

**HB**

**159**

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 29, 1995

FURTHER REFERRALS:

Date of Committee Action: 4/26/95

The FINANCE Committee considered:

HB 159

HOUSE BILL NO. 159

DWI LAWS/ MINOR IN POSSESSION LAWS

"An Act allowing a person under age 21 to be arrested by a peace officer without a warrant for illegal possession, consumption, or control of alcohol; relating to the offenses of driving with a revoked license, driving while intoxicated, or failure to submit to a chemical test of breath or blood; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 159 (JUD)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_  
Administration

fiscal note(s) DPS 3/29/95, AKCT Sys 3/29/95  
Corrections 3/29/95; Law 3/29/95

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard Foster</i>	FOSTER			X	
<i>Mark Hanley</i>	Hanley			X	
<i>John Martin</i>	Martin	✓			
<i>Sean Pannell</i>	Pannell			X	
<i>Vic Kohring</i>	Kohring			X	
<i>Bernard Grussendorf</i>	Grussendorf			X	
<i>Tom Brown</i>	Brown			✓	
<i>Mike Nawara</i>	Nawara			✓	
<i>Kate Kelly</i>	Kelly			✓	
<i>Gene Thurnhuth</i>	Thurnhuth	X			

CO

CHAIR'S SIGNATURE

*Mark Hanley*  
 Hanley

*Richard Foster*  
 FOSTER

FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 4  
( ) Version: CSHB 1991 (201)  
(H) Publish Date: 3/29/95

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: DWI Laws/minors in possession BRU: Alaska State Troopers  
Component: Detachments  
Sponsor: Representative Porter  
Requestor: (H) Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	59.4	59.4	59.4	59.4	59.4	59.4
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	59.4	59.4	59.4	59.4	59.4	59.4
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	59.4	59.4	59.4	59.4	59.4	59.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	59.4	59.4	59.4	59.4	59.4	59.4

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691  
Division: Alaska State Troopers Date: 02/13/95  
Approved by Commissioner: W. Ronald P. Otte Date: 2-16-95  
Agency: Ronald L. Otte Dept. of Public Safety

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Budget Section  
Div. of Admin. Services  
Dept. of Public Safety  
2/16/95

COMMITTEE COPY

ANALYSIS  
HB 159

This legislation will allow for the arrest of minors for violations of liquor laws, establishes Class C felonies for third time offenders of Driving While Intoxicated (DWI) or Breath Test Refusal and for Driving With License Revoked (DWLR) if the license was revoked as a result of a felony DWI or Breath Test Refusal Conviction. This fiscal note is intended to provide sufficient State Trooper clerical support time to meet the increased demands resulting from this bill.

Section 1 of the bill allowing for the warrantless arrest of minors for alcohol violations addresses the impact of recent court interpretations that ruled that law enforcement officers must obtain an arrest warrant before an arrest of this type can be made. This statute change will allow the police to continue past practices in enforcement of the alcohol laws as they pertain to minors. Therefore this change will have no financial impact.

Sections 5, 7 and 10 relating to the establishment of Class C felonies for third time DWI, Breath Test Refusal and or certain DWLR convictions will financially impact the Alaska State Troopers.

Although precise statistics can not be made available within the time frame necessary for this fiscal note response, approximately 400 DWI arrests per year are believed to be made for third time offenders. Of these, 380 go to grand jury and approximately one-third, or 127 of the grand jury cases involve the State Troopers.

The assumptions upon which this fiscal note are based are discussed below:

1) It is estimated that approximately 127 cases of this type per year will be investigated by the Alaska State Troopers.

2) Felony cases require evidentiary hearings and grand jury hearings that are not required had the cases been misdemeanors. Virtually all DWI arrests take place on swing or grave yard shifts, but all evidentiary and grand jury hearings take place during the day, causing Trooper time to be either overtime and/or on call out.

3) Felony cases average the following additional effort:

- 4 to 8 hours for grand jury and/or hearings
- 2 to 3 hours of clerical support time (transcriptions, etc.)
- 10 to 20% of felonies go to trial - 16 to 24 hours

This bill contains a provision that would create a felony offense of Driving with a Revoked License (DWRL), if the revocation was for a felony conviction of DWI. While a statistical analysis at this time is not available, it is possible that in the future this provision of the bill could have a fiscal impact on the Alaska State Troopers.

Currently, Troopers arrest about 2,000 persons per year for DWLR and related offenses. If a significant number of these became felony offenses, increased trooper costs for grand jury and other related activities could impact the Division in the future. These costs are not included in this fiscal note since no firm basis exists on which to make a projection.

Costs other than personal services are not material and are not included in this fiscal note.

**Division of Alaska State Troopers  
Analysis  
House Bill 159**

	FY96	FY97	FY98	FY99	FY00	FY01
<b>Personal Services:</b>						
A) Grand Jury/ Hearings 127 cases x 6 hour average x \$46.75 (*)	35,624					
B) Clerical Support 127 cases x 2.5 hour average x \$18.98 (*)	6,026					
C) Trials 19 cases x 20 hour average x \$46.75 (*)	17,765					
<b>TOTAL PERSONAL SERVICES</b>	<b>59,415</b>	<b>59.4</b>	<b>59.4</b>	<b>59.4</b>	<b>59.4</b>	<b>59.4</b>

\*1 - Overtime hourly cost for a State Trooper, Range 76, Step D/E - (See PACS Scenario #1, PCN 1371.)

\*2 - Hourly cost for an Administrative Clerk II, Range 8, Step A - (See PACS Scenario #1, PCN 1444.)

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSHB 159 (H.D.)

Revision Date: \_\_\_\_\_  
 Title: "An Act classifying certain offenses... driving while intoxicated... failure to submit to chemical test... as felonies..."  
 Sponsor: Representative Porter  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	221.5	221.5	221.5	221.5	221.5	221.5
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	30.0	30.0	30.0	30.0	30.0	30.0
SUPPLIES	10.0	10.0	10.0	10.0	10.0	10.0
EQUIPMENT	30.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>297.5</b>	<b>267.5</b>	<b>267.5</b>	<b>267.5</b>	<b>267.5</b>	<b>267.5</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	297.5	267.5	267.5	267.5	267.5	267.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>297.5</b>	<b>267.5</b>	<b>267.5</b>	<b>267.5</b>	<b>267.5</b>	<b>267.5</b>

Estimate of any current year (FY 95) cost: \$ -0-

**POSITIONS:**

FULL-TIME	4.0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

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

See attached sheet.

Prepared by: John B. Salemi, Director  
 Division: Public Defender Agency

Phone: (907) 264-4412  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 4/3/95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSHB 159 (JUD)

ANALYSIS: (continued)

This bill makes substantial changes in state law regarding alcoholic beverages, DWI, DWLS, and Refusal to Submit to a Chemical Test. The committee substitute amends the original bill regarding treatment of DWLS offenders. In discussions with the Department of Law, it has been determined that these changes will not affect the fiscal impact as originally determined. See Department of Law fiscal note dated February 16, 1995, and PD fiscal note dated March 9, 1995.

