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Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: MARCH 2, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 HB 136: DRUNK DRIVING AND BREATH TEST OF  
 HB 67: ELIG. FOR PUBLIC ASSISTANCE  
 •HB 156: PUBLIC SCHOOLS & PUBLIC FACILITIES  
 •HB 157: APPROP: PUBLIC SCHOOLS/FACILITIES

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Doug LaTour	Corrections				465-3454	(Y) N	HB 136
Patrick OWEN	SELF			7806032		(Y) N	HB 156-157
JAN HANSEN	DASS				465-2680	(Y) N	HB 67
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 136(HES)

BY REPRESENTATIVE NICHOLIA

Page 2, line 20, after "proof of":

Insert "enrollment in and compliance with or"

Page 3, line 10, after "person":

Insert "is enrolled in and is in compliance with or"

Page 3, line 24, after "proof of":

Insert "enrollment in and compliance with an alcoholism education and treatment program if the person was convicted. under AS 28.15.181(c)(1)."

Page 3, line 25, after "program"

Insert "if the person was convicted under AS 28.15.181(c)(2)-(4)"

Page 3, line 31, after "proof of"

Insert "enrollment in and compliance with an alcoholism education and treatment program if the person was convicted under AS 28.15.181(c)(1)"

Page 4, line 1, after "program"

Insert "if the person was convicted under AS 28.15.181(c)(2)-(4)"

Page 5, after line 20:

Insert a new bill section to read:

"\* Sec. 6. AS 28.35.030 is amended by adding a new subsection to read:

(l) The commissioner of corrections shall determine and prescribe by regulation the cost of imprisonment at a community residential center for the purpose of determining the cost of imprisonment required to be paid under (b)(1) of this section by a convicted person. The cost of imprisonment required to be paid under (b)(1) of this section may not be higher than the cost of imprisonment at a community residential center, no matter where the person is imprisoned."

Renumber the following bill sections accordingly.

Page 7, after line 10:

Insert a new bill section to read:

"\* Sec. 8. AS 28.35.032(o) is amended to read:

(o) In this section,

(1) "cost of imprisonment" means the cost of imprisonment as determined under AS 28.35.030(l);

(2) "previously convicted" has the meaning given in AS 28.35.030."

Renumber the following bill sections accordingly.

Page 7, line 15:

Delete "6"

Insert "7"

8-LS0510E  
Ford  
2/26/93

CS FOR HOUSE BILL NO. 136(HES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MULDER

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to limited driver's licenses and to the offenses of driving while  
2 intoxicated and refusal to submit to a breath test; and providing for an effective  
3 date."

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

5 \* Section 1. AS 28.15.181(c) is amended to read:

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

13 (1) not less than [AT LEAST] 90 days if the person has not been  
14 previously convicted;

1 (2) not less than [AT LEAST] one year if the person has been  
2 previously convicted once;

3 (3) not less than 3 [AT LEAST FIVE] years if the person has been  
4 previously convicted twice;

5 (4) not less than 5 [AT LEAST 10] years if the person has been  
6 previously convicted more than twice.

7 \* Sec. 2. AS 28.15.201 is repealed and reenacted to read:

8 Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of  
9 competent jurisdiction revoking a person's driver's license, privilege to drive, or  
10 privilege to obtain a license under AS 28.15.181(b) or the department under  
11 AS 28.15.165 may, for good cause, impose limitations upon the driver's license of a  
12 person that will enable the person to earn a livelihood without excessive risk or danger  
13 to the public. A limitation may not be placed upon a driver's license until after a  
14 review has been made of the person's driving record and other relevant information,  
15 and a limitation may not be imposed when a statute specifically prohibits the limitation  
16 of a license for a violation of its provisions.

17 (b) A court or the department imposing a limitation under (a) of this section  
18 shall

19 (1) require certification of employment;

20 (2) require proof of completion of an alcoholism treatment program  
21 when appropriate;

22 (3) require the surrender of the driver's license; and

23 (4) issue to the licensee a certificate, or the department may issue a  
24 restricted driver's license, valid for the duration of the limitation.

25 (c) After the termination of a limitation as shown on the certificate or driver's  
26 license issued under (b) of this section, the license of a person on whom a limitation  
27 was imposed is revoked until the person receives a new license meeting the  
28 requirements set out in AS 28.15.211.

29 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain  
30 a license under AS 28.15.181(c), or the department when revoking a driver's license,  
31 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant

1 limited license privileges for the final 60 days during which the license is revoked if

2 (1) the revocation was for a violation of AS 28.15.181(a)(5) and not  
3 for a violation of AS 28.15.181(a)(8);

4 (2) the person has not been previously convicted of an offense;

5 (3) the court or the department determines that the person's ability to  
6 earn a livelihood would be severely impaired;

7 (4) the court or the department determines that a limitation under (a)  
8 of this section can be placed on the license that will enable the person to earn a  
9 livelihood without excessive danger to the public; and

10 (5) the court or the department determines that the person has  
11 successfully completed an alcoholism education and rehabilitation treatment program.

12 (e) The department may terminate a revocation and issue a driver's license to  
13 a person whose license, privilege to drive, or privilege to obtain a license was revoked  
14 for an offense described in AS 28.15.181(a)(5) or (8) if the offense occurred before  
15 July 1, 1993, and if

16 (1) the person's license, privilege to drive, or privilege to obtain a  
17 license has been revoked for the minimum periods set out in AS 28.15.181(c); and

18 (2) the person complies with the provisions of AS 28.15.211(d) and (e).

19 \* Sec. 3. AS 28.15.211(d) is amended to read:

20 (d) At the end of a period of revocation or limitation following a revocation,  
21 a person whose driver's license has been revoked may apply to the department for the  
22 issuance of a new license, but shall submit to reexamination, [AND] pay all required  
23 fees including a reinstatement fee of \$100, and if the license was revoked under  
24 AS 28.15.181(a)(5) or (8), submit proof of completion of an alcoholism education  
25 and rehabilitation program.

