Fife. It was rainy, and a woman's car had spun out in the lane to my left and headed back at me. Both our vehicles had slowed sufficiently by the impact so that the crash wasn't severe. Though I was not injured and the woman driving the other car was unhurt, her small children were banged up pretty good because they were not buckled in to a safety device.

She also had no insurance, but that's a pet peeve to be stroked on another day.

Puyallup's Cynthia Zenner made the Dean's List last semester at the University of Idaho, which reminds me of the times I spent across the border in Moscow, home of the U. of I. and eight miles due east of Pullman, home of Washington State University, my alma mater.

Say hello to all the guys at John's Alley for me, Cynthia.

Gordon Koestler is senior staff writer for the Pierce County Herald. His column appears every

Teens fear no license

Just wait until the teen-agers hear about this.

A new state law to be signed by the governor this week (effective 90 days later in June) takes away a 16- or 17-year-old's driver's license for a year if he/she is caught in an alcohol- or drug-related offense.



Steve Lachowicz

WILLAMETTE
WEEKLY
7.1.88

Editorial Page Editor

Let's make this clear. This does not apply just to drinking and driving. It applies to simple possession and use of alcohol or drugs even when a car is nowhere in sight. As Rep. Marilyn Rasmussen, D-Eatonville, (the prime sponsor) describes it, it's a substance abuse bill, not a road hazard bill. The main purpose is to discourage drug and alcohol use by young people at all times, not just when they get behind the wheel. If someone is under driving age when they get caught, the restriction applies as soon as they're old enough to apply for a license. Get caught with alcohol or drugs at 13 or 15 and you'll wait an extra year to get your driver's license when you hit 16. Rep. Rasmussen (with seven children of her own) has amazing insight into the workings of the teen-age mind. She knows it will be a lot easier for teen-agers confronted with alcohol or drug-use dilemmas to stand up to peers and tell them they don't want to risk losing their driver's license than it will be to tell them they're worried about what mom and dad might say. That driver's license is so important to the sense of independence and maturity of teen-agers that Rep. Rasmussen believes the threat of losing it will prove an effective deterrent to drug and alcohol use.

Oregon authorities, where a law like this has been on the books since 1985 and where it already has survived a court challenge, say it is extremely successful. Now the states of California, New Jersey, Missouri and Georgia are also considering it.

Here's how it works. If juveniles (anyone under 18) are found at a party with a keg of beer or a quantity of marijuana, everyone nailed for illegal possession of alcohol or drugs could lose their driving privileges for a year. The only way the one-year provision can be shortened is if the juvenile offender meets terms and conditions of a juvenile diversion agreement or a Juvenile Court disposition.

Upon proper completion of such an agreement, the driver's license could be reinstated after 90 days. There is no provision, however, for an occupational driver's permit such as adult drivers sometimes are granted when loss of driving privileges might work an undue hardship on an offender's job. And if it's a second offense, the full year is mandatory.

How does this new law for juveniles compare with existing law for adults?

According to District Court officials in Chelan County, anyone 18, 19 or 20 caught for illegal possession of alcohol has ball set at \$110 on the citation the officer writes. If the offender takes the time to appear in court, the fine is most often dropped into the \$75 to \$90 range. If the crime is just possession of alcohol — not drunken driving — there is no corresponding penalty at all related to the offender's driver's license. The offender keeps it.

Adults picked up for driving under the influence of alcohol or drugs are supposed to have their driver's license automatically suspended at least 90 days. In reality, many offenders get an occupational permit which lets them drive again after only 30 days.

From the voting, it's clear almost everyone in the Legislature believes it is fair to be tougher on juveniles when it comes to drugs and alcohol. The new law passed the House 93-4 and cleared the Senate on an even more lopsided 48-0 vote.

If we're not careful — and if this law works as well as hoped — we're going to have our teen-age children setting good examples for adults instead of the other way around. Come to think of it, it wouldn't be the first time.

An idea worth borrowing

THOMAS SUDYK
Late Rep. Marilyn Rasmussen knows how to borrow a good idea.