The most significant section of this bill increases the penalty for a third or subsequent DWI conviction from a Class A misdemeanor to a Class C felony. Upon conviction the sentencing court will be required to impose a minimum sentence of 360 days in jail and a fine of not less than \$1,000. The sentence cannot be suspended, nor is a suspended imposition of sentence permitted. This is a significant difference from the current structure and penalty range for third and subsequent DWI convictions. Currently a third conviction results in a 60-day period of imprisonment (minimum). A fourth conviction carries 120-day minimum and a fifth conviction a minimum of 240 days in jail.

A separate provision creates the same felony penalty structure if the individual is convicted of a third or subsequent "refusal" in connection with a DWI arrest.

The final provision of significance is that which makes it a Class C felony for a person to drive a motor vehicle while their license was suspended or revoked if said revocation was for a felony conviction for DWI or Refusal.

The Department of Law has indicated in their fiscal note that during the last three years "an average of 330 defendants have been convicted of three or more DWI/Refusal violations within five years. Based upon the department's DWI/Refusal conviction rate, approximately 400 additional felony level DWI/Refusal cases will be referred to the department for prosecution." The prosecution indicates it will need three felony-level lawyers and two secretaries to handle the increased workload.

The vast majority of these cases will involve Public Defender representation. Individuals who are convicted of third or subsequent driving offenses involving alcohol typically are either not employed or in very difficult financial straits. The Public Defender therefore estimates that more than 80 percent of these prosecutions will become Public Defender cases.

The Public Defender Agency will react to this legislation by placing felony-level lawyers (Attorney III) in Anchorage and in Palmer. Because these are felony level matters, a Legal Secretary I position will be established in each location as support.

FISCAL ANALYSIS

	<u>Anchorage Attorney III</u>	<u>Anchorage Legal Secty I</u>	<u>Palmer Attorney III</u>	<u>Palmer Legal Secty I</u>	<u>TOTAL</u>
Personal Services	72.8	36.7	75.3	36.7	221.5
Travel	3.0	0.0	3.0	0.0	6.0
Contractual	9.0	6.0	9.0	6.0	30.0
Supplies	3.0	2.0	3.0	2.0	10.0
Equipment	<u>6.5</u>	<u>8.5</u>	<u>6.5</u>	<u>8.5</u>	<u>30.0</u>
TOTAL	94.3	53.2	96.8	53.2	297.5

04/04/95

Position Information Inquiry/Update

09:34:30

Position: 02-02#074	Project: 0	Salary Costs: 24,756.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 11,905.03
Scenario: 2    FY: 96	COLA %= 0.000	Total Costs: 36,661.03

-----  
 Actuals not available    (Status: UNKNOWN ) |    Retirement Code:    A  
 -----

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00 )
0	Merit Date; use merit defaults? N    ( 0.0 @ & 0.0 @ )
	Class/Sched Prefix: 2    Schedule: 2A (actual: )
	Bargaining Unit: GG    Range: 10 (actual: )
	Location Code: EBA    Place: ANCHORAGE
	Job Class Code: P1145    Title: LEGAL SECRETARY I _____
	Seasonal Indic.: F    Type: -

-----  
Optional Override Salary Rates:

Monthly Rate: 0.00 \_\_\_\_\_ for 0.0 months & rate of 0.00 \_\_\_\_\_ for 0.0 months  
 Hourly Rate: 0.00 \_\_\_\_\_ for 0.0 months    Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:  
 1=Premium pay info    2=Funding info    4=Code Translations    6=Calculations  
 7=MISC NEW POS DATA    8=Detail Report    12=Exit w/o update    Selection: 0\_

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

04/04/95

Position Information Inquiry/Update

09:33:59

Position: 02-02#066	Project: 0	Salary Costs: 53,304.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 19,542.68
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 72,846.68

-----  
 Actuals not available (Status: UNKNOWN ) | Retirement Code: A  
 -----

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00 )
0	Merit Date; use merit defaults? N ( 0.0 @ & 0.0 @ )
	Class/Sched Prefix: 0 Schedule: AA (actual: )
	Bargaining Unit: XE Range: 22 (actual: )
	Location Code: EBA Place: ANCHORAGE
	Job Class Code: P7144 Title: ATTORNEY III
	Seasonal Indic.: F Type: -

-----  
Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months  
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:  
 1=Premium pay info    2=Funding info    4=Code Translations    6=Calculations  
 7=MISC NEW POS DATA    8=Detail Report    12=Exit w/o update    Selection: 0\_

POSITION INFORMATION HAS BEEN UPDATED

04/04/95

Position Information Inquiry/Update

09:36:15

Position: 02-02#074	Project: 0	Salary Costs: 24,756.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 11,905.03
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 36,661.03

-----  
 Actuals not available (Status: UNKNOWN ) | Retirement Code: A  
 -----

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.0 )
0	Merit Date; use merit defaults? N ( 0.0 @ & 0.0 @ )
	Class/Sched Prefix: 2 Schedule: 2A (actual: )
	Bargaining Unit: GG Range: 10 (actual: )
	Location Code: ECF Place: PALMER
	Job Class Code: P1145 Title: LEGAL SECRETARY I _____
	Seasonal Indic.: F Type: -

-----  
Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months  
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:  
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations  
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0\_

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

04/04/95

Position Information Inquiry/Update

09:37:02

Position: 02-02#066	Project: 0	Salary Costs: 55,260.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 20,072.55
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 75,332.55

-----  
 Actuals not available (Status: UNKNOWN ) | Retirement Code: A  
 -----

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00 )
0	Merit Date; use merit defaults? N ( 0.0 @ & 0.0 @ )
	Class/Sched Prefix: 0 Schedule: BB (actual: )
	Bargaining Unit: XE Range: 22 (actual: )
	Location Code: ECF Place: PALMER
	Job Class Code: P7144 Title: ATTORNEY III _____
	Seasonal Indic.: F Type: -

-----  
Optional Override Salary Rates:

Monthly Rate: 0.00 \_\_\_ for \_\_\_0.0 months & rate of 0.00 \_\_\_ for \_\_\_0.0 months  
 Hourly Rate: 0.00 \_\_\_ for \_\_\_0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:  
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations  
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0\_

# FISCAL NOTE

No. 1  
 Bill Version: CSHB 159 (JWD)  
 (H) Publish Date: 3/29/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ...classifying certain offenses...driving while BRU: Prosecution  
intoxicated...failure to submit to a chemical test...as felonies... Component: Third Judicial District  
 Sponsor: Representative Porter  
 Requester: Representative Porter COMPONENT SERIAL NO. 0087

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

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	218.5	218.5	218.5	218.5	218.5	218.5
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	28.2	28.2	28.2	28.2	28.2	28.2
SUPPLIES	11.4	11.4	11.4	11.4	11.4	11.4
EQUIPMENT	30.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>294.1</b>	<b>264.1</b>	<b>264.1</b>	<b>264.1</b>	<b>264.1</b>	<b>264.1</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	294.1	264.1	264.1	264.1	264.1	264.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>294.1</b>	<b>264.1</b>	<b>264.1</b>	<b>264.1</b>	<b>264.1</b>	<b>264.1</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME	4.0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

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

This bill makes several changes in state laws regarding alcoholic beverages, driving while intoxicated, driving while license suspended, and refusal to submit to a chemical test.