26 \* Sec. 4. AS 28.15.211(e) is amended to read:

27 (e) At the end of a period of limitation, suspension, or revocation under this  
28 chapter, the department may not issue a driver's license or a duplicate driver's license  
29 to the licensee until the licensee has complied with AS 28.20 relating to proof of  
30 financial responsibility and if the license was revoked under AS 28.15.181(a)(5) or  
31 (8) has submitted proof of completion of an alcoholism education and

1        rehabilitation program.

2        \* Sec. 5. AS 28.35.030(b) is amended to read:

3            (b) Driving while intoxicated is a class A misdemeanor. Upon conviction

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

5                            (A) not less than 72 consecutive hours and a fine of not less  
6                    than \$250 if the person has not been previously convicted; imprisonment  
7                    required under this subparagraph shall be served at a community  
8                    residential center or, if a community residential center is not available, at  
9                    another appropriate facility determined by the commissioner of corrections  
10                   and the cost of the imprisonment shall be paid by the person sentenced  
11                   under this subparagraph; payment of the cost of imprisonment is not  
12                   required if the court determines the person is indigent; for costs of  
13                   imprisonment that are not paid by the person sentenced under this  
14                   subparagraph, including costs not paid due to indigency, the state shall  
15                   seek reimbursement from the person's permanent fund dividend as  
16                   provided under AS 43.23.065; while at the community residential center  
17                   or other appropriate facility, the person shall perform at least 24 hours of  
18                   community service work as directed by the director of the community  
19                   residential center or other appropriate facility;

20                            (B) not less than 20 days and a fine of not less than \$500 if the  
21                    person has been previously convicted once; imprisonment required under  
22                    this subparagraph shall be served at a community residential center or, if  
23                    a community residential center is not available, at another appropriate  
24                    facility determined by the commissioner of corrections and the cost of the  
25                    imprisonment shall be paid by the person sentenced under this  
26                    subparagraph; payment of the cost of imprisonment is not required if the  
27                    court determines the person is indigent; for costs of imprisonment that are  
28                    not paid by the person sentenced under this subparagraph, including costs  
29                    not paid due to indigency, the state shall seek reimbursement from the  
30                    person's permanent fund dividend as provided under AS 43.23.065; while  
31                    at the community residential center or other appropriate facility, the

1 person shall perform at least 160 hours of community service work as  
2 directed by the director of the community residential center or other  
3 appropriate facility;

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

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

8 (E) not less than 240 days and a fine of not less than \$3,000 if  
9 the person has been previously convicted four times;

10 (F) not less than 360 days and a fine of not less than \$4,000 if  
11 the person has been previously convicted more than four times;

12 (2) the court may not

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

16 (B) suspend imposition of sentence;

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

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

22 (g) Upon conviction under this section

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

24 (A) not less than 72 consecutive hours and a fine of not less  
25 than \$250 if the person has not been previously convicted; imprisonment  
26 required under this subparagraph shall be served at a community  
27 residential center or, if a community residential center is not available, at  
28 another appropriate facility determined by the commissioner of corrections  
29 and the cost of the imprisonment shall be paid by the person sentenced  
30 under this subparagraph; payment of the cost of imprisonment is not  
31 required if the court determines the person is indigent; for costs of

1 imprisonment that are not paid by the person sentenced under this  
2 subparagraph, including costs not paid due to indigency, the state shall  
3 seek reimbursement from the person's permanent fund dividend as  
4 provided under AS 43.23.065; while at the community residential center  
5 or other appropriate facility, the person shall perform at least 24 hours of  
6 community service work as directed by the director of the community  
7 residential center or other appropriate facility;

8 (B) not less than 20 days and a fine of not less than \$500 if the  
9 person has been previously convicted once; imprisonment required under  
10 this subparagraph shall be served at a community residential center or, if  
11 a community residential center is not available, at another appropriate  
12 facility determined by the commissioner of corrections and the cost of the  
13 imprisonment shall be paid by the person sentenced under this  
14 subparagraph; payment of the cost of imprisonment is not required if the  
15 court determines the person is indigent; for costs of imprisonment that are  
16 not paid by the person sentenced under this subparagraph, including costs  
17 not paid due to indigency, the state shall seek reimbursement from the  
18 person's permanent fund dividend as provided under AS 43.23.065; while  
19 at the community residential center or other appropriate facility, the  
20 person shall perform at least 160 hours of community service work as  
21 directed by the director of the community residential center or other  
22 appropriate facility;

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

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

27 (E) not less than 240 days and a fine of not less than \$3,000 if  
28 the person has been previously convicted four times;

29 (F) not less than 360 days and a fine of not less than \$4,000 if  
30 the person has been previously convicted more than four times;

31 (2) the court may not

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

4 (B) suspend imposition of sentence;

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

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

11 \* Sec. 7. APPLICABILITY. (a) This Act applies to offenses that are committed after  
12 June 30, 1993.

13 (b) AS 28.15.181(c), as amended by sec. 1 of this Act, AS 28.15.201(d), as amended  
14 by sec. 2 of this Act, AS 28.35.030(b), as amended by sec. 5 of this Act, and  
15 AS 28.35.032(g), as amended by sec. 6 of this Act, apply according to their terms whether the  
16 previous convictions occurred before, on, or after the effective date of this Act.

17 \* Sec. 8. This Act takes effect July 1, 1993.

## Sectional Analysis For CSHB 136 (HES)

### Section 1.

Amends AS 28.15.181, relating to the minimum periods of license revocation. The periods are revised to read:

- not less than 90 days if the person has not been previously convicted
- not less than 1 year if the person has been previously convicted once
- not less than 3 years if the person has been previously convicted twice
- not less than 5 years if the person has been previously convicted more than twice

### Section 2.

Rewrites AS 28.15.201, pertaining to limited licenses. Allows the court to impose limitations on someone's license for the final 60 days of revocation after the first offense only. This applies only to those convicted of driving while intoxicated. Limited license privileges are not granted to those who refuse to submit to a breath test.

### Section 3.

Amends AS 28.15.211(d). At the end of a period of license revocation or limitation, an individual may apply for a new license but must be re-examined, pay a reinstatement fee of \$100, and if the license was revoked for a DWI conviction or refusal to submit to a breath test, must submit proof of the completion of an alcohol treatment and education program.