After learning that Oregon has had good results from a law that takes driver's licenses away from youths convicted of drug or alcohol violations, the Eatonville Democrat introduced similar legislation in Olympia last year. Rasmussen's first try went nowhere, but this year's version fairly sailed through both houses and now needs only Gov. Booth Gardner's signature to become law.

The premise is simple: your typical teenager would rather die than lose his driver's license. What better way to discourage drug and alcohol offenses than by punishing them with the loss of driving privileges? Under the bill, youths under 18 caught selling or buying drugs and trying to buy liquor with phony identification will lose their licenses for a year. Offenders too young to drive would have to wait an extra year to earn their licenses.

The bill's supporters acknowledge that it is tougher on teenagers than it is on adults, who lose their licenses only for driving while intoxicated. But it provides a powerful incentive for teenagers to steer clear of drugs and alcohol until they're old enough to fully appreciate the risks. The governor should put this one on the books.

Teen-agers, beware: That drink could cost you your driver's license

There are times in life when you've got to crack down on your kids, says Democratic Rep. Marilyn Rasmussen, who raised seven children on the family dairy farm near Eatonville in Pierce County.

She looks across the state and sees the devastating consequences of kids between the ages of 13 and 18 using drugs and alcohol. "It's time to get tough," she said.

Rasmussen is going to hit 'em where it hurts — right in the driver's license.

Her proposed legislation is based on the assumption that teen-agers cherish their driver's license more than just about anything else in life.

Her bill says that any teen-ager between 13 and 18 who is convicted of any alcohol- or drug-related crime will lose his or her license until the age of 17 or for one year, whichever is longer. If, for example, a 13-year-old were convicted of possession of alcohol, that teen-ager would not be able to get a driver's license until age 17.

"We need to get their attention," Rasmussen said. "We need to let them know that the state, just like their parents, is not going to condone use of alcohol or drugs.



Mike
Oakland

"It's a privilege to have a driver's license at 16 in this state — it's not a God-given right. And with the privilege of driving goes certain responsibilities," Rasmussen said.

House Bill 3631 got mixed reviews at the Olympia High School campus earlier this week.

"I think it's good," said Gerda Malizio, 18, a senior. "Having a license is supposed to show responsibility. Using drugs or alcohol is not showing responsibility."

Nearby a student poster proclaimed, "Traffic crashes are the number one killer of people between the ages of 5 and 34 and alcohol is involved in at least half of those crashes."

Rasmussen is right when she says that

a driver's license is key to a student's life.

"It means more freedom and mobility and the fact that I won't have to rely on other people so much," said Raul Hayes, 15, a sophomore who longs for the day just a few months away when he can get his driver's license.

"Without a driver's license I couldn't have my ID for my bank account," said Jennifer Locken, 17, a senior. "I'd have more trouble getting to work and school, church functions, all kinds of things. There's no way my mom could take me everywhere I want to go. It would really bind me up."

"I think this would be a huge deterrence to use of drugs and alcohol," Malizio said.

But senior Rick Connell, 17, thinks Rasmussen's bill is too harsh and raises an objection that surely will surface in the Legislature.

"The punishment doesn't fit the crime," Connell said. "If a person is driving and drinking, I understand it. But losing a license if you're just sitting back having a beer at a (football) game is too severe a punishment. A driver's license to a teen-ager is too important. It has a lot to do with life at this age."

Won't Rasmussen's legislation deter kids from using drugs or consuming alcohol then?

"No way," Connell said. "Kids are going to say, 'I'll take that risk.' I know quite a few people driving without a license right now. It will deter the people I call the lightweights — the kids who only drink on occasion. But for people who do drink, they'll ignore it. They don't realize how severe it is until they get caught and then it's too late."

Is her bill too harsh?
"If I was 15 or 16 again, yes it's harsh," Rasmussen said. "But it's a harsh consequence for a harsh crime."