First, the bill amends AS 12.25.030(b) to make it clear that a peace officer may arrest a person under 21 years of age without a warrant when the peace officer has reasonable cause to believe that the person knowingly possessed, consumed or controlled alcoholic beverages in violation of AS 04.16.050. This provision overrules a recent court decision, and restores past practice. Therefore, this change will not have a fiscal impact.

Second, the bill increases the penalty for a third or subsequent driving while intoxicated conviction from a class A misdemeanor to a class C felony, except that only convictions occurring within five years preceding the date of the present offense may be included. A court would be required to impose a minimum term of

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/16/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/16/95  
 Agency: Department of Law

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

ANALYSIS CONTINUATION:

imprisonment of 120 days for a third conviction and 240 days for a fourth or subsequent conviction. A minimum fine of \$5,000 would be imposed for a third or subsequent conviction. A court would not be permitted to suspend execution of sentence or grant probation except on the condition that a person serve the minimum sentence of imprisonment. And, a court would not be permitted to suspend imposition of sentence.

Currently, a third conviction results in a minimum sentence of sixty days imprisonment and a fine of not less than \$1,000. A fourth conviction results in a minimum period of imprisonment of 120 days and a fine of not less than \$2,000. A fifth conviction results in a minimum of 240 days imprisonment and a fine of not less than \$3,000. And a sixth conviction results in not less than 360 days of imprisonment and a fine of not less than \$4,000. The crime of driving while intoxicated, whatever the number of offenses, is a class A misdemeanor under existing law, and the counting of offenses for purposes of increasing the sentence covers a ten year span. Consequently, the existing penalties would remain in place for repeat offenders if the third or subsequent offense occurred between the sixth and the tenth year after the first offense.

Third, the bill raises the penalty for a third or subsequent refusal to submit to a chemical test from a class A misdemeanor to a class C felony, under the identical circumstances (three or more convictions within five years), and imposes identical minimum sentences.

Finally, the bill would also make it a class C felony if a person drives a motor vehicle while their license was revoked as a result of a felony conviction for driving while intoxicated or refusal to submit to a chemical test. Under current law, driving while a license is suspended or revoked is a class A misdemeanor. We note that the felony DWLS provision is triggered by a prior felony. The state's presumptive sentencing laws require a sentence of two years of imprisonment upon a second felony conviction.

During the past three years an average of 330 defendants have been convicted of three or more DWI/Refusal violations within five years. Based upon the department's DWI/Refusal conviction rate, approximately 400 additional felony level DWI/Refusal cases will be referred to the department for prosecution. Of this number, about 380 cases will be taken to the grand jury for indictment. The department currently handles about 4,000 felonies annually. Thus, raising this large a number of misdemeanor offenses to felony offenses represents a substantial increase in our workload, because of the additional effort required to process a felony case. This includes grand jury proceedings, motion practice, pre-sentence reports, 12-person juries, and sentencing hearings. None of these additional processes are required for the prosecution of misdemeanors. We also note, that although these cases are to be processed as felonies, the minimum sentence provisions are still those that attend misdemeanor offenses. Moreover, the increase in jail time (nearly 80% or 260 of 330 convictions are for third-time offenders) is bound to result in tougher defenses and more defendants going to trial, rather than pleading guilty. This will be of particular concern to felony defendants because of the consequences of presumptive sentencing.

Therefore, because of the large increase in felony processing, the department will have to add two Attorney III positions, one each in Anchorage, and Palmer where the largest number of offenses occur. Additionally, because of the higher level of activity one Legal Secretary I position will have to be added at both Anchorage and Palmer.

FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 159

ANALYSIS CONTINUATION:

FISCAL ANALYSIS

Component Location Job Title	Third Jud. District (0087)				TOTAL
	Anchorage Attorney III	Anchorage Leg. Sec. I	Palmer Atty III	Palmer Leg. Sec. I	
Personal Services	71.7	36.1	74.1	36.6	218.5
Travel	3.0	0.0	3.0	0.0	6.0
Contractual	8.6	6.0	7.6	6.0	28.2
Supplies	3.3	2.4	3.3	2.4	11.4
Equipment	<u>6.5</u>	<u>8.5</u>	<u>6.5</u>	<u>8.5</u>	<u>30.0</u>
Total	93.1	53.0	94.5	53.5	294.1

01/24/95

14:59:24.3

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

DEPARTMENT OF LAW

SCENARIO: 3

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DRU NAME: PROSECUTION

UNIT	UNCLASSIFIED	JOB CLASS TITLE	Y	LOCATION NAME	R	U	S	R&S	HOS	SALARY	PREM	BENEF	PER.SERV.	G. F.
	PCH		S		C	U			BUDG		PAY		COSTS	AMOUNT
4010		ATTORNEY III		F ANCHORAGE	A	XE	AA	22A	12	53304	0	18305	71609.90	

\*\* JUSTIFICATION:

Is position will be needed to handle an increased felony load when the penalty for driving while intoxicated (or refusing to take a chemical test) for the fourth or more times is raised from a class A misdemeanor to a class C felony.

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	6600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS 93009.90 71609.90

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 71609.90

TOTAL FUNDING 71609.90

4011		LEGAL SECRETARY I		F ANCHORAGE	A	GG	2A	10A	12	24756	0	11367	36123.02	
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\*\* JUSTIFICATION:

Is position will be needed to handle an increased felony load when the penalty for driving while intoxicated (or refusing to take a chemical test) for the fourth or more times is raised from a class A misdemeanor to a class C felony.

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	6000.00
SUPPLIES COSTS	2400.00
EQUIPMENT COSTS	8500.00
OTHER COSTS	0.00

TOTAL COSTS 53023.82 36123.02

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36123.02

TOTAL FUNDING 36123.02

\*\* COMPONENT TOTALS:

FULL TIME NEW POSITIONS	2	TOTAL PERSONAL SERVICES	107013.00
PART TIME/SEASONAL NEW POSITIONS	0		
NON PERMANENT NEW POSITIONS	0	TOTAL COSTS INC. ASSOC COSTS	146113.00
OTHER.....	0		

NUMBER OF NEW POSITIONS IN COMPONENT: 2

FUNDING DATA: G.F. & G.F. MATCH:	107013.00
OTHER FUNDS:	0.00
TOTAL FUNDING:	107013.00

02/14/95

09:46:00.0

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

Page 5 of 6

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S HOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
18056		ATTORNEY III		F DILLINGHAM	A XE III	22A 6	33900	0	9723	43623.54	

\*\*\* JUSTIFICATION:

Substantial increases in the penalties for commercial fishing violations will result in more vigorous enforcement by defendants and will increase the number of claims significantly.

