

HB

2

Offered: 2/10/99
Referred: Rules

Original sponsors: Gruenberg, Koponen,
Ulmer, et al.

*3000 - Public Society } 1/25
- Court
HSS
correction*

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 2 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

8 * Section 1. AS 09.50.250 is amended to read:

9 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person
10 or corporation having a contract, quasi-contract, or tort claim
11 against the state may bring an action against the state in the superi-
12 or court. A person who may present the claim under AS 44.77 may not
13 bring an action under this section except as set out in AS 44.77.-
14 040(c). A person who may bring an action under AS 36.30.560 - 36.-
15 30.695 may not bring an action under this section except as set out in
16 AS 36.30.685. However, an [NO] action may not be brought under this
17 section if the claim

18 (1) is an action for tort, and is based upon an act or
19 omission of an employee of the state, exercising due care, in the
20 execution of a statute or regulation, whether or not the statute or
21 regulation is valid; or is an action for tort, and based upon the
22 exercise or performance or the failure to exercise or perform a dis-
23 cretionary function or duty on the part of a state agency or an em-
24 ployee of the state, whether or not the discretion involved is abused;

25 (2) is for damages caused by the imposition or establish-
26 ment of a quarantine by the state;

27 (3) arises out of assault, battery, false imprisonment,
28 false arrest, malicious prosecution, abuse of process, libel, slander,
29 misrepresentation, deceit, or interference with contract rights; or

1 (4) arises out of the use of an ignition interlock device
2 certified under AS 33.05.020(c).

3 * Sec. 2. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.140. AVOIDANCE OF IGNITION INTERLOCK DEVICE. (a) A
5 person may not knowingly

6 (1) circumvent or tamper with an ignition interlock device
7 in a manner intended to allow a person on probation under AS 12.55.102
8 to avoid using the device; or

9 (2) rent, loan, or lease a motor vehicle to a person on
10 probation under AS 12.55.102, unless the vehicle is equipped with an
11 ignition interlock device described in AS 12.55.102.

12 (b) Notwithstanding AS 11.81.250, a person convicted of violat-
13 ing this section is guilty of a misdemeanor. The maximum term of
14 imprisonment that may be imposed is 30 days and the maximum fine that
15 may be imposed is \$500.

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

17 Sec. 12.55.102. ALCOHOL RELATED OFFENSES. (a) The court may
18 order as a condition of probation that a defendant convicted of an
19 offense involving the use, consumption, or possession of an alcoholic
20 beverage may not operate a motor vehicle during the period of pro-
21 bation unless the vehicle is equipped with a properly functioning,
22 monitored, and maintained ignition interlock device. A condition of
23 probation imposed under this subsection takes effect after any period
24 of license revocation imposed under AS 28.15.165(d) or 28.15.181(c).

25 (b) The court, in imposing probation under (a) of this section,
26 may allow the defendant limited privileges to drive a motor vehicle
27 without an ignition interlock device if the court determines that the
28 defendant is required as a condition of employment to drive a motor
29 vehicle owned or leased by the defendant's employer and that the

1 defendant's driving will not create substantial danger. If the court
2 imposes probation described by this subsection, the court shall re-
3 quire the defendant to notify the defendant's employer of the proba-
4 tion, and shall require that the defendant, while driving the em-
5 ployer's vehicle, carry a letter from the employer authorizing the
6 defendant to drive that vehicle.

7 (c) A court imposing a condition of probation under this section
8 shall require the surrender of the driver's license and shall issue to
9 the defendant a certificate valid for the duration of the probation or
10 a copy of the defendant's judgment of conviction. The defendant shall
11 pay all costs associated with fulfilling the condition of probation,
12 including installation, repair, and monitoring of an ignition inter-
13 lock device.

14 (d) The court may include the cost of the ignition interlock
15 device as a part of the fine required to be imposed against the defen-
16 dant under AS 28.35.030(c) or 28.35.032(g).

