

HB

261

State of Alaska

House Majority Leader

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
HOUSE JUDICIARY
HOUSE RULES




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Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

M E M O R A N D U M

TO: Senator Jay Kerrtula, Chair
Senate Judiciary Committee

FROM: Max F. Gruenberg, Jr. 

DATE: May 6, 1988

RE: CSHB 261, (Judiciary) "An Act relating to ignition
interlock devices."

I would very much appreciate it if you would waive CSHB 261 through Senate Finance as soon as it is possible.

CSHB261 has a zero fiscal note from the Department of Corrections. The bill would not have a fiscal impact on any other state agency.

This bill had a thorough hearing in the Senate State Affairs Committee as well as the House HESS, Judiciary, and Finance Committees.

As explained in the enclosed Time Magazine article, HB 261 will allow judges to require persons convicted of alcohol-related offenses to install, at their expense, an "ignition interlock device" on their motor vehicles. This "mini-breathalyzer" prevents the car from starting unless the driver "blows clean."

Courts around the country have started to require these devices. Twenty-two other state legislatures are presently considering ignition interlock legislation. Five states have already enacted laws establishing an interlock program. Four states have started ignition interlock programs through their

court systems without statutes and two states have passed resolutions to start study programs.

Nationwide studies show that multiple DWI offenders sentenced to an ignition interlock program are three times less likely to be reconvicted than are those sentenced under conventional DWI sentencing practices. Moreover, a survey of offenders who have installed the device shows that most believe this is an effective method of preventing DWI's.

The cost to the defendant is about \$500.00 per year for installation and maintenance of the interlock device. The judge may deduct this cost from the defendant's fine.

CSHB 261 passed the House unanimously. It has the emphatic support of both Anchorage C.H.A.R. and Anchorage M.A.D.D. If we can keep persons with known alcohol-related problems from driving while intoxicated, we can save many lives. I hope you will support the bill.

Thank you very much.

Enclosure

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M E M O R A N D U M

TO: Senator Jay Kerttula, Chair
Senate Judiciary Committee

FROM: Max F. Gruenberg, Jr. *MFG*

DATE: May 6, 1988

RE: Sectional Analysis for CSHB 261 (Judiciary) "An Act
relating to ignition interlock devices."

Section 1

AS.09.50.250 (4) Provides the state with immunity in civil actions arising from the use of an ignition interlock system which has been certified by the Department of Corrections.

Section 2

AS 11.76.130 Makes it a violation to tamper with an ignition interlock system or rent or loan a motor vehicle with the knowledge that to do so would help someone violate their probation.

Section 3

AS 12.55.102 (a) Allows the court to require, as a condition of probation, that a person convicted of any alcohol-related offense, only drive a vehicle equipped with a certified ignition interlock system.

AS 12.55.102 (b) Allows the court to permit a limited exemption for a person to drive their employer's vehicle on the job.

AS 12.55.102 (c) Requires the surrender of the driver's license and the issuing of a special driver's certificate or a

copy of the defendant's judgment of a conviction while the ignition interlock driving restriction applies. The defendant must bear all costs of installing and maintaining the device.

AS 12.55.120 (c) Defines ignition interlock device as a device certified by the Commissioner of Corrections that will prevent a motor vehicle from starting if the driver has consumed alcohol.

AS 12.55.120 (d) Allows a court to deduct the cost of an ignition interlock device as part of the fine imposed against the defendant.

Section 4

AS 28.35.030 Amends the DWI statute to allow the imposition of an ignition interlock restriction as a condition of probation.

Section 5

AS 28.35.030 (h) Amends the statute that sets minimum fines for a DWI conviction in order to allow the court to deduct the cost of an ignition interlock device from the fine imposed.

Section 6

AS 28.35.032 (g) Amends the statute that sets minimum fines for refusal to submit to a chemical test to allow the imposition of an ignition interlock restriction as a condition of probation.

Section 7

AS 28.35.032 (k) Amends the statute that sets the minimum fines for refusal to submit to a chemical test in order to allow the court to deduct the cost of an ignition interlock device from the fine imposed.

Section 8

AS 33.05.020 (c) Requires the Commissioner of Corrections to adopt regulations for the certification, maintenance, and monitoring of ignition interlock devices. Requires the manufacturer of the interlock device to bear the cost of the certification.