What about the punishment not fitting the crime? What about the case where a kid is having a beer at a football game and has no intention of driving? Should he lose his license?

"Yes," Rasmussen said.
"At home, my punishment didn't always fit the crime. What did shoveling manure have to do with coming home half an hour late from a date? Nothing. But I laid down the law. The kids knew the rules because the commandments were posted on the refrigerator," Rasmussen said.

House Bill 3631 gets a public hearing on Tuesday at 7 p.m. in House Hearing Room A of the House Office Building. It's Rasmussen's top legislative priority and a high agenda item for House Democratic leaders. But it could fail in a fit of partisan politics.

The so-called denial bill also is a top priority of Sen. Linda Smith, R-Hazel Dell. The Republican majority in the Senate may want Smith to get credit for the legislation while the Democratic majority in the House wants Rasmussen's bill to win. A standoff could result in which neither version would pass.

"It's good legislation," Smith said. "Marilyn is my friend and I don't think either one of us would let it stoop to losing it over partisan bickering."

"It's my bill," Rasmussen said, noting that Smith signed on as a co-sponsor of her bill last year. "I'd hate to see it get caught in the political ball game because the losers would be the kids."

Olympian Political Editor Mike Oakland's column appears in the Local section on Tuesdays, Wednesdays, Thursdays, Fridays and Sundays.

A-4, The Dispatch, Wed., March 4, 1987

Opinion

OUR OPINION

HB 799 should pass

Hundreds of bills are introduced each year during the state legislative session.

Most of them don't survive the review and voting process that eventually puts them on the governor's desk for the signature that makes them law.

A bill introduced by Second District Representative Marilyn Rasmussen of Eatonville deserves to survive the winnowing process. It's likely to save the life of more than one teenager.

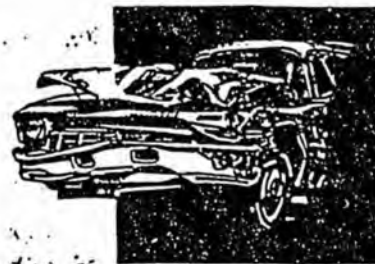
House Bill 799 will not cost the state taxpayers a penny and will have some dampening affect on teenage consumption of drugs and alcohol.

If a teenager is convicted of possession, use or abuse of drugs or alcohol the bill provides that they lose their license to drive for one year.

That's it.

No plea bargains with soft-headed judges. No weasling out of this one. No ifs, no ands or buts. Break the law that says you can't drink before age 21 or use controlled substances regardless of age and you lose your license.

The feeling is that the loss of driving privileges may be one of the few things teenagers will consider serious enough to think about an extra second before heading down the road with a car full of friends and beer. The only thing more dangerous on the road than a drunk or stoned adult is probably a drunk and/or stoned teenager who starts with less experience behind the wheel and less sound judgement anyway.



This bill will help to make the roads a little safer.

It will introduce the concept of consequences for actions to a teenage population which accepts altogether too little responsibility for their activities as it is.

It may keep a delinquent drinking problem from becoming an adult criminal problem.

The bill was heard before the House Judiciary Committee last week.

It has still to be voted out of the Rules Committee before coming up for debate and vote on the house floor and state floor.

Bill would detain license of teen for drugs, alcohol

By **MARCIA WOLF**
The Columbian

OLYMPIA — Teen-agers caught with drugs or alcohol could take a hit where it hurts the most — in the driver's license.

A bill in the House Judiciary Committee would punish juvenile drug and alcohol offenders by withholding their driver's license for at least a year. It would be two years on a second offense.

The penalty would apply to any drug or alcohol offense, not just driving while under the influence. But no one at a hearing Tuesday questioned whether the punishment fit the crime.

The bill drew support from Ann Olson, spokesman for the state Parent-Teacher-Student Association; from Thurston County Sheriff

Gary Edwards, spokesman for the Washington Association of Sheriffs and Police Chiefs; from Gerri Wolff of Mothers Against Drunk Driving; and from Mike Redman, spokesman for the Association of County Prosecutors.