17 (e) In this section, "ignition interlock device" means equipment
18 designed to prevent a motor vehicle from being operated by a person
19 who has consumed an alcoholic beverage, and that has been certified by
20 the commissioner of corrections under AS 33.05.020(c).

21 * Sec. 4. AS 28.35.030(c) is amended to read:

22 (c) Upon conviction under this section the court shall impose a
23 minimum sentence of imprisonment of not less than 72 consecutive hours
24 and a fine of not less than \$250 if the person has not been previously
25 convicted in this or another jurisdiction of driving while intoxicated
26 under this or another law or ordinance with substantially similar
27 elements or refusal to submit to a chemical test under AS 28.35.032 or
28 another law or ordinance with substantially similar elements. Upon
29 conviction under this section the court shall impose a minimum

1 sentence of imprisonment of not less than 20 consecutive days and a
2 fine of not less than \$500 if, within the preceding 10 years, the
3 person has been previously convicted once in this or another jurisdic-
4 tion of driving while intoxicated under this or another law or ordi-
5 nance with substantially similar elements or refusal to submit to a
6 chemical test under AS 28.35.032 or another law or ordinance with
7 substantially similar elements. Upon conviction under this section
8 the court shall impose a minimum sentence of imprisonment of not less
9 than 30 consecutive days and a fine of not less than \$1,000 if, within
10 the preceding 10 years, the person has been previously convicted in
11 this or another jurisdiction of more than one of the following offen-
12 ses or has more than once been previously convicted of one of the
13 following offenses: (1) driving while intoxicated under this or anothe-
14 er law or ordinance with substantially similar elements; (2) refusal
15 to submit to a chemical test under AS 28.35.032 or another law or
16 ordinance with substantially similar elements. The execution of
17 sentence may not be suspended nor may probation be granted except on
18 condition that the minimum imprisonment provided in this section is
19 served. Probation may be conditioned as provided in AS 12.55.102.
20 Imposition of sentence may not be suspended. In addition, if the
21 offense involved driving a motor vehicle for which a driver's license
22 is required, the person's driver's license shall be revoked in accor-
23 dance with AS 28.15.181 and the vehicle used in commission of the
24 offense may be forfeited under AS 28.35.036. In addition, the court
25 shall order, and a person convicted under this section shall under-
26 take, for a term specified by the court, that program of alcohol
27 education or rehabilitation that the court, after consideration of any
28 information compiled under (d) of this section, finds appropriate.

29 * Sec. 5. AS 28.35.030 is amended by adding a new subsection to read:

1 (h) Notwithstanding (c) of this section, if the court imposes
2 probation under AS 12.55.102 the court may reduce the fine required to
3 be imposed under (c) of this section by the cost of the ignition
4 interlock device.

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

6 (g) Upon conviction of a person under this section, the court
7 shall impose a minimum sentence of imprisonment of not less than 72
8 consecutive hours and a fine of not less than \$250 if the person has
9 not been previously convicted in this or another jurisdiction of
10 driving while intoxicated under AS 28.35.030 or another law or ordi-
11 nance with substantially similar elements or refusal to submit to a
12 chemical test under this section or another law or ordinance with
13 substantially similar elements. Upon conviction under this section the
14 court shall impose a minimum sentence of imprisonment of not less than
15 20 consecutive days and a fine of not less than \$500 if, within the
16 preceding 10 years, the person has been previously convicted once in
17 this or another jurisdiction of driving while intoxicated under
18 AS 28.35.030 or another law or ordinance with substantially similar
19 elements or refusal to submit to a chemical test under this section or
20 another law or ordinance with substantially similar elements. Upon
21 conviction under this section the court shall impose a minimum sen-
22 tence of imprisonment of not less than 30 consecutive days and a fine
23 of not less than \$1,000, if, within the previous 10 years, the person
24 has been previously convicted in this or another jurisdiction of more
25 than one of the following offenses or has more than once been previ-
26 ously convicted of one of the following offenses: (1) driving while
27 intoxicated under AS 28.35.030 or another law or ordinance with sub-
28 stantially similar elements; (2) refusal to submit to a chemical test
29 under this section or another law or ordinance with substantially

