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HOUSE COMMITTEE REPORT

(7)

Date Referred: March 5, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-24-93

The JUDICIARY Committee considered:

HB 136

HOUSE BILL NO. 136

DRUNK DRIVING & BREATH TEST OFFENSES

"An Act relating to the offenses of driving while intoxicated and refusal to submit to a breath test; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 136 (JUD) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Pub. Safety

fiscal note(s) Corrections 3/5/93

zero fiscal note Admin. (2)

zero fiscal note(s) LAW 3/5/93

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Brian A. Porter</i>	✓				
<i>Janette James</i>	✓				
<i>Robert</i>	✓				
<i>Joseph</i>	✓				
<i>Don</i>	✓				

Brian A. Porter
CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 136(JUD) Lib

Revision Date: 3/24/93 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
 Sponsor: Representative Mulder Component: Driver Services
 Requestor: House Judiciary 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:	108.0	108.0	108.0	108.0	108.0	108.0

FUNDING: (Thousands of Dollars)

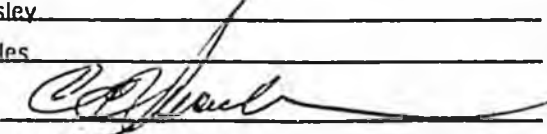
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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.)
 It is estimated that 30% of all persons whose license is revoked as a first offender DWI will request a limited license. In 1992, there were approximately 3600 drivers license revocations for first offender DWIs. Charging a \$100.00 limited license application fee will generate approximately \$108.0 in revenue to the general fund.

Prepared By: Juanita Hensley Phone: 465-4361
 Division: Motor Vehicles Date: 3/24/93
 Approved by Commissioner:  Date: 3/24/93
 Agency: Richard J. Burton, Dept. of Public Safety

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Ford

3/23/93

CS FOR HOUSE BILL NO. 136(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MULDER, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of and limitations on a driver's license; to the
2 offenses of driving while intoxicated and refusal to submit to a breath test;
3 imposing a limited license fee; amending Alaska Rule of Civil Procedure 32(b);
4 and providing for an effective date."

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

6 * Section 1. AS 28.15.165(d) is amended to read:

7 (d) The period of revocation of a driver's license, privilege to drive, privilege
8 to obtain a license, refusal to issue an original license, or disqualification shall be for
9 the appropriate minimum period for court revocations under AS 28.15.181(c) or court
10 disqualifications under AS 28.33.140. A department hearing officer may grant limited
11 license privileges in accordance with the standards set out in AS 28.15.201 to a person
12 whose driver's license or nonresident privilege to drive was revoked under this section.
13 The department may terminate a revocation imposed under this section and issue
14 a driver's license to the person, if the license, privilege to drive, or privilege to

1 obtain a license was revoked for an offense described in AS 28.15.181(a)(5) or (8)
2 and the person meets the conditions set out for termination of a revocation by the
3 court under AS 28.15.181(e).

4 * Sec. 2. AS 28.15.181(c) is amended to read:

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

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

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

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

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

20 * Sec. 3. AS 28.15.181(e) is repealed and reenacted to read:

21 (e) The court may terminate a revocation for an offense described in
22 AS 28.15.181(a)(5) or (8) if

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

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

26 * Sec. 4. AS 28.15.201 is repealed and reenacted to read:

27 Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of
28 competent jurisdiction revoking a person's driver's license, privilege to drive, or
29 privilege to obtain a license under AS 28.15.181(b) may, for good cause, impose
30 limitations upon the driver's license of a person that will enable the person to earn a
31 livelihood without excessive risk or danger to the public. A limitation may not be

1 placed upon a driver's license until after a review has been made of the person's
2 driving record and other relevant information, and a limitation may not be imposed
3 when a statute specifically prohibits the limitation of a license for a violation of its
4 provisions.