TRAVEL COSTS	3500.00	
CONTRACTUAL COSTS	5000.00	
SUPPLIES COSTS	1200.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	59023.54	43623.54

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	43623.54
TOTAL FUNDING	43623.54

18059		ATTORNEY III		F ANCHORAGE	A XE AA	22A 12	53304	0	18385	71689.98	
-------	--	--------------	--	-------------	---------	--------	-------	---	-------	----------	--

\*\*\* JUSTIFICATION:

This position will be needed to handle an increased felony workload if state criminal mischief laws are amended to also include the penalty for joyriding from a class A misdemeanor to a class C felony.

TRAVEL COSTS	3000.00	
CONTRACTUAL COSTS	8600.00	
SUPPLIES COSTS	3300.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	93089.98	71689.98

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	71689.98
TOTAL FUNDING	71689.98

18060		ATTORNEY III		F PALMER	A XE DD	22A 12	55260	0	18873	74133.41	
-------	--	--------------	--	----------	---------	--------	-------	---	-------	----------	--

\*\*\* JUSTIFICATION:

This position will be required to handle the additional legal actions required to prosecute third-time DWI/refusal prosecutions as felonies rather than misdemeanors. This includes securing grand jury indictments and overcoming a tougher defense due to the substantially increased penalties.

TRAVEL COSTS	3000.00	
CONTRACTUAL COSTS	7600.00	
SUPPLIES COSTS	3300.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	94533.41	74133.41

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	74133.41
TOTAL FUNDING	74133.41

037068		LEGAL SECRETARY I		F PALMER	A GG	2A 10A 12	25140	0	11463	36603.52	
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\*\*\* JUSTIFICATION:

This position will be required to handle the additional legal actions required to prosecute third-time DWI/refusal prosecutions as felonies rather than misdemeanors. This includes securing grand jury

TRAVEL COSTS	0.00	
CONTRACTUAL COSTS	6000.00	
SUPPLIES COSTS	2400.00	
EQUIPMENT COSTS	8500.00	

02/14/95

09:46:01.3

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DRU NAME: PROSECUTION

UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	D U	S R	N S	MOS BUDG	SALARY	PREM PAY	BENEF	PEN.SERV. COSTS	G. F. AMOUNT
---------------	-----------------	--------	---------------	--------	--------	--------	--------	-------------	--------	-------------	-------	--------------------	-----------------

judgments and overcoming a tougher defense due to the substantially increased penalties.

OTHER COSTS	0.00	
TOTAL COSTS	53503.52	36603.52

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	36603.52
TOTAL FUNDING	36603.52

\*\*\* COMPONENT TOTALS:

FULL TIME NEW POSITIONS	3
PART TIME/SEASONAL NEW POSITIONS	1
NON PERMANENT NEW POSITIONS	0
OTHER.....	0
	===

TOTAL PERSONAL SERVICES	226050.45
TOTAL COSTS INC. ASSOC COSTS	300950.45

NUMBER OF NEW POSITIONS IN COMPONENT:

4

FUNDING DATA: G.F. & G.F. MATCH	226050.45
OTHER FUNDS:	0.00
TOTAL FUNDING:	226050.45

# FISCAL NOTE

No. 2  
 Bill Version: CSHB 153 (JWD)  
 (H) Publish Date: 3/29/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act possession and consumption of alcohol BRU: Statewide programs  
 and DWI \_\_\_\_\_ Component: CC Dir.'s office/CRCs  
 Sponsor: Rep. Porter  
 Requester: Rep. Porter COMPONENT SERIAL NO. 1382

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

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	243.9	253.0	259.5	269.2	273.3	283.6
TRAVEL						
CONTRACTUAL	836.8	836.8	836.8	836.8	836.8	836.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,080.7</b>	<b>1,089.8</b>	<b>1,096.3</b>	<b>1,106.0</b>	<b>1,110.1</b>	<b>1,120.4</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,080.7	1,089.8	1,096.3	1,106.0	1,110.1	1,120.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>1,080.7</b>	<b>1,089.8</b>	<b>1,096.3</b>	<b>1,106.0</b>	<b>1,110.1</b>	<b>1,120.4</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill would make a third or subsequent conviction of DWI or refusal to submit to a chemical test under AS 28.33.031 a class C felony and sets minimum sentences. It also makes DWRL based on conviction under the new Class C felony sections a class C felony. The minimum sentence under this bill exceeds the current minimum only for the third and fourth offenses.

261 people will be convicted of a third offense annually and will be sentenced to an additional 60 days imprisonment. They will serve 40 of these days after statutory goodtime. 53 offenders will be convicted of a fourth offense and will serve an additional 80 days.

261 X 40 = 10,440 additional prisoner days  
 53 X 80 = 4,240 additional prisoner days

CONTINUED ON NEXT PAGE:

Prepared by: Jerry Shriner  
 Division: Commissioner's Office  
 Approved by Commissioner: Margaret M. Pugh  
 Agency: Department of Corrections

Phone: 465-4640  
 Date: 2/15/95  
 Date: 2/15/95

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FISCAL NOTE

HB 159

2/14/95

page 2

This totals 14,680 bed days or 41 additional beds on an annual basis. With rare exception this class of prisoners would be housed in a treatment facility or CRC.

The average cost of a CRC bed is \$57 per day or \$20,805 per year.

$$14,680 \times \$57 = \$836.8 \text{ thousand.}$$

If fifth and subsequent convictions resulted in more than the minimum sentence or if the minimum sentence is greater than the average sentence under the current sentencing practices, there would be additional costs. At this time sufficient data is not available to address this issue.

Recent experience shows that after the second offense covered by this bill, the ability to collect either from the individual or to attach their permanent fund to offset these costs falls precipitously and no program receipts are expected.

As a felony, each conviction would require a pre-sentence investigation and report prepared by a probation officer, as well as additional time in court. The department's standard for this process is 18 hours per pre-sentence report. 330 individuals would be convicted of a felony under this bill, even though some would not receive a longer sentence.

$$330 \text{ PSIs} \times 18 \text{ hours} = 5,940 \text{ total hours.}$$

Allowing for vacation and sick leave we can expect a probation officer position to devote 1,875 hours to pre-sentence investigations annually.

$$5,940 / 1,875 = 3.2 \text{ position equivalents.}$$

Four probation officer positions and one clerical person have been included to support the required investigation and report function and a one time cost for equipment at \$5,000 per staff person has been included.