1 similar elements. The execution of sentence may not be suspended nor
2 may probation be granted except on condition that the minimum impris-
3 onment provided in this section is served. Probation may be condi-
4 tioned as provided in AS 12.55.102. Imposition of sentence may not be
5 suspended. If the offense involved driving a motor vehicle for which
6 a driver's license is required, the person's driver's license shall be
7 revoked under AS 28.15.181. In addition, the court shall order, and a
8 person convicted under this section shall undertake, for a term speci-
9 fied by the court, that program of alcohol education or rehabilitation
10 that the court, after consideration of any information compiled under
11 (h) of this section, finds appropriate. The sentence imposed by the
12 court under this subsection shall run consecutively with any other
13 sentence of imprisonment imposed on the committed person.

14 * Sec. 7. AS 28.35.032 is amended by adding a new subsection to read:

15 (k) Notwithstanding (g) of this section, if the court imposes
16 probation under AS 12.55.102 the court may reduce the fine required to
17 be imposed under (g) of this section by the cost of the ignition
18 interlock device.

19 * Sec. 8. AS 33.05.020 is amended by adding new subsections to read:

20 (c) The commissioner shall by regulation

21 (1) establish standards for calibration, certification,
22 maintenance, and monitoring of ignition interlock devices required as
23 a condition of probation under AS 12.55.102; and

24 (2) establish a fee to be paid by the manufacturer for the
25 cost of certifying an ignition interlock device.

26 (d) The commissioner shall notify the manufacturer of the igni-
27 tion interlock device when the device is certified. The commissioner
28 may not certify an ignition interlock device unless the device promi-
29 nently displays a label warning that a person circumventing or

1 tampering with the device in violation of AS 11.76.140 may be im-
2 prisoned up to 30 days and fined up to \$500.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 2 (HESS)
PUBLISH DATE: HOUSE 1/25/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: "An Act relating to ignition
interlock devices." BRU: Highway Safety Planning Agency,
Alaska State Troopers
Sponsor: Representative Gruenberg Component: _____
Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

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	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the Department of Public Safety.

Prepared by: T. Michael Lewis, Program Director
Division: Highway Safety Planning Agency

Phone: 465-4374
Date: 1/15/89

Approved by Commissioner: S. U. H. English
Agency: Department of Public Safety

Date: 1-20-89

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

22

No. 2

Bill Version: CSHB 2 (HESS)
Publish Date: HOUSE 1/25/89

REQUEST:

Revision Date:
Title: An act relating to ignition
interlock devices

Agency Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Gruenberg, Koponen, Ulmer, .. Components:
Requestor: House Health & Social
Services

EXPENDITURES/REVENUES: (Thousands of Dollars)						
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)						
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	.	.	.	.	.	.
Other	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 01/23/89

Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 01/23/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Corrections
 Title: "An Act relating to ignition interlock devices." BRU: _____
 Sponsor: Rep. Gruenberg, Koponen, Ulmer, Components: _____
 Requestor: et al

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This legislation will have no fiscal impact upon the Department of Corrections.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 1-23-89

Approved by Commissioner: [Signature] Date: 1-23-89
 Agency: Department of Corrections

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

SENATE COMMITTEE REPORT

FURTHER JUD

2/21/89

DATE TURNED INTO OFFICE May 3, 1989

Mr. President:

TRSP

Committee considered CSHB 2 (JUD)

ignition interlock devices

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

Pat Samko

OTHER RECOMMENDATIONS

Do Not Pass
Do Not Pass

Ray Jones (No Rec)
 Chairman signature and recommendation

Committee Backup attached

State of Alaska

~~House Majority Leader~~

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
HOUSE JUDICIARY
~~HOUSE REVENUE~~
Labor & Commerce



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

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3718
465-4968/4986

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

February 15, 1989

MEMORANDUM

To: Senator Lloyd Jones, Chair
Senate Transportation Committee

From: Rep. Max Gruenberg *MG*

Re: CSHB 2(JUD), "An Act relating to ignition interlock
devices."