"It gives the kids a real reason to say no and gives them a reason to avoid that peer pressure," said Edwards.

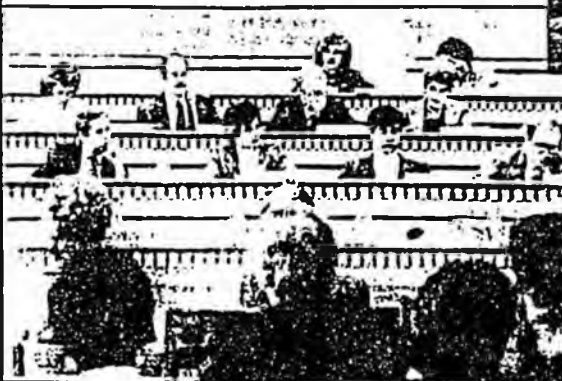
Tim Milton, spokesman for an association of gas station dealers, had another reason for supporting the bill. He said it would make the under-age purchaser of alcohol in such stores as 7-11 and Mini-Marts as responsible as the store owners.

"There's nothing more important to a teen-ager than the right to drive," said Wolff. "It would be a real deterrent."

THE COLUMBIAN 1/20/88

Testimony on HR 799 to suspend teen driving privileges

South Pierce County Dispatch 3/1/87



Members of the House Judiciary Committee hearing testimony on HR 799, a bill introduced by Rep. Marilyn Rasmussen to help curb teen drug abuse. Front row left to right, Michael Heavey, Jean Marie Braugh, Gary Locke, James Hargrove, second row, Karen Schmidt, Chairman Seth Armstrong, Ernest Crane, Pat Scott, third row, Jance Niemi, An Wang

See Story on Page 2

2nd District Rep. Marilyn Rasmussen "...we'll get their attention by denying what teenagers prize most."



Robert Groezinger, Graham, president of Parent Resources Institute on Drug Education (PRIDE). "Where there is one beer, there is another."



Rasmussen introduces bill to curb teen drug and alcohol abuse

Saying, "If we're really concerned about controlling substance abuse among our young people, we'll get their attention by denying what teenagers prize most," Representative Marilyn Rasmussen, D-Eatonville, testified before the House Judiciary Committee Thursday, Feb. 26, in support of her bill to suspend driving privileges of minors who abuse drugs and alcohol.

"This bill would give youths another good reason to say no to drugs," said Rasmussen, prime sponsor of House Bill 799.

The bill would apply to minors 13 to 18 years old who have violated any law involving the possession, use or abuse of drugs or alcohol. The juvenile court would notify the Department of Licensing, which would then suspend the minor's privilege to drive for one year or until the youth reaches 17,

whichever is longer, for the first conviction. For the second and any subsequent convictions, privileges would be suspended for one year or until age 18.

HB 799 would not change current law, but would add to it. Current law reprimands juvenile drug and alcohol offenders by making them do community service, make restitution, get counseling or education and pay fines. But these methods usually don't faze the kids, said Rasmussen, who has seven children.

"The purpose of this bill is not only to provide a stronger punishment, but also give kids a better incentive to get treatment. Doing community service or paying a fine isn't doing that," said Rasmussen.

Many parents and teachers who testified for the bill this week said a driver's license has a direct

connection to substance abuse crimes.

"The kids had to get to that game, and it was probably by car. And usually where there is one beer, there is another," said Robert Groezinger, Graham, president of Parents Resources Institute on Drug Education (PRIDE).

Groezinger pointed out that an informal poll of Bethel High School students showed that 19 out of 30 favored the law.

Rasmussen added that safety is the most important reason for denying the privilege of driving as punishment for substance abuse.

"We must teach our kids that drugs and driving just don't mix. The extent of drug and alcohol abuse among teenagers today makes them a generation at risk for many problems in the future. We must reach these kids right now or make room for them in our jails a decade

S. D. Co. Dispatch 7/14/87

Like weather, teen drinking just another topic for 1987 Legislature

The problem: Teen-agers drinking and driving.