# FISCAL NOTE

No. 3  
 Bill version: CSHB 159 (JUD)  
 (H) Publish Date: 3/29/95

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: An Act relating to DWI laws BRU: Trial Courts  
 Components: \_\_\_\_\_  
 Sponsor: Reps. Porter, Bunde  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	59.6	59.6	59.6	59.6	59.6	59.6
TRAVEL						
CONTRACTUAL	68.0	68.0	68.0	68.0	68.0	68.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	3.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>131.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	131.5	128.6	128.6	128.6	128.6	129.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>131.5</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>129.6</b>

**POSITIONS**

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY	1.0	1.0	1.0	1.0	1.0	1.0

Estimate of current year (FY 95) cost: \$ None

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

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228  
 Agency: Alaska Court System Date: 02/22/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/22/95  
 Agency: Alaska Court System

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Alaska Court System  
Fiscal Analysis  
HB 159

HB 159 increases the classification of a third or subsequent conviction for driving while intoxicated or refusing to submit to a chemical test from a class A misdemeanor to a class C felony, if the offenses occurred within a five year period. A person would receive a minimum 120 days in jail for a third conviction within a five year period, and a minimum 240 days in jail for a fourth or subsequent conviction within a five year period.

The bill also allows a person under the age of 21 to be arrested without a warrant for the illegal possession, consumption or control of alcoholic beverages.

At the present time, approximately 380 persons are charged each year with a third or subsequent DWI or refusal within a five year period. Handling these as felony cases rather than misdemeanor cases will substantially increase the court costs associated with the offenses. An average third or subsequent misdemeanor DWI trial can be expected to last one day and is tried before a six member jury. A felony DWI trial can be expected to average 3 days in length and will be tried before a 12 member jury. The extra trial time results from the more serious consequences of a felony conviction; attorneys for both sides spend more time on matters such as jury selection, examination of witnesses, and motion practice.

Because of the more serious consequences of a felony conviction, the trial rates can be expected to increase substantially. Because there is no prosecutorial discretion with respect to charge or recommended sentence as there is in most other felony cases, the trial rate for this crime will very likely be higher than it is for more serious felonies. This note assumes that the trial rate will increase from approximately five percent to approximately 15 percent.

Unlike misdemeanor cases, felony cases require presentment to a grand jury. HB 159 will increase the number of cases presented to grand juries each year approximately 14 percent, with a corresponding increase in juror costs.



FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 4  
(H) Version: CSHB 159 (JUD)  
(H) Publish Date: 3/29/95

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: DWI Laws/minors in possession BRU: Alaska State Troopers  
Component: Detachments  
Sponsor: Representative Porter  
Requestor: (H) Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	59.4	59.4	59.4	59.4	59.4	59.4
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	59.4	59.4	59.4	59.4	59.4	59.4
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	59.4	59.4	59.4	59.4	59.4	59.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	59.4	59.4	59.4	59.4	59.4	59.4

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)  
See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691  
Division: Alaska State Troopers Date: 02/13/95  
Approved by Commissioner: Ronald L. Otte Date: 2-16-95  
Agency: Ronald L. Otte, Dept. of Public Safety

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Budget Section  
Div. of Admin. Services  
Dept. of Public Safety  
2/16/95

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ANALYSIS  
HB 159

This legislation will allow for the arrest of minors for violations of liquor laws, establishes Class C felonies for third time offenders of Driving While Intoxicated (DWI) or Breath Test Refusal and for Driving With License Revoked (DWLR) if the license was revoked as a result of a felony DWI or Breath Test Refusal Conviction. This fiscal note is intended to provide sufficient State Trooper clerical support time to meet the increased demands resulting from this bill.

Section 1 of the bill allowing for the warrantless arrest of minors for alcohol violations addresses the impact of recent court interpretations that ruled that law enforcement officers must obtain an arrest warrant before an arrest of this type can be made. This statute change will allow the police to continue past practices in enforcement of the alcohol laws as they pertain to minors. Therefore this change will have no financial impact.

Sections 5, 7 and 10 relating to the establishment of Class C felonies for third time DWI, Breath Test Refusal and or certain DWLR convictions will financially impact the Alaska State Troopers.

Although precise statistics can not be made available within the time frame necessary for this fiscal note response, approximately 400 DWI arrests per year are believed to be made for third time offenders. Of these, 380 go to grand jury and approximately one-third, or 127 of the grand jury cases involve the State Troopers.

The assumptions upon which this fiscal note are based are discussed below:

1) It is estimated that approximately 127 cases of this type per year will be investigated by the Alaska State Troopers.

2) Felony cases require evidentiary hearings and grand jury hearings that are not required had the cases been misdemeanors. Virtually all DWI arrests take place on swing or grave yard shifts, but all evidentiary and grand jury hearings take place during the day, causing Trooper time to be either overtime and/or on call out.

3) Felony cases average the following additional effort:

- 4 to 8 hours for grand jury and/or hearings
- 2 to 3 hours of clerical support time (transcriptions, etc.)
- 10 to 20% of felonies go to trial - 16 to 24 hours

This bill contains a provision that would create a felony offense of Driving with a Revoked License (DWRL), if the revocation was for a felony conviction of DWI. While a statistical analysis at this time is not available, it is possible that in the future this provision of the bill could have a fiscal impact on the Alaska State Troopers.

Currently, Troopers arrest about 2,000 persons per year for DWLR and related offenses. If a significant number of these became felony offenses, increased trooper costs for grand jury and other related activities could impact the Division in the future. These costs are not included in this fiscal note since no firm basis exists on which to make a projection.

Costs other than personal services are not material and are not included in this fiscal note.

wp ref: SSSA4.AST

**Division of Alaska State Troopers  
Analysis  
House Bill 159**

	FY96	FY97	FY98	FY99	FY00	FY01
<u>Personal Services:</u>						
A) Grand Jury/Hearings 127 cases x 6 hour average x \$46.75 (*1)	35,624					
B) Clerical Support 127 cases x 2.5 hour average x \$18.98 (*2)	6,026					
C) Trials 19 cases x 20 hour average x \$46.75 (*1)	17,765					
<b>TOTAL PERSONAL SERVICES</b>	<b>59,415</b>	<b>59.4</b>	<b>59.4</b>	<b>59.4</b>	<b>59.4</b>	<b>59.4</b>

\*1 - Overtime hourly cost for a State Trooper, Range 76, Step D/E - (See PACS Scenario #1, PCN 1371.)

\*2 - Hourly cost for an Administrative Clerk II, Range B, Step A - (See PACS Scenario #1, PCN 1444.)