5 (b) A court imposing a limitation under (a) of this section shall

6 (1) require certification of employment;

7 (2) require proof of enrollment in and compliance with or completion
8 of an alcoholism treatment program when appropriate;

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

10 (4) issue to the licensee a certificate valid for the duration of the
11 limitation.

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

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

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

22 (2) the person has not been previously convicted; in this paragraph,
23 "previously convicted" has the meaning given in AS 28.35.030 and also includes
24 convictions based on laws presuming that the person was under the influence of
25 intoxicating liquor if there was 0.08 percent or more by weight of alcohol in the
26 person's blood;

27 (3) the court or the department determines that the person's ability to
28 earn a livelihood would be severely impaired without a limited license;

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

1 (5) the court or the department determines that the person is enrolled
2 in and is in compliance with, or has successfully completed, an alcoholism education
3 and rehabilitation treatment program.

4 * Sec. 5. AS 28.15.211(d) is amended to read:

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

10 (1) enrollment in and compliance with or completion of an
11 alcoholism education and rehabilitation treatment program if the person was
12 sentenced under AS 28.15.181(c)(1); or

13 (2) completion of and payment for an alcoholism education and
14 rehabilitation treatment program if the person was convicted under
15 AS 28.15.181(c)(2) - (4).

16 * Sec. 6. AS 28.15.271(b) is amended to read:

17 (b) In addition to the fees under (a) of this section,

18 (1) a person who renews a driver's license by mail shall pay [BE
19 CHARGED] a fee of \$1; and

20 (2) a person who applies for a limited driver's license under
21 AS 28.15.201 shall pay a fee of \$100.

22 * Sec. 7. AS 28.15.291(b) is amended to read:

23 (b) Upon conviction under (a) of this section, the court

24 (1) shall impose a minimum sentence of imprisonment

25 (A) if the person has not been previously convicted, of not less
26 than 10 days with 10 days suspended, including a mandatory condition of
27 probation that the defendant complete not less than 80 hours of community
28 work service;

29 (B) if the person has been previously convicted, of not less than
30 10 days;

31 (C) if the person's driver's license, privilege to drive, or

1 privilege to obtain a license was revoked under circumstances described in
2 AS 28.15.181(c)(1), or if the person was driving in violation of a limited
3 license issued under AS 28.15.201(d) following that revocation, of not less than
4 20 days with 10 days suspended, and a fine of not less than \$500, including a
5 mandatory condition of probation that the defendant complete not less than 80
6 hours of community work service;

7 (D) if the person's driver's license, privilege to drive, or
8 privilege to obtain a license was revoked under circumstances described in
9 AS 28.15.181(c)(2), (3), or (4) or if the person was driving in violation of a
10 limited license issued under AS 28.15.201(d) following that revocation, of not
11 less than 30 days and a fine of not less than \$1,000;

12 (2) may impose additional conditions of probation;

13 (3) may not

14 (A) suspend execution of sentence or grant probation except on
15 condition that the person serve a minimum term of imprisonment and perform
16 required community work service as provided in (1) of this subsection;

17 (B) suspend imposition of sentence; and

18 (4) shall revoke the person's license, privilege to drive, or privilege to
19 obtain a license, and the person may not be issued a new license or a limited license
20 nor may the privilege to drive or obtain a license be restored for an additional period
21 of not less than 90 days after the date that the person would have been entitled to
22 restoration of driving privileges.

23 * Sec. 8. AS 28.35.030 is amended by adding new subsections to read:

24 (l) Imprisonment required under (b)(1)(A) or (B) of this section shall be served
25 at a community residential center or, if a community residential center is not available,
26 at another appropriate place determined by the commissioner of corrections. The cost
27 of imprisonment resulting from the sentence imposed under (b)(1) of this section shall
28 be paid to the state by the person being sentenced provided, however, that the cost of
29 imprisonment required to be paid under this subsection may not exceed \$1,000. Upon
30 the person's conviction, the court shall include the costs of imprisonment as a part of
31 the judgment of conviction. Except for reimbursement from a permanent fund