### Section 4.

Amends AS 28.15.211(e) relating to the reinstatement of a license and proof of financial responsibility (AS 28.20). Adds the additional requirement that if the license was revoked due to a DWI conviction or refusal to submit to a breath test, proof of the completion of an alcohol education and rehabilitation program must be shown before a new license can be issued.

### Section 5.

Amends AS 28.35.030(b). Requires first and second time offenders convicted of driving while intoxicated to serve their imprisonment in a community residential center (CRC). If such a center is not available, an appropriate facility will be determined by the Department of Corrections.

This section also requires that the person sentenced pay for the cost of their incarceration; if they cannot pay, the state will seek reimbursement from their permanent fund dividend check.

Finally, this section requires that first-time offenders perform at least 24 hours of community work service, and second-time offenders perform at least 160 hours of community work service as directed by the director of the CRC or other appropriate facility.

Section 6.

Amends AS 28.35.032(g) to require the same as directed in Section 5 of the bill, for first and second convictions of refusing to submit to a breath test.

Section 7.

States that this act would apply for offenses committed after June 30, 1993. Sections 1,2,5, and 6 of this act apply according to their terms whether or not the previous convictions occurred before, on, or after the effective date of this act.

Section 8.

States that this act would go into effect on July 1, 1993.

LEGISLATION POSITION PAPER  
DEPARTMENT OF CORRECTIONS

HB 136

February 25, 1993

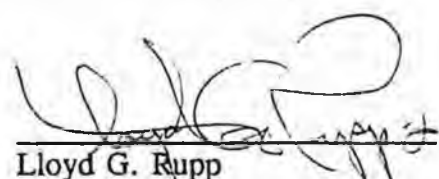
HB 136 provides for the placement of offenders convicted of DWI or refusal to submit to a breath test in a half-way house to serve their 72 hour sentence. It also requires these offenders to pay for the cost of their imprisonment at a half-way house or other correctional facility.

The major impact of this legislation on the Department of Corrections is the expansion of the use of alternative facilities and a method to fund this expansion. DOC currently has over 1,800 offenders scheduled to serve their time (these individuals are called "Court-ordered Reports"). Of this group, approximately 650 are first time DWI offenders who would be covered by this legislation. By charging these and other DWI offenders for the cost of care, DOC can generate revenue to offset the cost of incarcerating these offenders.

There are several options for collecting payment from offenders: direct payment to the service provider, payment to DOC, payment to the Court System. It appears that the most consistent manner of collecting this charge, as well as the court fines, is to ask the Court System to collect both of these. By setting up a separate account code, these funds could be segregated from other court fines and fees, and the amount of collections reported on a regular basis. DOC could compute a rate schedule for the judges to use in preparing judgements and assessing the housing costs.

In reviewing the bill, and analyzing the annual DOC caseload, it appears that a major fiscal impact would result only by extending the half-way house language and payment requirement to other than first time offenders. For example, whereas the number of first time offenders makes up approximately one third of the current COR backlog, they account for only 5-10% of the days to be served by all alcohol/driving offenders.

For the purpose of computing the expected revenue from this bill, it is assumed that the average charge for half-way house or other forms of incarceration will be \$60. The total number of first time DWI offenders each year is estimated at 3532 by the Department of Public Safety. It is estimated that 64% or 2261 of those charged will be convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged for their lodging. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

  
Lloyd G. Rupp  
Commissioner  
Department of Corrections

THE  
FOLLOWING  
DOCUMENTS  
ARE  
POOR  
ORIGINAL  
COPIES

[Faint, illegible text, possibly a header or introductory paragraph.]

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# Alaska State Legislature

## House of Representatives

COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: FEBRUARY 25, 1993

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**  
 \*HB 136: DRUNK DRIVING AND BREATH TEST OFFENSE  
 \*HB 137: PAROLE OF TERMINALLY ILL PRISONERS  
 HB 67: ELIGIBILITY FOR PUBLIC ASSISTANCE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
JAN HANSEN	DASS				465-2680	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 67
<sup>George</sup> G. 170214r		Rep. Kott's Office			3771	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 137
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



# Alaska State Legislature

House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: FEBRUARY 25, 1993

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**  
 \*HB 136: DRUNK DRIVING & BREATH TEST OFFENSES  
 \*HB 137: PAROLE OF TERMINALLY ILL PRISONERS  
 HB 67: ELIGIBILITY FOR PUBLIC ASSISTANCE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Lloyd Rupp, Commissioner	Corrections				465-3376	(Y) N	HB 136, 137
Lennie Gorsech	Nella Brown				463-3531	Y (N)	
Margo Warming	AMHB				4653071	(Y) N	HB 137
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

A M E N D M E N T

OFFERED IN THE HOUSE  
TO: HB 136

BY REPRESENTATIVE MULDER

Page 1, line 1, after "relating":

Insert "to limited driver's licenses and"

Page 1, after line 3:

Insert new bill sections to read:

\*\* Section 1. AS 28.15.181(c) is amended to read:

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

(1) not less than [AT LEAST] 90 days if the person has not been previously convicted;

(2) not less than [AT LEAST] one year if the person has been previously convicted once;

(3) not less than 3 [AT LEAST FIVE] years if the person has been previously convicted twice;

(4) not less than 5 [AT LEAST 10] years if the person has been previously convicted more than twice.

\* Sec. 2. AS 28.15.201 is repealed and reenacted to read:

Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of competent jurisdiction revoking a person's driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181(b) or the department under

AS 28.15.165 may, for good cause, impose limitations upon the driver's license of a person that will enable the person to earn a livelihood without excessive risk or danger to the public. A limitation may not be placed upon a driver's license until after a review has been made of the person's driving record and other relevant information, and a limitation may not be imposed when a statute specifically prohibits the limitation of a license for a violation of its provisions.

(b) A court or the department imposing a limitation under (a) of this section shall

- (1) require certification of employment;
- (2) require proof of completion of an alcoholism treatment program when appropriate;
- (3) require the surrender of the driver's license; and
- (4) issue to the licensee a certificate, or the department may issue a restricted driver's license, valid for the duration of the limitation.

(c) After the termination of a limitation as shown on the certificate or driver's license issued under (b) of this section, the license of a person on whom a limitation was imposed is revoked until the person receives a new license meeting the requirements set out in AS 28.15.211.