# Alaska State Legislature

## Representative Brian S. Porter

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### DISTRICT 20

#### Sponsor Statement for CSHB 159 DWI LAWS

It's a crime drunk driving remains a misdemeanor in our state no matter how many times a person is convicted. At some point - a repeat conviction should become a felony.

CSHB 159 *DWI/minor in Possession* provides the criminal justice system with the tools needed to combat this crime: (1) allows a peace officer, in any municipality, to arrest without a warrant minors who drink alcohol; (2) renders drunk driving a felony on the third offense within a five year period with a minimum sentence of 120 days with a \$5,000 fine upon conviction; (3) grants prosecution the ability to convict prior offenses of lower BAC levels than is provided for in current statute.

CSHB 159 allows the court the option of ordering a person to take Antibes or a similar drug as a condition of parole or probation. Secondly, this bill requires a person convicted of a felony DWI to be evaluated by an alcohol screening agency before the person is sentenced. Thirdly, the court is to impose any suspended jail time on a person convicted of felony DWI who fails to complete the alcohol treatment ordered by the court.

The most frequent violent crime in the country is drunk driving. A study published by the Alaska Department of Transportation and Public Facilities stated alcohol was a factor in 982 Accidents statewide in 1993. In the same year, 49 Alaskans died in 37 alcohol or drug related accidents.

Repeat offenders account for a disproportionate number of fatal accidents, in spite of licenses suspended and jail time served. In fatal accidents in which the driver is drunk, people with a prior conviction for drunk driving are almost five times more likely to be involved than those with no record, according to the National Highway Transportation Safety Administration.

Driving is a privilege not a right. CSHB 159 gives Alaska one of the toughest drunk driving statutes in the nation. CSHB 159 will send a clear message that Alaskans will no longer tolerate persons who drive drunk.

**DIVISION OF LEGAL SERVICES**  
**LEGISLATIVE AFFAIRS AGENCY**  
**STATE OF ALASKA**

1907) 465-3867 or 465-2450  
FAX 1907) 465-2029  
Mail Stop 3101

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

**MEMORANDUM**

February 14, 1995

**SUBJECT:** Sectional Summary of HB 159.

**TO:** Representative Brian Porter

**FROM:** Michael F. Ford *M.F.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 a person under age 21 to be arrested by a peace officer, without a warrant, for illegal possession, consumption, or control of an alcoholic beverage.

**Section 2.** Allows a court to include the cost of an ignition interlock device as a part of a fine imposed for convictions of driving while intoxicated or refusal to take a breath test.

**Section 3.** Technical amendment.

**Section 4.** Makes certain driving with a revoked license offenses a class C felony and imposes certain license sanctions.

**Section 5.** Technical amendment.

**Section 6.** Amends the definition of "previous conviction" for purposes of determining the penalty applicable to a driving while intoxicated or refusal to take a breath test conviction.

**Section 7.** Makes a third driving while intoxicated conviction a class C felony, if it is the person's third or greater conviction within five years. Imposes a minimum fine, minimum jail time, and prohibits probation or suspended imposition of sentence unless the minimum imprisonment is served. Requires revocation of the offender's driver's license, allows imposition of certain probation or parole conditions and allows forfeiture of the motor vehicle or aircraft used in the offense.

Representative Brian Porter

February 14, 1995

Page 2

**Section 8.** Technical amendment.

**Section 9.** Technical amendment.

**Section 10.** Makes a third refusal to take a breath test conviction a class C felony, if it is the person's third or greater conviction within five years. Imposes a minimum fine, a minimum jail time, and prohibits probation or suspended imposition of sentence unless the minimum imprisonment is served. Requires revocation of the offender's driver's license, allows imposition of certain probation or parole conditions and allows forfeiture of the motor vehicle or aircraft used in the offense.

**Section 11.** Applicability section.

**Section 12.** Effective date.

MFF.klb:glc

95-067.klb

TONY KNOWLES, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

PO BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4322  
FAX: (907) 465-4362

January 20, 1995

The Honorable Robin Taylor  
Alaska State Legislature  
State Capitol, Room 30  
Juneau, AK 99801-1182

The Honorable Brian Porter  
Alaska State Legislature  
State Capitol, Room 118  
Juneau, AK 99801-1182

Dear Senator Taylor and Representative Porter:

I received your request for information regarding the prior DWI convictions of those individuals who were involved in alcohol-related fatal motor vehicle crashes.

Juanita Hensley, Chief of Driver Services for the Division of Motor Vehicles, reviewed the complete driving records of the at-fault drivers involved in all fatal motor vehicle crashes for 1992 and 1993. The results are as follows:

In 1992, a total of 14 at-fault drivers had prior DWI convictions on their records. Of the 14, 10 had one prior DWI conviction; three had two prior DWI convictions; one had three prior DWI convictions; and one had four prior DWI convictions.

In 1993, a total of 10 at-fault drivers had prior DWI convictions on their records. Of the 10, four had one prior DWI conviction; four had two prior DWI convictions; and two had three prior DWI convictions.

I have enclosed for your review a chart on the average breath alcohol concentrations in fatal crashes for 1992 and 1993. This chart was compiled by the Alaska Highway Safety Planning Agency from information they received in the Fatal Accident Report System.

Senator Taylor and Representative Porter  
January 20, 1995  
Page 2

Feel free to contact my office or Ms. Hensley, if you need additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald L. Otte".

Ronald L. Otte  
Commissioner

Enclosures

**AVERAGE BREATH ALOCHOL COUNTS (BAC) IN FATAL CRASHES  
1992 and 1993**

Sorted by: Year  
Gender  
Category (Victim, Surviving Driver)

*.19 BAC AVERAGE  
IN ALL DWI ARRESTS..*

Year	Gender	Average BAC	Year	Gender	Average BAC		
1992	<i>Female</i>	Victim	0.177	1993	<i>Female</i>	Victim	0.179
		Surviving Driver	0.159			Surviving Driver	0.240
		<b>Total Female</b>	<b>0.172</b>			<b>Total Female</b>	<b>0.191</b>
	<i>Male</i>	Victim	0.176		<i>Male</i>	Victim	0.204
		Surviving Driver	0.147			Surviving Driver	0.159
		<b>Total Male</b>	<b>0.168</b>			<b>Total Male</b>	<b>0.189</b>
	<i>All Gender</i>	Victim	0.176		<i>All Gender</i>	Victim	0.198
		Surviving Driver	0.150			Surviving Driver	0.171
		<b>Grand Total</b>	<b>0.171</b>			<b>Grand Total</b>	<b>0.190</b>

*STATE OF ALASKA*

---

**IMPAIRED DRIVING ASSESSMENT**  
**October 2 - October 8, 1994**

---

*National Highway Traffic Safety Administration*  
*Technical Assistance Team*

William S. Ethridge  
John D. Fenner  
Don D. Hinton  
Timothy Johnson  
William T. McCollum

## INTRODUCTION

Motor vehicle crashes are the leading cause of death for individuals between the ages of one and thirty-four. Nationwide, alcohol is involved in nearly one-half of these fatalities.