The state statistics:

- Teens between 16 and 20 years old represent 7.6 percent of all drivers but accounted for 16.9 percent of all alcohol-related traffic accidents in 1985.

- Drivers 19 and under were involved in 132 fatal accidents in 1985, killing 147 people. In those fatal accidents, the teen-age driver had been drinking 38 percent of the time.

- Teen-age males are twice as likely as females to be involved in a fatal accident.

- The most dangerous hour of the day for teen-agers is between midnight and 1 a.m.

The solution: It all depends on who you talk to.

Rep. Marilyn Rasmussen, D-Eatonville, thought she had the solution when she proposed a bill that would take away a teen-ager's driver's license for six months to a year for drinking or drug-related crimes.

But the bill was killed in committee. "You've got to hurt the kids where it hurts," said Rasmussen, the mother of seven children. "For most kids, their driver's license is very, very important. Talk about taking it away and you've gotten their attention."

Rasmussen's proposal, House Bill 799, would have denied driving privileges to



Mike Oakland

people 18 and under who were convicted of possessing, purchasing or attempting to purchase liquor or drugs.

"It meant that if a kid showed up drunk at school, whether it was at a dance or a football game, or had drugs in school or was dealing drugs, he would have had his license removed for up to a year," Rasmussen said.

For teens without a driver's license, for those 13 to 16, the same punishment would apply. Those convicted of alcohol- or drug-related crimes would have to wait a year (until they were 17) to get their licenses.

"The kids are starting at a very early age. This bill shows them that driving is a privilege and not a right and if they want to drive they had better behave themselves," she said.

Rasmussen knows she has one high-placed supporter.

Late last week she was scurrying around the House chambers with a news-

paper tucked under one arm. One story quoted Education Secretary William Bennett saying that an appropriate penalty for teens caught selling or using drugs would be to yank their driver's licenses.

But Rep. Seth Armstrong, D-Seattle, kept his foot on the bill and did not let it come up for a vote in the House Judiciary Committee that he chairs.

Armstrong's alternative is to push for an interim legislative study to determine whether lawmakers should pursue Rasmussen's idea next year.

"I think the bill may be the best deterrent to drug and alcohol crimes," Armstrong admitted. "But at the same time, there is not a history in this country's legal system of imposing penalties that are unrelated to the crime.

"If you had a kid with drugs or alcohol and he wasn't driving, how can you justify taking away his license? The punishment doesn't fit the crime," Armstrong said.

Rasmussen bristles at that criticism. She argues that her bill makes as much sense as the legislation passed in 1986 forcing cigarette smokers to pay for the cleanup of Puget Sound.

Another objection to the proposal is raised by Olympia Police Chief John Werner.

"We have an awful lot of unlicensed drivers driving now. Is (Rasmussen's so-

lution) going to cure the problem or add to it," Werner asked.

"I think society has a problem, but I think prevention is the solution. I think the prevention end is as important, if not more so, than the punishment end," Werner said.

His solution is to start a Drug Abuse Resistance Education program in fifth grade classrooms in the Olympia School District this fall. A uniformed officer will visit all 18 fifth-grade classrooms, 17 times each year with the message that it is OK to say no to peer pressure to use drugs or alcohol.

But Rasmussen does not think education alone is the answer.

"We're spending millions of dollars on drug and alcohol education and where has that gotten us," she asked. "Something's wrong. The crackdown isn't there."

Tim Hamilton, executive director of 1,398 gasoline retailers known as the Automobile United Trades Organization, attacks the problem of drinking teens from another direction.

He introduced a bill that would prohibit the sale of beer and wine at gasoline outlets.

The bill would create a two-year moratorium on the issuance of liquor licenses to gasoline outlets and ordered the state Liquor Control Board to monitor the ef-

fect of the moratorium on alcohol-related motor vehicle accidents.

Hamilton backed up his bill with two studies. One study found that 36 percent of the 15- to 18-year-olds have purchased beer or wine and of that number 97 percent bought the alcohol from convenience stores.