(d) A court revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the department when revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant limited license privileges for the final 60 days during which the license is revoked if

- (1) the revocation was for a violation of AS 28.15.181(a)(5) and not for a violation of AS 28.15.181(a)(8);
- (2) the person has not been previously convicted of an offense;
- (3) the court or the department determines that the person's ability to earn a livelihood would be severely impaired;
- (4) the court or the department determines that a limitation under (a) of this section can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public; and
- (5) the court or the department determines that the person has successfully completed an alcoholism education and rehabilitation treatment program.

(e) The department may terminate a revocation and issue a driver's license to a person whose license, privilege to drive, or privilege to obtain a license was revoked for an offense described in AS 28.15.181(a)(5) or (8) if the offense occurred before July 1, 1993, and if

(1) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in AS 28.15.181(c); and

(2) the person complies with the provisions of AS 28.15.211(d) and (e).

\* Sec. 3. AS 28.15.211(d) is amended to read:

(d) At the end of a period of revocation or limitation following a revocation, a person whose driver's license has been revoked may apply to the department for the issuance of a new license, but shall submit to reexamination, [AND] pay all required fees including a reinstatement fee of \$100, and if the license was revoked under AS 28.15.181(a)(5) or (8), submit proof of completion of an alcoholism education and rehabilitation program.

\* Sec. 4. AS 28.15.211(e) is amended to read:

(e) At the end of a period of limitation, suspension, or revocation under this chapter, the department may not issue a driver's license or a duplicate driver's license to the licensee until the licensee has complied with AS 28.20 relating to proof of financial responsibility and if the license was revoked under AS 28.15.181(a)(5) or (8) has submitted proof of completion of an alcoholism education and rehabilitation program."

Page 1, line 4:

Delete "Section 1."

Insert "Sec. 4."

Renumber the following bill sections accordingly.

Page 4, line 14, after "(b)":

Insert "AS 28.15.201(d), as repealed and reenacted in sec. 2 of this Act and"

Delete "sec. 3"

Insert "sec. 7"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 136

Page 1, line 9:

Delete "halfway house"

Insert "community residential center"

Page 1, line 10:

Delete "halfway house"

Insert "community residential center"

Page 2, line 3:

Delete "halfway house"

Insert "community residential center"

Page 2, line 5:

Delete "halfway house"

Insert "community residential center"

Page 2, line 30:

Delete "halfway house"

Insert "community residential center"

Page 2, line 31:

Delete "halfway house"

Insert "community residential center"

Page 3, line 7:

Delete "halfway house"

Insert "community residential center"

Page 3, line 9:

Delete "halfway house"

Insert "community residential center"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 136

Page 1, line 10, after "facility":

Insert "determined by the commissioner of corrections"

Page 2, line 31, after "facility":

Insert "determined by the commissioner of corrections"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 136

Page 2, line 7, after "once;":

Insert "imprisonment required under this subparagraph shall be served at a halfway house or, if a halfway house is not available, another appropriate facility and the cost of the imprisonment shall be paid by the person sentenced under this subparagraph: payment of the cost of imprisonment is not required if the court determines the person is indigent; for costs of imprisonment that are not paid by the person sentenced under this subparagraph, including costs not paid due to indigency, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065; while at the halfway house or other appropriate facility, the person shall perform at least 160 hours of community service work as directed by the director of the halfway house or other appropriate facility;"

Page 3, line 11, after "once;":

Insert "imprisonment required under this subparagraph shall be served at a halfway house or, if a halfway house is not available, another appropriate facility and the cost of the imprisonment shall be paid by the person sentenced under this subparagraph: payment of the cost of imprisonment is not required if the court determines the person is indigent; for costs of imprisonment that are not paid by the person sentenced under this subparagraph, including costs not paid due to indigency, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065; while at the halfway house or other appropriate facility, the person shall perform at least 160 hours of community service work as directed by the director of the halfway house or other appropriate facility;"

LEGISLATION POSITION PAPER

DEPARTMENT OF CORRECTIONS

HB 136

February 22, 1993

HB 136 provides for the placement of offenders convicted of DWI or refusal to submit to a breath test in a half-way house to serve their 72 hour sentence. It also requires these offenders to pay for the cost of their imprisonment at a half-way house or other correctional facility.

The major impact of this legislation on the Department of Corrections is the expansion of the use of alternative facilities and a method to fund this expansion. DOC currently has over 1,800 offenders scheduled to serve their time (these individuals are called "Court-ordered Reports"). Of this group, approximately 650 are first time DWI offenders who would be covered by this legislation. By charging these and other DWI offenders for the cost of care, DOC can generate revenue to offset the cost of incarcerating these offenders.

There are several options for collecting payment from offenders: direct payment to the service provider, payment to DOC, payment to the Court System. It appears that the most consistent manner of collecting this charge, as well as the court fines, is to ask the Court System to collect both of these. By setting up a separate account code, these funds could be segregated from other court fines and fees, and the amount of collections reported on a regular basis. DOC could compute a rate schedule for the judges to use in preparing judgements and assessing the housing costs.

In reviewing the bill, and analyzing the annual DOC caseload, it appears that a major fiscal impact would result only by extending the half-way house language and payment requirement to other than first time offenders. For example, whereas the number of first time offenders makes up approximately one third of the current COR backlog, they account for only 5-10% of the days to be served by all alcohol/driving offenders.

For the purpose of computing the expected revenue from this bill, it is assumed that the average charge for half-way house or other forms of incarceration will be \$60. The total number of first time DWI offenders each year is estimated at 3532 by the Department of Public Safety. It is estimated that 64% or 2261 of those charged will be convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged for their lodging. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

---

Lloyd G. Rupp  
Commissioner  
Department of Corrections

Position Paper - Corrections 2/22/93

**SPONSOR STATEMENT**  
Representative Eldon Mulder

House Bill 136

House Bill 136 relates to DWI offenses and punishments. Currently, convicted offenders are sentenced to 72 hours of imprisonment, usually served in a jail. This type of sentencing has resulted in a backlog of up to 2500 offenders waiting to serve their time. They often do not go to jail until as much as one year after the offense has occurred. When they finally do serve, it is often over a weekend. This results in a very little feeling of "punishment" for the offense. It is also costing the state a tremendous amount of money.