1 dividend as provided in this subsection, payment of the cost of imprisonment is not
2 required if the court determines the person is indigent. For costs of imprisonment that
3 are not paid by the person as required by this subsection, the state shall seek
4 reimbursement from the person's permanent fund dividend as provided under
5 AS 43.23.065. While at the community residential center or other appropriate place,
6 a person sentenced under (b)(1)(A) of this section shall perform at least 24 hours of
7 community service work and a person sentenced under (b)(1)(B) of this section shall
8 perform at least 160 hours of community service work, as required by the director of
9 the community residential center or other appropriate place. In this subsection,
10 "appropriate place" means a facility with 24-hour on-site staff supervision that is
11 specifically adapted to provide a residence, and includes a correctional center,
12 residential treatment facility, hospital, halfway house, group home, work farm, work
13 camp, or other place that provides varying levels of restriction.

14 (m) The commissioner of corrections shall determine and prescribe by
15 regulation a uniform average cost of imprisonment for the purpose of determining the
16 cost of imprisonment required to be paid under (l) of this section by a convicted
17 person.

18 * Sec. 9. AS 28.35.032(o) is amended to read:

19 (o) In this section,

20 (1) "cost of imprisonment" means the cost of imprisonment as
21 determined under AS 28.35.030(m):

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

23 * Sec. 10. AS 28.35.032 is amended by adding a new subsection to read:

24 (p) Imprisonment required under (g)(1)(A) or (B) of this section shall be
25 served at a community residential center, or if a community residential center is not
26 available, at another appropriate place determined by the commissioner of corrections.
27 The cost of imprisonment resulting from the sentence imposed under (g)(1) of this
28 section shall be paid to the state by the person being sentenced provided, however, that
29 the cost of imprisonment required to be paid under this subsection may not exceed
30 \$1,000. Upon the person's conviction, the court shall include the costs of
31 imprisonment as a part of the judgment of conviction. Except for reimbursement from

1 a permanent fund dividend as provided in this subsection, payment of the cost of
2 imprisonment is not required if the court determines the person is indigent. For costs
3 of imprisonment that are not paid by the person as required by this subsection, the
4 state shall seek reimbursement from the person's permanent fund dividend as provided
5 under AS 43.23.065. While at the community residential center or other appropriate
6 place, a person sentenced under (g)(1)(A) of this section shall perform at least 24
7 hours of community service work and a person sentenced under (g)(1)(B) of this
8 section shall perform at least 160 hours of community service work, as required by the
9 director of the community residential center or other appropriate place. In this
10 subsection, "appropriate place" means a facility with 24-hour on-site staff supervision
11 that is specifically adapted to provide a residence, and includes a correctional center,
12 residential treatment facility, hospital, halfway house, group home, work farm, work
13 camp, or other place that provides varying levels of restriction.

14 * Sec. 11. AS 28.35.030(l), as enacted in sec. 8 of this Act, and AS 28.35.032(p), as
15 enacted in sec. 10 of this Act, have the effect of amending Alaska Rule of Criminal Procedure
16 32(b) by requiring the court to enter the costs of imprisonment as a part of the judgment of
17 certain convictions.

18 * Sec. 12. APPLICABILITY. (a) This Act applies to offenses that are committed after
19 the effective date of this Act.

20 (b) Statutes amended or added by this Act that refer to previous convictions apply
21 according to the terms of those statutes whether the previous convictions occurred before, on,
22 or after the effective date of this Act.

23 * Sec. 13. This Act takes effect July 1, 1993.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 23, 1993

SUBJECT: Sectional Summary of CSHB 136(JUD)
TO: Representative Brian Porter
FROM: Michael F. Ford *M. F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Allows the Department of Public Safety to terminate an administrative driver's license revocation and reissue a driver's license to a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the conditions set out under AS 28.15.181(e), relating to meeting the required minimum revocation period, alcoholism treatment, and paying the required fee.