In pursuit of the goal to reduce alcohol-related traffic fatalities and injuries, the National Highway Traffic Safety Administration (NHTSA) developed a Technical Assistance Team evaluation program. This approach provides states the opportunity to use federal highway safety funds to support an administrative evaluation of existing and proposed alcohol and drug-impaired driving countermeasures.

NHTSA staff facilitates the process by assembling a team of individuals who, through their immediate involvement with national and state programs, have demonstrated their competence in impaired driving program development, implementation and evaluation. Selection of the Technical Assistance Team reflects experience in special areas identified by the state. These areas correlate with the components of a comprehensive impaired driving program as defined in the Highway Safety Program Advisory that was published by NHTSA. Examples of program and systems expertise among the Alaska Technical Assistance Team members include program management (both state and local levels), prevention, enforcement, prosecution, adjudication, evaluation, traffic records, driver licensing, treatment and rehabilitation.

The State of Alaska requested NHTSA's assistance in reviewing its alcohol and drug impaired driving countermeasures program. On August 3, 1994, NHTSA met with Department of Public Safety and Alaska Highway Safety Planning Agency staff members who helped to define key issues of concern to the state. NHTSA agreed to facilitate the technical review.

The Alaska Alcohol and Drug Impaired Driving Program Assessment was conducted in Anchorage from October 2 - 8, 1994. Alaska Highway Safety Planning Administrator, Lorn Campbell, arranged for State and local program experts (see Section 7, Agenda) to deliver briefings and provide support and materials to the Team on a wide variety of topics related to impaired driving. Forty-five presentations were made to the Technical Assistance Team over a period of three and one-half days.

According to 1993 statistics, the State of Alaska has a population of nearly 600,000 located across 580,000 square miles of diverse land. More than one-half of the population resides in three major communities: 300,000 in Anchorage, 40,000 in Fairbanks, and 35,000 in Juneau. The remaining population resides in smaller communities over a vast and remote area. Alaska is not divided into counties but rather has a combination of municipalities, towns, villages and very remote "bush" areas. The demographic complexion of the state is made up of approximately 74 percent Whites, 15.6 percent Native Alaskans, 4.1 percent African Americans; 3.2 percent Hispanic, and 3.1 percent Asian Pacific Americans. The median income for Alaskan residents is \$45,000 as compared to \$31,000 in the lower 48 states.

Alaska's economy has suffered due to dwindling oil and fishing revenues. The state is faced with the challenge of maintaining adequate services for its residents while reducing government spending and decreasing state government personnel. In addition, Alaska's citizens routinely reject government efforts to increase taxes on alcohol or enact other revenue raising laws including tapping into the \$14 billion reserve which could alleviate its perceived economic recession. The economic situation along with the challenges of designing programs appropriate for its geographic composition and meeting the requirements the realities for establishing a comprehensive DWI program in the State of Alaska may seem overwhelming. However, the Team believes that the recommendations contained in this report present viable options to overcoming the situation.

In addition, the following 1993 data pertaining to motor vehicle and traffic safety in Alaska were provided:

523,158	Registered vehicles
393,931	Licensed drivers
39.19	Billion vehicle miles travelled
3.01	Crash deaths per 100 million vehicle miles travelled
14,509	Motor vehicle crashes
88	Fatal Crashes
37	Alcohol-related Fatal Crashes
49	Alcohol-related Crash Deaths
\$31,995,638	Total annual cost of alcohol-related motor vehicle crashes

The Technical Assistance Team's analysis of Alaska's Alcohol and Drug Impaired Driving Program is based solely on written and oral information provided to the team during the assessment process. The Team used this information to develop recommendations after considering what could be reasonably accomplished within the state. The Team believes that enactment of the proposed recommendations will result in a comprehensive program to prevent impaired driving and will set the framework for expansion to meet future needs in the system.

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## 8. DRUNK DRIVING

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Penalties for drunk driving have become tougher over the years as the cost of this dangerous behavior rises. Reckless alcohol consumption among young people has also risen markedly, and it has been met with sharp intolerance.

Drunk driving, or driving while intoxicated (DWI) or driving under the influence (DUI), is typically determined by the alcohol content found in the driver's blood. Blood alcohol content (BAC) may be determined in two ways: through breath analysis or urinalysis. Most states have set the legal limit of blood alcohol content at 0.10 percent. Six states have no set amount of blood alcohol to presume intoxication. In these states it is still illegal to drive while drunk, but blood alcohol content is merely one piece of evidence of intoxication.

Penalties for drunk driving are severe in most states.

Virtually every state suspends the driver's license on a first offense, and the length of suspension increases sharply with each successive offense. There is, however, a great deal of variation in the lengths of suspension of driving privileges among the states. A few only impose suspension for as little as one year for multiple offenses. Michigan, however, revokes the driver's license on the second offense. Several states include revocation on the third or fourth offense.

The newest development in the laws of drunk driving concern court-ordered attendance at an alcohol abuse rehabilitation program upon conviction for driving while intoxicated. Six states still do not have rehabilitation requirements for offenders, while the rest have some sort of rehabilitation requirement for problem drinkers and drivers.