House Bill 136 addresses this problem. The bill requires that convicted offenders and those who refuse to submit to a breath test serve their 72 hours in Community Residential Centers and that they pay the cost of their stay themselves. If they cannot pay, the state will seek reimbursement from the person's permanent fund dividend check.

In addition, offenders are required to perform 24 hours of community service work as directed by the director of the halfway house during their stay in the facility. If there are no halfway houses available in a community, offenders may stay in an alternative facility as determined and approved by the Department of Corrections.

Finally, HB 136 requires forfeiture of the vehicle upon the third and subsequent offenses.

The purpose of this bill is two-fold: to attempt to curtail the number of DWI offenses by offering serious punishment to offenders and to ease the financial burden on the Department of Corrections. I urge the Committee to support this legislation.

*Sponsor Statement*

## Sectional Analysis for HB 136

### Section 1.

Amends AS 28.35.030(b) to require that the 72 hour imprisonment for first time DWI offenses be served at a halfway house, better known as a community residential center (CRC). If such a center is not available, an appropriate facility will be determined by the Department of Corrections.

This section also requires that the person sentenced pay for the cost of their incarceration; if they cannot pay, the state will seek reimbursement from their permanent fund dividend check.

Finally, this section requires that the person shall perform at least 24 hours of community work service as directed by the director of the CRC.

### Section 2.

Amends AS 28.35.032(g) to require the same as directed in Section 1 of the bill, for refusal to submit to a breath test.

### Section 3.

Amends AS 28.35.036(a) to require the state to move the court to order forfeiture of the vehicle upon the the third and subsequent offenses.

### Section 4.

States that this act would apply for offenses committed after June 30, 1992.

### Section 5.

States that this act would go into effect on July 1, 1993.

LEGISLATION POSITION PAPER  
DEPARTMENT OF CORRECTIONS

HB 136

February 22, 1993

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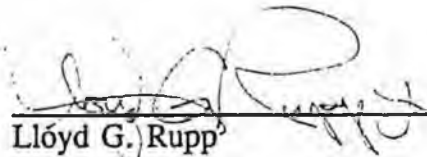
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For the purpose of computing the expected revenue from this bill, it is assumed that the average charge for half-way house or other forms of incarceration will be \$60. The total number of first time DWI offenders each year is estimated at 3532 by the Department of Public Safety. It is estimated that 64% or 2261 of those charged will be convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged for their lodging. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

Position Paper - Corrections

Position Paper  
HB 136  
Page 2

DOC recommends that a portion of these revenues be used for the purchase of additional half-way house beds, and that the remainder be returned to the general fund to help support the balance of the DOC budget. Therefore, 50% of the estimated annual revenue is shown as a program receipt for the department. By establishing an authorization to receive and expend these funds, the department will be able to make use of this revenue, but only if it is actually collected. With the uncertainty while starting up the program, DOC will proceed cautiously in contracting for additional space. As the revenue stream stabilizes, the department will know better how to plan and budget for this program.



Lloyd G. Rupp  
Commissioner  
Department of Corrections



# Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair  
Philip R. Vulland, Vice Chair

Jayne E. Andreen  
Richard L. Burton

Charles E. Cole  
Hon. Beverly W. Cutler

Sen. Steve Frank  
Lloyd G. Rupp

JoAnn Holmes  
Hon. Warren W. Matthews

Gigi Pilcher  
John Saleni

Duane S. Udland  
Rep. Fran Ulmer

February 10, 1993

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

RE: HB 136; DWI

FEB 15 1993

Dear Representative Mulder:

I am writing with respect to your proposed legislation altering DWI penalties. Your legislation encourages the housing of DWI prisoners in halfway houses and strengthens the fines and forfeiture provisions of the current law.

One of the Sentencing Commission's major recommendations is well served by your legislation -- the increased use of halfway houses. Clearly, the great majority of DWI offenders could be more cheaply and more effectively punished in the setting you propose (halfway houses with community service) than in hard beds. As you know, many DWI offenders in Anchorage and Fairbanks already serve their sentences in halfway houses.

While the Commission did not specifically make a recommendation as to the use of community service while in halfway houses, your proposal is certainly consistent with their general recommendations. You might also consider a requirement for alcohol screening and education while at the halfway house. We have discussed a similar program with representatives of MADD. I recommend you consult with both DOC and MADD.

The commission recommended the increased use of fines and forfeitures, but as alternatives to jail time rather than as additional penalties. The commission generally recommended the use of fines scaled to the offender's income, which would seem appropriate in DWI cases. See 1992 ASC Report at p. 11. The Commission also recommended that the legislature investigate alternatives to the current three day minimum sentence for first time DWI offenders. At p. 44-45 of its 1992 report, the Commission recommends:

**Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the**

Alaska Sentencing Commission

legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

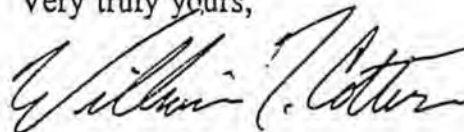
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Commission certainly understands the political realities concerning DWI. Its recommendation quoted above was only made after a long discussion and consideration of all the issues. Nevertheless, if we are to address the current backlog of about 2500 misdemeanants waiting up to nine months to go to jail, within our current fiscal constraints, we must consider creative alternatives. I would ask you to consider whether some combination of community service, stiff fines (on a sliding scale dependent on income to increase the bite), and mandatory alcohol treatment could be substituted for the current required 72 hours in jail.

Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotten  
Executive Director

of the offender and planned reintegration into the community. Gradual reintegration into the community should not be restricted to low-risk offenders, since supervision and aftercare are even more important for serious offenders reaching the end of their prison terms.