Section 2. Reduces the mandatory minimum period of driver's license revocation for a conviction based on driving while intoxicated or refusal to take a breath test from five years to three years if the person is a third time offender, and from ten years to five years for a person convicted four or more times.

Section 3. Allows a court to terminate a driver's license revocation of a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the required minimum revocation period, and complies with the conditions set out in AS 28.15.211(d) and (e) relating to alcoholism treatment, and paying the required fee.

Section 4. Allows a court to impose limitations on a driver's license if the court determines the person meets certain conditions (imposed under (b) of this section) and the court determines that the limitations will allow the person to earn a livelihood. Allows the court or the Department of Public Safety to grant limited

license privileges if the person was convicted of driving while intoxicated, but not if convicted of refusal to take a breath test, the person is a first time offender and the person meets the other conditions set out in (d)(3) - (5) of this section.

Section 5. Requires a person convicted of driving while intoxicated or refusal to take a breath test to take certain alcoholism treatment, before receiving a new driver's license.

Section 6. Imposes a fee of \$100 for a person applying for a limited driver's license under sec. 4.

Section 7. Specifies that a person convicted of driving while their driver's license is revoked, suspended, or in violation of a limitation cannot get a limited driver's license.

Section 8. Provides that a first or second time D.W.I. offender will serve prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of D.W.I. to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

Section 9. Definition.

Section 10. Provides that a person convicted of refusal to take a breath test for the first or second time will serve their prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of D.W.I. to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

Section 11. This section sets out the effect certain sections of the bill have on Alaska Rule of Criminal Procedure 32(b).

Section 12. Applicability section.

Section 13. Effective date.

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 19, 1993
Place: Capitol Room 120

HB 113 Charitable & Telephonic Soliciting
HB 67 Eligibility for Public Assistance
HB 138 Limited Driver's Licenses (cancelled)

Subject of Meeting: HB 136 Drunk Driving/Breath Test
HB 137 Parole/Terminally Ill Prisoners

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
Ruth Gulyas	OAC	PO Box C	99811		465 3250	(Y) N	HB 67
Rick Colwin	Public Board	Box T	99803		465-3364	(Y) N	HB 137
Dina LaTour	Corrections				465-3454	Y (N)	HB 136 to observe or HB 137 answer questions
Margaret Knuth	Law - Crim	110300			465-4049	Y ^Q N	HB 136) questions
Juanita Hensley	DPS/DMV	Box 11120	99802		465-4335	Y ^Q N	HB 136 / 0
Jan Hansen	DSS / MPA				465-2682	(Y) N	HB 67
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 136(JUD)

Revision Date: 3/18/93 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: House Judiciary 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-

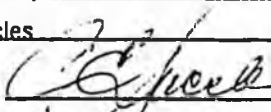
POSITIONS:

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: 3/18/93
 Approved by Commissioner:  Date: 3/18/93
 Agency: Richard V. Burton, Dept. of Public Safety

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STATE OF ALASKA
POSITION PAPER

DEPARTMENT OF CORRECTIONS

PHONE 465-3376 - FAX 465-2006

HB 136 provides for the placement of offenders, convicted of DWI or refusal to submit to a breath test, in a community residential center to serve their 72 hour sentence. The bill also requires the offender to perform community service work. It also requires these offenders to pay for the cost of their imprisonment at the community residential center.

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 1800 offenders scheduled to serve the time. These individuals are called "Court-ordered Reports. 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. 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.

CSHB 136 extends the provisions of this legislation to DWI offenders with a prior conviction. This results in a major fiscal impact to the Department of Corrections. The number of first time offenders make up approximately one-third of the current COR backlog, yet 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 the CRC or other facility placement will be \$60 per day. The Department of Public Safety estimates that total number of first time DWI offenders last year was 3532, and 1124 were charged with a second DWI offense.

Assuming a successful conviction rate of 64% for first time offenders there were 2261 first offenders sentenced last year. Assuming a higher conviction rate of 75% for second DWI offenders, the number convicted last year would be 843.