I would very much appreciate it if you would schedule HB 2 for a hearing as soon as it is possible.

The ignition interlock bill will reduce drunk driving in this state. It allows a judge, as a condition of probation in alcohol-related offenses, to require the defendant to install a mini-breathalyzer on the defendant's car. You can't start the car unless you're sober. The bill also makes it a crime for someone else to tamper with the device or knowingly allow a defendant to drive a car without a device on it in violation of probation.

The bill won't cost the state anything, because the defendant pays all costs of the device.

The Department of Corrections will provide standards for the manufacture, calibration, inspection and repair of the devices. The bill passed the House last year and all Senate committees. It was awaiting calendaring by the Rules Committee when the session adjourned.

The first state to pass such an act was California in 1986. Since then a total of about 10 states have passed this law.

The recidivism rate in cases in which these devices are installed has gone down by two-thirds--from 15% to 4%.

Thank you.

Alaska State Legislature



House of Representatives
House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

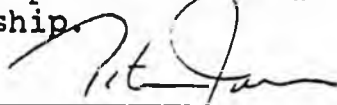
HOUSE JUDICIARY COMMITTEE

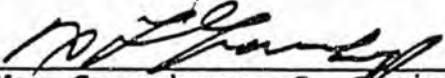
Letter of Intent
for

HB 2 "An Act Relating to Ignition Interlock Devices"

The Legislature recognizes that ignition interlock systems may not function in cold temperatures, that a person may not reside in an area where installation, maintenance and monitoring of these devices is possible, and that routine cold temperature vehicle maintenance may be perceived by these systems as tampering.

It is the intent of the Legislature that before requiring a person to obtain an ignition interlock device, the court consider these circumstances and not place selected individuals under unreasonable hardship.


Peter Goll, Co-Chair


Max Gruenberg, Co-Chair
House Judiciary Committee

FEB 20 1989

1409 Boyd Street, Apartment C
Borger, Texas 79007
February 17, 1980

PERMANENT ADDRESS: P. O. Box 34
Palmer, Alaska 99645

Senator Jay Kerttula
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

Thank you for a Student Loan Application; I do not need it at this time, but have passed it to somebody who may use it. Thank you, too, for your long and vigorous support of Alaska's Student Loan program. Twice, I have been a beneficiary: In 1981, I attended Bates Vo-Tech in Tacoma to study sheet metal and welding which allowed me to become a Sheet Metal Apprentice with Sheet Metal Workers Local #23, Anchorage. In 1988, I attended Tulsa Welding School to top off my welding education which had started at Palmer High School. Now, I have pulled a switch: I am an Alaskan welder, working in Texas!

There is something you can do for me which would earn my eternal gratitude and indebtedness: Something, anything to cause Alaska to allow me to operate a motor vehicle.

I understand House Bill 2 is moving to the Senate where I assumed last year your sponsorship would insure passage. This bill must pass swiftly and resoundingly. Of course, it needs to be retroactive and include advice that the Department of Public Safety will (not just "may") abide thereby.

"Ignition interlock devices" are a positive means of achieving the purpose of license revocations - sober drivers. I know many vehicles in Alaska are being operated by drivers without valid license and, consequently without insurance, because the drivers are under various time constraints. The law is not working.

Sobriety, like life itself, is one day at a time. Suspensions of a month, a year, ten years are no guaranty of the next day's actions of anyone.

~~Does Alaska really want to take ten years of my life without any chance to demonstrate that I have turned my life around?~~

I have been divested of driving privileges until September 1995. My first DWI was before I was 18 and it was a proper charge; however, had I been guilty of rape and pillage, the record would have been expunged upon my majority. Not so with a childhood DWI.