The police in Tampa, Fla., ran a sting operation in local convenience stores for the second study. They used two underage youngsters and made 200 illegal purchases. "They had 97 percent buy rate or in other words they were only asked to show identification 3 percent of the time," Hamilton said.

But like Rasmussen's bill, Hamilton's proposed measure never made it to the floor for a vote.

That frustrates Rasmussen.

"The drunk driving legislation just isn't here this session," said freshman Rasmussen. "This session is devoted to the budget, education, health care and welfare reform. But as we approach the end of spring and get into summer, the problem of kids drinking will be back before us in the form of newspaper stories about kids who drink and drive and die."

Mike Oakland's column appears in the Local section on Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday

THE OLYMPIAN
FEB. 1987

Tacomans give Nicaraguan priest a helping hand

Religion A-4



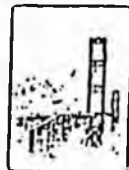
Did Bermuda Triangle yield this plane?

B-13



Foster senior hoops it up with 69 points

Sports B-1



The Tacoma News Tribune

Founded 1883 — Our second century of service

Weather forecast



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Tacoma, Washington

104th Year, No. 327

25

Teen law? Use drugs, lose driver's license

By MARILYN JONES
The News Tribune

OLYMPIA — State Rep. Marilyn Hasmussen thinks she has a way to get the attention of teenagers who reach for the bottle or other drugs. Take away one of their most valuable possessions — their driver's license.

The Eatonville Democrat and mother of seven said at the beginning of her first legislative session that helping youths would be one of her top priorities. She thinks her idea is a good way to help teenagers say "no" to alcohol and drugs. "I am proposing that we authorize courts to deny driving privileges to teenagers convicted of substance abuse

crimes," she said. "The extent of drug and alcohol abuse among teenagers makes them a generation at risk." Hasmussen's bill would be an additional deterrent to substance abuse under the juvenile code, said Margie Keanz, coordinator of the Juvenile Code Education Project. The bill would direct the Department

of Licensing to suspend a minor's license for one year for a first offense. Under the current juvenile code, a minor must be found driving while intoxicated and then is subject to a 90-day license suspension or suspension until the age 19.

One legislator who signed on as a co-sponsor of the bill, was not convinced

suspending a teen's driver's license is the best remedy.

"I have trouble seeing the connection between a kid having a beer at a football game and suspending his driver's license," said Rep. Mike Healy (D-Seattle). "I have a concern between the

Continued on back page

USA
Today
2/28/87

'Just say no, or no driving'



BENNETT: Take driver's licenses

WASHINGTON — Education Secretary William Bennett wants USA governors to help in the fight against drug abuse by yanking the driver's licenses of teens caught selling or using drugs. Given teenagers' "great affection for the automobile," Bennett said Tuesday, "my guess is that the attraction of experimenting with drugs would take second place by a long shot." Drug pushers should "never get their licenses" back, he said, and those of drug users could be suspended "six months or a year."

Drugs Continued from Page One

sanction and the crime."

But many parents and teachers who testified for the bill this week said a driver's license has a direct connection to substance abuse crimes.

"The kids had to get to that game, and it was probably by car. And usually where there is one beer, there is another," said Robert Groezinger, father of two and president of Parents Resources Institute of South Pierce County.

Groezinger said he informally interviewed 30 students at Bethel High School this week to get their opinions on such a law. He said he found 19 out of 30 students favored the law.

"A driver's license to young people is a status symbol, and they said they didn't want to have to explain to their date on Friday

night why they couldn't drive," he said. "A few kids said the law would offer another tool to say 'no' to drugs."

"I think this would be an additional way for kids to say 'no' and it wouldn't be because mom or dad said 'no' or society said 'no,' but because they could lose a privilege."

Jurley Paddock, principal of GATES, an alternative high school in the Franklin Pierce School District, said 90 percent of GATES students have severe substance abuse problems. Many of the students are under the influence of some drug at all times and this includes when they are driving, she explained.