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.

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 of starting up the program, DOC will proceed cautiously in contracting for additional CRC beds. As the revenue stream stabilizes, the department will know better how to plan and budget for this program.

The Department strongly supports this proposal.

Fiscal Note:

- YES
- NO



Lloyd G. Rupp, Commissioner

Walter J. Hickel, Governor

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 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 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.

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 23, 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

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. Collections would be done by the Court System, with delinquent accounts handled by the Attorney General.


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.

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Position Paper - Corrections

Position Paper
HB 136
Page 2

DOC recommends that a portion of the 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

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Sen. Steve Frank
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JoAnn Holmes
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Gigi Pilcher
John Salemi

Duane S. Udland
Rep. Fran Ulmer

February 10, 1993

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

RE: HF 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.

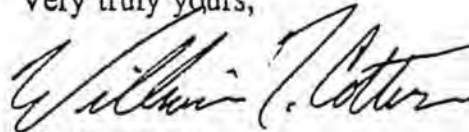
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine 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

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.

3. **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.

4. **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

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.¹⁷
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.¹⁸ 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.

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

¹⁸ 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.

OTT & WESLEY GERRISH
MEMORIAL

MADD

ANCHORAGE, ALASKA
CHAPTER

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

(907) 258-MADD

BUSINESS ADDRESS
710 East 11th Avenue
Anchorage, AK 99501

February 24, 1993

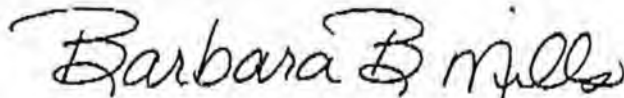
Rep. Eldon Mulder
State Capitol
Room 116
Juneau, Alaska 99801

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 E. 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 Shiner
Asst. Exec. Director

JS:h1
(hbl36.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 \$35,040 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 the road, with common violations being minor traffic infractions.

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. CSHB 136 (HES)

Revision Date: _____
 Title: "An Act relating to limited driver's licenses
and to the offenses . . ."
 Sponsor: Representative Mulder
 Requestor: House Judiciary

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

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

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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 (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usara
 Agency: Administration

Date: 3/10/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (HES)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to the offenses of DWI and refusal to submit to a breath test . . ." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative Mulder
 Requestor: _____ COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
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 (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usery Date: 3/10/93
 Agency: Department of Administration

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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-

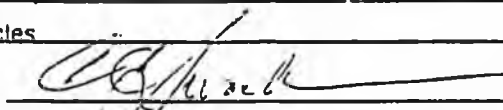
POSITIONS:

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 J. Burton, Dept. of Public Safety

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CS - *Handwritten:* -Fiscal Note Public Safety Motor Vehicles

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						
---------	--	--	--	--	--	--

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

Phone: 465-3672

Date: March 1, 1993

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

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. HB136

Revision Date: February 25, 1993 Dept. Affected: Corrections
 Title: "An Act relating to the offense of driving while intoxicated . . ." BRU: Statewide Programs
 Component: Statewide Programs
 Sponsor: Rep. Mulder
 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						
TOTAL OPERATING	110.	219.8	219.8	219.8	219.8	219.8
CAPITAL						

REVENUE FUND SOURCE: GF/PR 1005	219.8	219.8	219.8	219.8	219.8	219.8
----------------------------------------	-------	-------	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 C.F. program Receipts	110.	219.8	219.8	219.8	219.8	219.8
1006 GF/MHTIA						
Other						
TOTAL	110.	219.8	219.8	219.8	219.8	219.8

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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FN - Corrections - 2/25/93

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						
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-

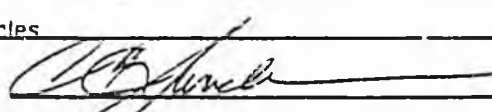
POSITIONS:

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: 7/24/93
 Approved by Commissioner:  Date: 7/24/93
 Agency: Richard J. Burton, Dept. of Public Safety

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