22. When community residential centers are used for end-of-sentence furloughs, placement should be for long enough to provide adequate programming and encourage a successful transition to the community.
23. The DOC Division of Institutions should continue review of its classification system for determining which offenders are suitable for programming and community custody. Quicker and more uniform classification will increase opportunities for rehabilitation.
24. The legislature should expand immunity for the state and for state employees for the release and supervision of offenders on parole, probation, furlough, work release, or similar conditional release. This should help individual officers who currently take an unnecessarily conservative approach to release because of concerns about personal or departmental liability.<sup>17</sup>
25. The legislature should adopt legislation promoting the increased use of forfeitures and fines as alternatives to jail time. It should work with the courts to create effective mechanisms for the collection of fines and restitution and to investigate the use of day fines.<sup>18</sup> It should also revise statutes if necessary to permit judges to sentence offenders to non-DOC alternatives such as home confinement with electronic monitoring.
26. Judges should increase the use of forfeitures and restitution orders for presumptive sentences and the use of fines, forfeitures, and restitution orders for non-presumptive sentences. These alternatives are under-utilized by many judges.
27. Statewide coordination of alternative punishments will be needed after the Sentencing Commission sunsets at the end of FY 93. Criminal justice agencies should set aside the time and a small amount of travel money to continue to work out problems and improve the system. Something along the lines of the former criminal justice working group should be formed to assure the necessary coordination.

---

<sup>17</sup> This issue is discussed in more detail in: 1991 Alaska Sentencing Commission Annual Report at p. 26-27.

<sup>18</sup> Unlike standard fines, day fines are linked to the offender's daily income, so that poor and rich offenders are sentenced equitably. Day fines are described in more detail in 1990 Alaska Sentencing Commission Annual Report at p. 37.

criticized for competing with the private sector, they have strong support from the general public. This recommendation was adopted without objection.

2. **Beginning immediately, the legislature should offer support and encouragement to criminal justice agencies in their efforts to reach creative, long-term solutions to budget reductions.**

Innovative ideas are necessary to cope with major budget reductions. The commission recommends that criminal justice agencies be allowed some discretionary funds for planning and for pilot programs. The Legislature also should support internal reallocation of budgets within agencies to achieve long-term budget reductions.

Agencies will need the encouragement of the Legislature and the Governor to try new ideas without the immediate assumption that such changes are unacceptable. If state revenues in fact decline by \$1 billion over the next 10 years, people will need to change their expectations of what government can do. The results of the focus groups indicate that people think the state should take financial considerations into account in devising a suitable system of punishment. All branches of government should work to educate the public on the budget impacts of their programs and to provide information necessary to make difficult choices. This recommendation was adopted without objection.

**Beginning immediately, Department of Corrections should establish a plan to allow offenders convicted of driving while intoxicated (DWI) and driving with license suspended or revoked (DWLS/R) to serve their sentences without a long delay (currently nine months in some locations).**

Far and away the most common criminal offense is driving while intoxicated. In 1990, 2544 DWI offenders served time in Department of Corrections facilities. 1629 of these were first-time DWI offenders with an average sentence of five days. Another 2255 people served time in one of the 19 local jails, which are run on contract with the Department of Public Safety, serving an average sentence of three days. As of October 1992, about 960 DWI offenders were on waiting lists with the Department of Corrections, waiting up to nine months to serve their sentences.

In order to clear up the backlog and to provide specific programming appropriate for drunk drivers, the Department of Corrections should investigate the use of low-security facilities to process large numbers of DWI and DWLR/S offenders in the bigger communities. Offenders serving short sentences in halfway houses should not be mixed with offenders being reintegrated into the community at the end of long sentences.

**Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.**

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective

approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

5. **The Department of Corrections should increase the use of alternative punishments as part of some presumptive sentences. The commission recommends that the Department of Corrections pursue an active policy for some presumptively sentenced offenders that substitutes time spent in alternative punishment programs for time in prison, within the limits of public safety. High supervision programs such as community residential centers, treatment programs, intensive supervised probation, and day reporting centers can control risk to the public, provide rehabilitative opportunities, and fulfill the goals of presumptive sentencing at lower cost than spending the entire presumptive term in prison.**

The commission believes that its support for presumptive sentencing is compatible with its support for alternative punishments. Alaska case law already provides that time spent in custodial programs such as community residential centers and residential treatment programs must be credited to the offender's time served, just like incarceration. Regardless of whether the correctional budget is reduced, the commission has already recommended that these alternatives be routinely used for presumptively sentenced offenders during the final portion of their sentences, to help them make their transition back to the community. For many offenders, these alternatives may also be safely and effectively used for longer periods of time. The commission recommends strong oversight for these offenders, along with careful monitoring and evaluation of their programs. See Section II-A. of this report.

The Department of Corrections currently is seeking a legal opinion on whether it may furlough presumptively sentenced offenders to their homes in order to participate in highly structured programs such as intensive supervised probation and day reporting centers. See AS 33.30.111. If this cannot be done under current statutes, the commission

COTT & WESLEY GERRISH  
MEMORIAL

# M A D D

ANCHORAGE, ALASKA  
CHAPTER

MAILING ADDRESS:  
795 West 4th Avenue, Box 821  
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS  
718 East 11th Avenue  
Anchorage, AK 99501

February 24, 1993

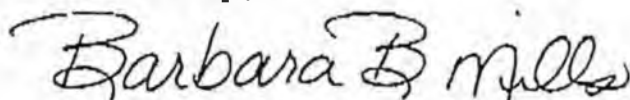
Rep. Eldon Mulder  
State Capitol  
Room 116  
Juneau, Alaska 99801

Dear Rep. Mulder:

We at Mothers Against Drunk Driving would like to express our support for House Bill 136. We feel that this bill addresses the concerns of the Department of Corrections while keeping intact the most important part of our drunk driving laws, time in jail. In fact, we feel this will have an even greater impact on offenders if they are required to pay their own way.

I would encourage all legislators to pass this bill.