"This law would not be the total answer to the abuse problem," Paddock said, "but it would help."

Oregon Says "No" To Driving By Minors Who Use Drugs

By H. Wesley Smith

When H. Wesley Smith was a school principal in Albany, Oregon, he led the movement to enact the 1983 Oregon law that suspended the driving privileges of teenagers who violated alcohol and drug laws.

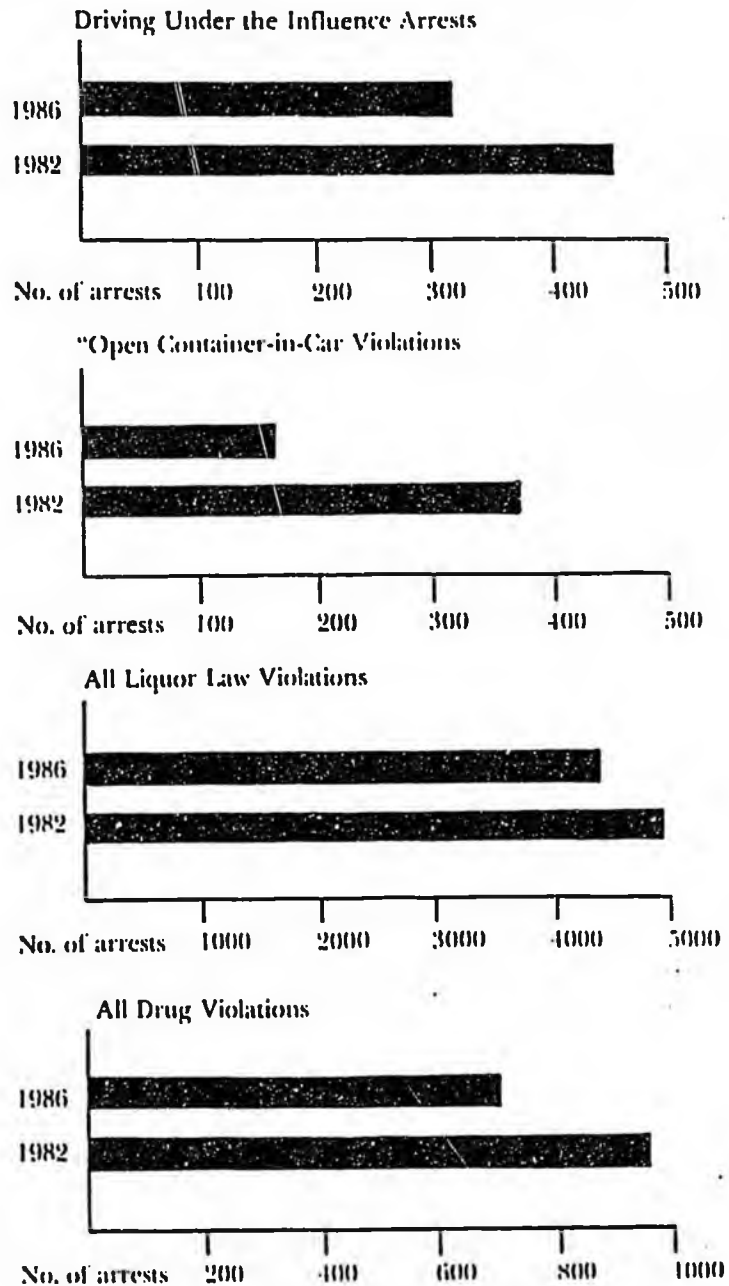
In 1983 I was principal of a school that was considered to have an outstanding drug education program. And yet, the students were still using drugs.

I felt there had to be a way to motivate young people to stop using drugs. I thought that students might be encouraged to stay away from drugs to protect their privilege of driving. Receiving a driver's license is important to a teenager.