Upon the second DWI arrest, I was ignorant and uninformed, and thus refused a Breathalyzer test so was, by law, drunk. On the third charge, I was unable to activate the machine because I had respiratory problems from inhaling chemical fumes during asbestos-removal renovation at an Anchorage school. Instead of putting the machine on over-ride, Officer Grim merely charged me with refusal, so I was again, by law, drunk. Of course, the officer was not of a mind to show me any consideration because I had wrestled him into a ditch after he had forceably removed me from my car by my hair and kicked me in the privates in the process. Palmer police do have their problems.

In any event, through the good offices of Judge O'Connell and the State of Alaska. I attended Clithero Treatment Center, Anchorage, where I learned I was one of those who are unable to handle mind-altering substances and, to survive, would need to abstain.

Here I am, a healthy, clean and sober Alaskan of 25 years, a journeyman Sheet Metal Worker, a certified Welder, a certified Open-Water Diver, and I am hard pressed to find employment. Washington, Oklahoma and Texas have told me they are unable to over-ride the sentence Alaska placed on my license to drive.

Since graduation from Tulsa Welding last fall, I have been working for Fluor Daniel at Pampa, living at Borger, Texas. Just last week, I had to decline two 5-hour double-time shifts and gained my employers' displeasure, because I depend on co-workers for travel and would have had no way home. A year ago I lost a job welding and diving in Seward because I could not drive (and, I suspect, because I did not go to the right bars).

This job is about finished, and I do not know what to do. There are few jobs in the whole world that do not require driving, either to get to and from, or on the job.

Please consider what Alaska is doing to me and a number of other of its citizens who are prevented from being whole persons.

Sincerely yours,

Paul J. Weisenberger
Paul J. Weisenberger

P.S. I have dictated this letter by phone to my Mother so it could be typed and mailed to you as quickly as possible.

PJW

cc: Sen. Mike Szymanski

State of Alaska

House Majority Leader

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
HOUSE JUDICIARY
HOUSE RULES



P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3718
465-4968/4986

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

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

February 13, 1989

MEMORANDUM

To: All Members, House of
Representatives

From: Rep. Max F. Gruenberg, Jr. *MG*

Re: Sectional Analysis for CSHB 2 (Jud), "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 misdemeanor 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. The maximum penalty for this offense is set at a \$500 fine and 30 days in jail.

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

- Sectional Analysis

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 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, and to set fees so that the manufacturer of the interlock device will 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.

Anchorage Daily News - 2/14/89

An idea whose time has come

None of the astonishing advances in technology deserve welcome more than those aimed at solving some of our most serious social problems. And an intriguing new device that may help keep drunks from behind the wheel of automobiles appears such a development.

The device, which connects a Breathalyzer unit with a vehicle's ignition system, permits on-the-spot testing for inebriation. If too much alcohol registers, the vehicle won't start.

The instrument appears an excellent weapon in the struggle to keep drunken drivers off the road. Such devices aren't the final, nor total, answer. But they could provide a significant tool.

To its credit, the state House appreciates the potential value of the devices. By an overwhelming 35-4 vote, the body has approved legislation that allows judges to order the breath tests for people convicted of alcohol-related offenses. The measure gives judges the option of ordering the units, called "ignition interlock devices," as part of the terms of probation for anyone convicted of illegal use, possession or consumption of alcohol. The House passed similar legislation last year, but it died in the Senate.

A letter of legislative intent accompanying the legislation suggests that the devices not be imposed on residents of rural areas where servicing and repair facilities may not be available. The exception is appropriate. Without it, a driver who would otherwise pass the breath test could be penalized merely for having an inoperable interlock device.

Some drunken driving offenders, of course, shouldn't be behind the wheel of a car under any circumstances, breath test or no breath test. The penalty in such cases should not provide for any conditions under which the offender can drive.

But the devices appear worth trying in those cases where they're warranted. The Senate should act on the measure as expeditiously as possible.



-Anc Daily News Ed -