Sincerely,

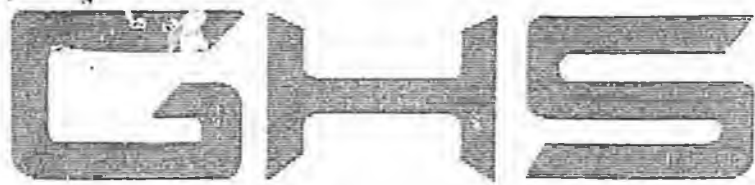


Barbara F. Mills  
Executive Director  
MADD Anchorage Chapter

BBM:mpc

MODIFYING  
ATTITUDES  
TOWARDS  
DRIVING AND  
DRINKING

Letters of Support



GASTINEAU HUMAN SERVICES CORPORATION • 5597 AISEK STREET • JUNEAU, ALASKA 99801 • (907) 780-4338  
GASTINEAU MANOR • (907) 780-6661  
GLACIER MANOR • (907) 780-4515  
FACSIMILE • (907) 780-4098

February 16, 1993

FEB 18 1993

Representative Eldon Mulder  
P.O. Box V  
Juneau, AK 99811

Dear Representative Mulder:

I have just had an opportunity to read HB 136 and I applaud the intent of this bill.

Gastineau Human Services operates both residential and out-patient services as well as the only community residential center (CRC) in Southeast Alaska. While often referred to as halfway houses, these facilities are properly known as community residential centers. They are approved and inspected by the Department of Corrections to serve, in part, the purposes required by HB 136. With that experience, and on behalf of the Alaska State Chapter of the International Association of Residential and Community Alternatives (IRCHA), of which I am the secretary-treasurer, I would like to suggest some changes in the language of the bill.

Where the bill refers to halfway house or other appropriate facilities, I suggest it read community residential center or facility meeting CRC standards, as promulgated by the Department of Corrections. This is more than just a semantic difference. The standards deal directly with issues of safety and security for the community, the staff and the residents. They also assure adequate standards of treatment of the offender and thus protect the interests of the State.

The language of the bill needs to make it clear that this program will be operated by the Department of Corrections (because these people would, in fact, be incarcerated) and would be funded by DOC. The point is to make it clear that it is a State responsibility to assign financial responsibility and collect the money rather than a program responsibility. The program can accept payment but cannot take the financial burden of operating from the funds collected.



A United Way Agency

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One final point relates to community work service (CWS). GHS is a strong advocate of CWS. Over thirty thousand hours per year is done in Juneau under our supervision. However, the focus should be to intervene in the abuse of alcohol. To that end I suggest that the language of this bill be modified to require that alcohol screening, assessment and all required alcohol education must be completed during the time of confinement in the CRC.

If I can provide further clarification or information, please contact me at 780-4338.

Thank you for your interest and attention concerning this critical issue.

Sincerely,

  
Jerry Shriner  
Asst. Exec. Director

JS:hl  
(hb136.doc)

# alternatives sought

Continued from Page B-1

currently houses 2,546 prisoners, 72 over a court-imposed maximum.

Prison population in 1983 was 1,407.

With the exception of extending parole and allowing jailers to send felons to residential treatment programs for part of their sentences, the commission recommends no major change in the state's controversial "presumptive" sentencing scheme.

Presumptive sentencing, which sets required terms of imprisonment without parole for violent crimes and drug sales, has helped swell the prison population since it went into effect in 1980. Before then, Alaska had wide open, or "indeterminate" sentencing laws that allowed judges great leeway and led to bias in sentences, including many criminals escaping jail time.

"You could take a couple of offenders who were as close as possible, two peas in a pod," said Dan Hickey, former chief prosecutor and an author of the current presumptive law. "One would get nothing. The other would have gotten five years to serve for exactly the same conduct."

The goal of presumptive sentencing was "certainty and uniformity," Hickey said.

Now all repeat felons, plus first offenders convicted of robbery, armed assault, sexual penetration of a child or non-consensual penetration of an adult, drug sales, arson and manslaughter do time measured in years.

In addition, starting in 1983, under pressure from Rep. Ramona Barnes, now speaker of the House of Representatives, the state added presumptive prison terms for sex criminals and began vigorous prosecution of child molesters. About 20 percent, or 500, of the men now in prison are molesters or rapists, according to Department of Corrections figures.

Unlike some other states, more than half the criminals in Alaska prisons are there for committing a violent crime.

Still, there are probably several hundred prisoners who could be effectively punished and controlled by cheaper means than being

kept in prison, said Superior Court Judge Beverly Cutler, a commission member. Corrections reports the cost of keeping a prisoner at \$300,040 a year, although some institutions are cheaper.

Other states faced with overcrowding have adopted "alternative punishments," also called "intermediate sanctions." These include intensively supervised probation, boot camp, house arrest with electronic monitoring and detention centers, where prisoners work at regular jobs but return to the center at night for supervision and treatment programs.

House arrest with electronic monitoring, for example, costs an estimated \$1,650 a year.

"A graduated system of alternative punishments is both sound correctional practice and an opportunity to control prison overcrowding," the commission report says.

Among commission recommendations, the one most likely to attract public comment is doing away with the three-day jail term for first-time drunken drivers.

"It depends on what they want to do instead," said Barbara Mills, executive director of Mothers Against Drunk Driving. "I've heard of different things that have been tried in different areas. So far, the biggest deterrent is going to jail."

In 1983, shortly after the law was enacted, drunken drivers killed 36 people in Anchorage, Mills said. Last year, the toll was eight. However, more than 1,000 already convicted drunken drivers are on a waiting list to serve their time with current reservations being made for next fall.

Mills said this problem can be solved with a little effort on the part of Corrections and no change in the law. "This is a knee-jerk reaction to overcrowding," she said. "We could do some kind of boot camp. I don't see why we aren't doing that."

Legislators haven't seen the report yet and House Speaker Barnes said she preferred to reserve comment. Lawmakers have been talking about substituting a \$5,000 fine for the required jail time, she said. "I'm very willing to look at (the report) with an open mind," she said.

# Sentencing panel urges alternatives

By SHEILA TOOMEY  
Daily News reporter

Alaska's mandatory three-day jail term for drunken drivers is too expensive and should be replaced by a more cost-effective punishment, the Alaska Sentencing Commission has concluded after a two-year examination of state sentencing practices and prison crowding.

Other recommendations in the commission's final report to the governor include:

- Creating a system of graduated non-prison punishments for many convicted criminals, as an alternative to expensive prison confinement for those who can be adequately controlled by such means.

- Making first offenders convicted of serious felonies eligible for parole after serving half their sentence, excluding those convicted of manslaughter or sex crimes.

- Releasing most prisoners into halfway houses at the end of their sentences, to promote successful, supervised re-entry into the community.