With this in mind, I exercised my right as an Oregonian to submit a proposal to the state legislature. My proposal stipulated that 13- to 17-year-olds found in violation of any drug or alcohol laws would lose their driving privileges for 1 year or until age 17, whichever was longer. The violator would be unable to apply for a license during the penalty period. In the case of a 13-year-old violator, the youth would have to wait until age 17 to apply, invoking the 1-year penalty after the youth became eligible at the age of 16. This penalty would be imposed whether or not a motor vehicle was involved. A second violation would require the suspension of driving privileges for 2 years or until age 18, whichever was longer. The proposal also provided an appeals procedure.

After much deliberation, the "Oregon Denial Law" was passed in 1983. The law was credited with

Denial Law Causes Sharp Decline in Drug Use



reducing juvenile drug arrests 22 percent by the end of 1984 and an additional 7 percent by the end of 1986. Open-container-in-vehicle violations were reduced 45 percent by the end of 1984 and an additional 19 percent by the end of 1986.

The most persuasive arguments in favor of the law's concept were:

- It helped youth by giving them a reason to say "no" which was acceptable to their peers.
- It gave judges an effective tool to use in responding to drug violators.
- In contrast to traditional prevention programs, this penalty program was nearly cost-free to the state.
- It provided positive reinforcement to drug-free teenagers by maintaining their eligibility to drive.
- It demonstrated society's commitment to fight drug use by taking firm legal action.
- It provided an absolute consequence to drug violations.
- The law supported parents, schools, and others fighting drug abuse.

Passage of the law was not without struggle. Although opponents of the bill criticized it as harsh, and possibly in violation of the state constitution, we answered those criticisms. Oregon courts have upheld the law.

Public response to the law has been overwhelmingly positive. To obtain more information about the law, write to H. Wesley Smith, Assistant to the Superintendent, Greater Albany Public Schools, 718 Seventh Avenue, S.W., Albany, OR 97321 or telephone (503) 967-4515.

Oregon Denial Law Upheld

In April 1987, the Oregon Court of Appeals upheld that state's "Denial Law," which had been challenged on state constitutional grounds. In affirming the constitutionality of the statute, the court held that:

- The law meets its two intended goals—deterrence of drug and alcohol possession and use and promotion of highway safety; and
- A teenager's interest in possessing a driver's license is outweighed by the state's goals in this instance.

The court also rejected the claim that enforcement of the law constituted cruel and unusual punishment, that it treated minors unconstitutionally as a "suspect class," and that the license suspension penalty is out of proportion to more serious conduct.

The statute also survived an earlier court challenge based on arguments that it denied students their rights to equal protection under the state constitution.

States Follow Oregon's Lead

Several states have been actively considering proposals similar to Oregon's "denial" law. Here's a progress report from around the country:

New Jersey's new anti-drug law, effective since July 1987, contains provisions that relate drug use to driving privileges. New Jersey minors face a \$550 fine and a 6-month license suspension if caught with even one marijuana cigarette. Students found in possession of drugs before receiving a driver's license will have to wait 6 months past the normal date of eligibility before applying for a driver's license.

Missouri students will be subject to provisions of that state's new "abuse and lose" law scheduled to take effect on September 28, 1987. In Missouri, students under age 21 who are convicted of drunk driving or drug violations stand to lose their driving privilege for 1 year. Those under 16 would face a 1 year suspension beginning on their 16th birthday. These strict penalties also apply to students convicted of falsifying identification cards or carrying such cards.

The California legislature is considering a bill that would suspend or delay driving privileges of residents under 21 who are convicted of drug violations. Conviction for any drug or alcohol violation would result in a mandatory 1-year suspension of driving privileges for those with licenses. Students under 16 would be penalized by delaying their eligibility to drive for 1 year. The bill passed the California Senate by a vote of 21 to 4 and has been forwarded to the Assembly for further consideration.

In Georgia, Representative Thomas E. Wilder has introduced a bill in the General Assembly to deny auto licenses until the age of 17 to persons convicted of misdemeanors while under the influence of alcohol or drugs.

Wilder plans to seek passage of the bill in the next session of the General Assembly.

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.