AS 33.05.020 (d) Requires that a warning label that states the penalties for circumventing or tampering with an ignition interlock device be affixed to the device as a condition of certification.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 261
Publish Date: 4-8-87

Revision Date: _____

Agency Affected: Dept. of Corrections
BRU: _____

Title: "An Act relating to ignition
interlock devices"

Sponsor: Dept. Gruenberg, Barnes,
Requestor: Donlev

Comments: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Department of Corrections will be able to perform the responsibilities described in this Bill and supports its concept.

Prepared by: Susan E. Knighton, Research Analyst IV
Division: Statewide Programs

Phone: 465-3376
Date: 4-21-87

Approved by Commissioner: Susan Humphrey-Barnett
Agency: Department of Corrections

Date: 4-21-87

Distribution (by preparer):

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

American Notes



Mayor Washington at a rally with senior citizens



The doomed Atlas-Centaur



If she had one for the road, her car won't start

CRIME

Etta Smith's Fatal Vision

For Etta Louise Smith, the nightmare began shortly before Christmas 1980, when she claims to have had a vision of something white, covered by brush. A Lockheed aerospace worker in Burbank, Calif., Smith does not consider herself a psychic. Yet after she heard radio reports about Nurse Melanie Uribe, 31, who had vanished on her way to work, Smith was convinced she knew where the body could be found. She took her information to the police, who put her off.

Smith then organized a search with two of her young children and a 20-year-old niece. In remote Lopez Canyon, 18 miles north of Los Angeles, her daughter spotted a white heap that turned out to be Uribe—robbed, raped and beaten to death. Smith told police of her discovery and was arrested for the murder.

While she was held in jail for four days, the killers—three men with prior arrest records—turned up. Smith, 39, filed a suit for false arrest. Last week Los Angeles County Superior Court Judge Joel Rudolf ruled that despite Smith's detailed account of the murder of a woman she never knew or saw, police did not have probable cause to lock her up. Smith's attorney has asked for \$750,000 in damages; the jury's verdict is expected this week.

SPACE

A Bolt In the Blue

Atlas-Centaur rockets have been launching U.S. satellites into orbit for the past 25 years, but last week the sturdy workhorse suffered a rare failure. Less than a minute after lift-off from Pad 36B at Cape Canaveral in threatening weather, a \$78 million, 137-ft. rocket disappeared into rain-swollen thunderheads and went out of control. A range safety officer hit the destruct button, and the rocket exploded along with its payload, an \$83 million communications satellite. For NASA, struggling to recover from the loss of the *Challenger* shuttle 14 months ago, the aborted flight broke a string of seven successful launches since September. The cause was not immediately known, although a leading suspect was lightning.

INVENTIONS

Drunkproofing Automobiles

The crusade against drunk driving has gained an ingenious new weapon: the breath-test ignition lock. The auto's ignition is linked to a breath-alcohol measuring device, and it becomes impossible to start a car unless the driver is sober. Already used in some states, in-

cluding Ohio, Maryland and Michigan, and pending in a dozen or so others, the locks will undergo their first systematic trial in California by summer.

Intended as an alternative to jail terms and suspended licenses for drunk drivers, the locks have mouthpieces into which drivers must exhale to measure their breath-alcohol level. The manufacturers, Guardian Interlock Systems of Denver and Safety Interlock of Carmel, Calif., claim that built-in safeguards make it difficult for drivers to use compressed air or borrow a breath of fresh air from a friend. One unsolved problem: how to prevent a tipsy driver from borrowing a car that has not been drunkproofed.

CALIFORNIA

What's Yours Is Mine

Mount Pico Blanco near Big Sur contains 600 million tons of limestone, one of the largest deposits in the U.S. The Granite Rock Co. wants to quarry the scenic mountain, which is on federal land, while the California coastal commission wants to protect it. Last week the Supreme Court ruled 5 to 4 for the coastal commission, upholding the right of states to enforce environmental requirements even on federal property. California can require the mining company to obtain a state permit, even

though it had received a federal go-ahead. Fully 19 states, along with the National Governors' Association, had filed briefs as friends of the court on behalf of the coastal commission.