The 14-member panel was created in 1990 to come up with a solution to Alaska's crowded and expensive prison system in the context of declining revenues. The system

Please see Page B-3, SENTENCE

Daily News 1/19/93

Daily News Article 1-19-93

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB136

Revision Date: February 25, 1993

Dept. Affected: Corrections

Title: "An Act relating to the offense of driving while intoxicated . . ."

BRU: Statewide Programs

Sponsor: Rep. Mulder

Component: Statewide Programs

Requestor: Rep. Mulder

COMPONENT SERIAL NO. 1858

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	110.	219.8	219.8	219.8	219.8	219.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>110.</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>

CAPITAL						
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REVENUE FUND SOURCE: GF/PR 1005	219.8	219.8	219.8	219.8	219.8	219.8
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	110.	219.8	219.8	219.8	219.8	219.8
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>110.</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Dana LaTour, Special Assistant

Phone: 465-3376

Division: Office of the Commissioner

Date: 2-25-93

Approved by Commissioner: Lloyd G. Rupp

Date: 2-25-93

Agency: Department of Corrections

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According to the Department of Public Safety there were 3532 people charged with a first time DWI offense last year. It appears that approximately 64% or 2261 of those charged were convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged \$60 per day for their incarceration. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: HB 136

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to offenses of driving while BRU: Motor Vehicles  
intoxicated and refusal to submit to a breath test." Component: Driver Services  
 Sponsor: Representative Mulder  
 Requestor: Representative Mulder COMPONENT SERIAL NO. 500

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FINDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

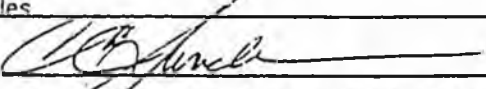
**POSITIONS:**

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**

No fiscal impact is anticipated.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 7/24/93  
 Approved by Commissioner:  Date: 7/24/93  
 Agency: Richard J. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. Work Draft CSHB136(HES)

Dated 2/26/93

Revision Date: March 1, 1993  
Title: "...relating to limited driver's licenses and...  
driving while intoxicated...refusal to submit..."  
Sponsor: Representative Mulder  
Requestor: Representative Mulder

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations  
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
Division: Administrative Services Division  
Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Phone: 465-3672  
Date: March 1, 1993  
Date: March 1, 1993

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## FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. Work Draft CSHB 136(HES)  
Dated 2/26/93

### ANALYSIS (Continued):

The workdraft version of CSHB 136 (HES), dated 2/26/93, substantially amends the state's laws relating to driving while intoxicated and refusal to submit to a breath test. The bill's amendments primarily address sentencing provisions which occur after prosecution. For the most part, the amendments will not have a fiscal impact on the Department of Law.

The major feature of the bill provides the minimum mandatory period of imprisonment, 72 hours for a first offense and 20 days for a second offense, shall be served at a community residential center or, if a center is not available, at another appropriate facility determined by the commissioner of corrections. The bill further provides that the cost of the imprisonment shall be paid by the person who is sentenced. And the bill provides that the state shall seek reimbursement from a person's permanent fund dividend, in cases where a person has not paid for the cost of imprisonment. The Department of Law's civil division currently collects unpaid criminal fines and would collect unpaid imprisonment costs that result from the adoption of these provisions.

The department's attorney, who is responsible for the collection of unpaid criminal fines, is assisting the sponsor's staff to clarify the language in Section 5 and Section 6 to insure that the bill's cost reimbursement provisions are straightforward and enforceable. Otherwise, it may not be possible to collect unpaid imprisonment costs without incurring costs greater than the unpaid amount. Consequently, it will probably not be possible to collect unpaid costs, unless these sections are clarified. We also note that requiring DWI and breath test refusal offenders to pay the cost for their imprisonment may cause a legal problem, because other offenders are not required to pay the cost of their imprisonment.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: CSHB 136(HESS)

Revision Date: 3/2/93 Dept. Affected: Public Safety  
 Title: "An Act relating to offenses of driving while intoxicated and refusal to submit to a breath test." BRU: Motor Vehicles  
 Component: Driver Services  
 Sponsor: Representative Mulder  
 Requestor: House HESS COMPONENT SERIAL NO. 500

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

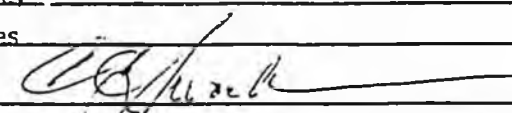
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 3/2/93  
 Approved by Commissioner:  Date: 3/2/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 136

Revision Date: February 25, 1993  
 Title: "An act relating to the offense of driving while intoxicated..."  
 Sponsor: Rep. Mulder  
 Requestor: Rep. Mulder House HESS

Dept. Affected: Corrections  
 BRU: Statewide Programs  
 Component: Statewide Programs  
 COMPONENT SERIAL NO. 1858

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL	383	766	766	766	766	766
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>383</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b> GF/PR 1005	766	766	766	766	766	766
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**FUNDING:** (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	383	766	766	766	766	766
1006 GF/MHT/A						
Other						
<b>TOTAL</b>	<b>383</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>

**POSITIONS:**

	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Dana LaTour, Spec. Asst.  
 Division: Office of the Commissioner  
 Approved by Commissioner: Lloyd G. Rudd, Commissioner  
 Agency: Department of Corrections

Phone: 465-3376  
 Date: 2/25/93  
 Date: 2/25/93

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Fiscal Note - Corrections

FISCAL NOTE ANALYSIS

CSHB 136 (HESS)

Page 2

According to the Department of Public Safety, last year there were 3532 people charged with a first time DWI offense and 1124 charged with a second DWI offense.

Assuming a successful conviction rate of 64% for first time offenders there were 2261 first offenders last year. Assuming that second time offenders have a greater chance of being convicted and using a rate of 75%, there were 843 second time offenders convicted last year.

Using those numbers:

2261-226 (10% indigent offenders) = 2035 offenders x 3 days x \$60  
day = \$366,300.

843 - 84 (10% indigent offenders) = 759 offenders x 20 days x \$60  
day = \$910,800.

The total amount charged annually should be approximately \$1,277,100. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$766,260 should be generated each year from this program.