CHICAGO

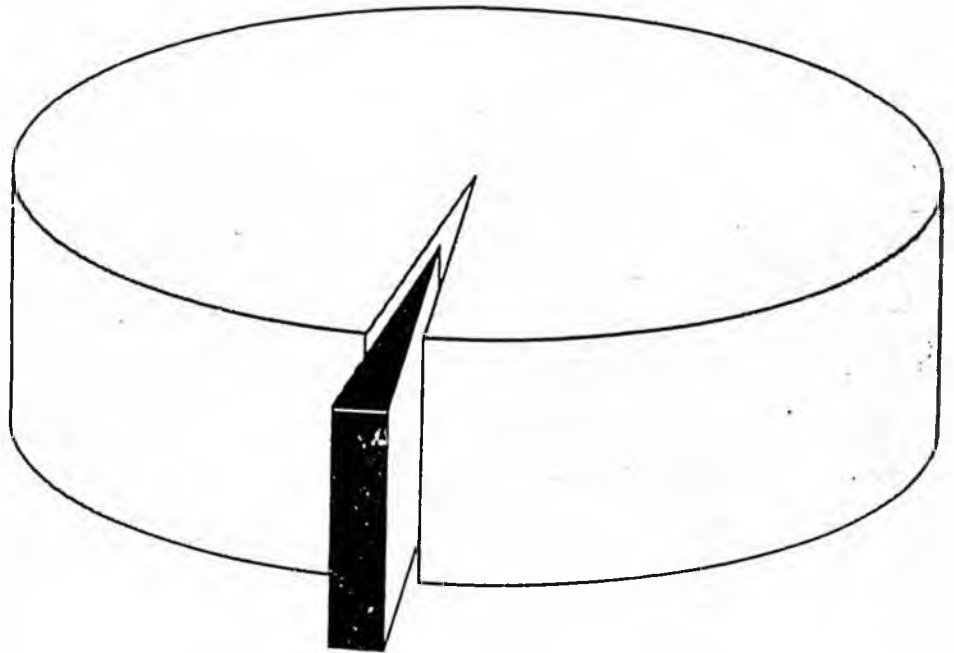
Dishonorable Opponents

Chicago has never been known for civics-textbook politics, but this year's mayoral race amounts to a demolition derby. After winning February's Democratic primary, black Mayor Harold Washington has been challenged by two white opponents from his own party for the April 7 election, although both are running under minor-party labels. Yet Cook County Tax Assessor Thomas Hynes and Alderman Edward Vrdolyak are spending most of their time attacking each other.

After Vrdolyak accused Hynes of using his office as county tax assessor to gain more business for his law firm, Hynes was quoted in the *Chicago Sun Times* suggesting that Vrdolyak had met with a Mafia boss. Vrdolyak sued for libel and accused Hynes of being a "liar and a sleaze." Even Washington, who leads Hynes by 35% and Vrdolyak by 39%, could not resist stooping for a shot at his longtime enemy Vrdolyak. Said the mayor: "He's slime."

RESULTS

Guardian Interlock Responsible Driver ProgramSM significantly reduces risk of repeat drunken driving



A STATISTICAL ANALYSIS OF DUI/DWI* offenders in the Guardian Interlock Responsible Driver ProgramSM shows that only 4.6% were rearrested for drunken driving within the 12 months ending December, 1987.

In comparison, many jurisdictions nationwide report that approximately 15% of multiple DUI/DWI offenders subject to only conventional sentencing are rearrested within one year.

The statistics indicate that court officials who sentence offenders to the Responsible Driver Program are three times more likely to reduce the number of repeat drunken driving offenses in their jurisdictions than those who do not use the program.

The analysis involved a sample population of mostly multiple offenders sentenced for at least one year to the program typically as a condition of probation for drunken driving.

THE RESPONSIBLE DRIVER PROGRAM provides for installation of the Guardian InterlockTM in an offender's vehicle and monitors his or her use of the computerized device. Guardian Technologies, Inc., manufacturer of the device, reports the results

GUARDIAN INTERLOCK RESPONSIBLE DRIVER PROGRAM SAMPLE POPULATION OVER 12 MONTH PERIOD

REARREST RATE 4.6%

of these monitoring checks to the court every 60 days.

More than 100 courts in eight states are including the program in their sentencing of offenders to deter further drunken driving offenses. The program can be used as an alternative to traditional sentencing or to supplement and enhance such measures as alcohol treatment.

The Guardian Interlock, which requires a breath test before a vehicle will start, is tamper-resistant. As an

added safeguard, it features technology which can detect attempted tampering and circumvention.

For more information on the Guardian Interlock Responsible Driver Program, call toll-free (800) 457-0001; In Colorado, call (303) 831-6333. Or write: Program Development, Guardian Technologies, Inc., 1009 Grant Street, Denver, CO 80203. Results on the program will be updated periodically.

*Driving Under the Influence/Driving While Intoxicated



GUARDIAN TECHNOLOGIES, INC.

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