Table 8: Drunk Driving

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State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ALABAMA	32-5A-191	.10% BAC per se at time of driving	Yes on first offense; DUI court referral program approved by state	1st offense: 90 days; 2nd: 1 yr.; 3rd: 3 yrs.	1st offense: imprisonment up to 1 yr. and/or \$250-1000; 2nd within 5 yrs.: up to 1 yr. and \$300-2500; 3rd within 5 yrs.: up to 1 yr. and \$1000-\$5000
ALASKA	28.35.030; 28.15.181	.10% BAC as determined by test taken within 4 hours	Yes, program of alcohol education or rehabilitation that court finds appropriate for term specified by court	1st: 90 days min.; 2nd: 1 yr. min.; 3rd: 10 yrs. min.	1st: min. 72 hrs. and min. \$250; 2nd within 10 yrs.: min. 20 days and min. \$500; 3rd within 10 yrs.: min. 30 days and min. \$1000
ARIZONA	28-692, <i>et seq.</i>	.10% BAC at time of offense	Yes, alcohol abuse screening session by screening or treatment facility approved by health services; alcohol abuse classes or treatment facility if necessary; habitual abuse	1st: 90 days; 2nd within 5 yrs.; revocation: 3rd within 5 yrs.; revocation min. 3 yrs.	1st: min. 24 hrs. and min. \$250 and 8-24 hrs. community service; 2nd within 5 yrs.: min. 60 days and min. \$500; 3rd within five yrs.: min. 6 mos.
ARKANSAS	5-65-103, <i>et seq.</i>	.10% BAC as determined by test	Alcohol Education Program prescribed and approved of by Arkansas Highway Safety Program or alcohol treatment program approved by Office on Alcohol and Drug Abuse Prevention	1st: 90-120 days; 2nd: 12-16 mos.; 3rd: 24-30 mos.; 4th: 3 yrs.	1st: 1 day to 1 yr. prison, court can order public service in lieu of jail and \$150-1000; 2nd within 3 yrs.: 7 days to 1 yr. and \$400-3000; 3rd within 3 yrs.: 90 days to 1 yr. and \$900-5000; 4th within 3 yrs.: felony, 1-6 yrs.; fine only for 2nd and 3rd offenses within 5 yrs.
CALIFORNIA	Veh. §§23152, <i>et seq.</i>	0.10% BAC at time of driving (rebuttably presumed that percentage at time of driving was more than at time of test); if test is less than .05% BAC, BAC presumed not .10% when driving; if test is .05-.10%, not presumption but evidence of .10%; .10% at time of test equals .10% at time of driving	1st: if probation, must participate in alcohol or drug education program designated by court if programs approved of are available in that county; 2nd: if probation, 1 yr. in program acceptable to court	1st: 6 mos., or if probation granted, could be 90 days with exception of traveling to work and rehab program; 2nd: restricted to necessary travel (work and rehab) for 1 yr.; 3rd: 3 yrs.	1st: 96 hrs. to 6 mos. prison and \$390-1000; 2nd within 5 yrs.: 90 days to 1 yr. and \$390-1000; 3rd within 5 yrs.: 120 days to 1 yr. and \$390-\$1000

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation required?	Driver's License Suspension?	Other Penalties
COLORADO	42-2-122.1; 42-4-1202	.15 g. of alcohol per 100 mm. of blood while driving or .15 g. of alcohol per 200 mm. of blood at time of test	Court's discretion up to 2 yrs.; drug and alcohol driving safety program	1 yr.	1st: 5 days to 1 yr. and court may fine \$300-1000 and 48-96 hrs. useful community service; 2nd within 5 yrs.: 90 days to 1 yr. and court may fine \$500-1500 and 60-120 hrs. useful community service
CONNECTICUT	14-227a	.10% BAC at time of offense	Court may order participation in alcohol education and treatment program in addition to any fine or sentence	1st: 1 yr. (court's discretion); 2nd: 2 yrs.; 3rd: 3 yrs.; 4th: permanently	1st: \$500-1000 and jail up to 6 mos. or 100 hrs. community service; 2nd within 5 yrs.: \$500-2000 and jail up to 1 yr.; 3rd within 5 yrs.: \$1000-4000 and jail up to 2 yrs.; 4th within 5 yrs.: \$2000-8000 and jail up to 3 yrs.
DELAWARE	Tit. 21 §4177	.10% BAC as shown by test taken within 4 hours of offense	1st: required program of rehabilitation or course of instruction which may include inpatient up to 6 mos.; 2nd: program of education or rehabilitation which may include inpatient treatment up to 15 mos.	1st or 2nd: 1 yr.; 3rd or more: 18 mos.	1st: \$200-1000 or jail 60 days-6 mos.; for each subsequent offense within 5 yrs. of former offense: \$500-2000 and jail 2-18 mos.
DISTRICT OF COLUMBIA	40-716	.10% BAC; .13% alcohol in urine	No	Yes for unspecified time	1st: up to \$300 and/or 90 days; 2nd within 15 yrs.: up to \$5000 and/or up to 1 yr.; 3rd within 15 yrs.: up to \$10,000 and/or up to 1 yr.

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
FLORIDA	316.193	.10% BAC	Substance abuse course specified by the court	Revocation/suspension upon conviction	1st: \$250-500 and jail up to 6 mos.; 2nd within 3 yrs.: \$500-1000 and jail up to 9 mos.; 3rd within 3 yrs.: \$1000-2500 and jail up to 12 mos.; 4th within 3 yrs.: 3rd degree felony, prison up to 5 yrs.; if first offense BAC exceeds .20%: 1st: \$500-100 and jail up to 9 mos.; 2nd within 3 yrs.: \$1000-2000 and jail up to 12 mos.; 3rd within 3 yrs.: \$2000-5000 and jail up to 12 mos.; additional penalties: 1st: probation up to 1 yr. and community service of 50 hrs. minimum or \$10 fine per hour not worked
GEORGIA	40-5-63; 40-6-391	.10% BAC at time of test		1st: 1 yr.; 2nd within 5 yrs.; 3 yrs.; 3rd within 5 yrs.; considered habitual offender. 5 yrs.	1st: \$300-1000 and 10 days to 12 mos.; 2nd within 5 yrs.: \$600-1000 and 90 days to 12 mos.; 3rd: \$1000-5000 and 120 days to 12 mos. mandatory
HAWAII	291-4	.10% BAC	1st: 14 hr. minimum alcohol abuse rehab program including education and counseling or comparable program approved by court; subsequent: may be required pending evaluation by substance abuse counselor	1st: 90 days (court can make it 30 days total; prohibition and 60 days only for work and rehab); 2nd: 1 yr. absolute prohibition; 3rd: 1-5 yrs.	1st: \$150-1000 and/or min. 48 hrs. jail and/or 72 hrs. community service; 2nd within 5 yrs.: \$500-1000 and min. 48 hrs. jail or min. 80 hrs. community service; 3rd within 5 yrs.: \$500-1000 and 10-180 days jail
IDAHO	18-8004, et seq.	.10% BAC	Alcoholic evaluation (own expense) approved facility; if necessary, an alcoholic treatment program best suited for individual	1st: mandatory up to 180 days (defendant may request for necessary privilege-work and family health needs); 2nd: mandatory 6 mos. after getting out of jail and possibly an additional time up to 1 yr.; 3rd: 1-5 yrs. (no privileges at all)	1st: up to \$1000 and/or up to 6 mos.; 2nd within 5 yrs.: mandatory fine up to \$2000 and jail 10 days to 1 yr.; 3rd within 5 yrs.: felony, jail up to 5 yrs. and may be fined up to \$5000

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Table 3: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ILLINOIS	625 ILCS 5/11-501, et seq.	.10% BAC: less than .05% at test: presumed not to have required BAC at time of driving; .05%-.10% at test: no presumption of guilt but take it with other evidence; .10% at test: guilty	Professional evaluation to determine if there is abuse problem and extent; defendant pays cost; program must be approved/licensed by Dept. of Alcohol and Substance Abuse	Up to 1 yr.	1st: Class A misdemeanor; jail up to 1 yr.; 2nd within 5 yrs.: mandatory min. 48 hrs. jail or min. 10 days community service; 3rd: Class 4 felony, 1-3 yrs. prison
INDIANA	9-30-5-1, et seq.	.10% BAC	No	1st: 90 days to 2 yrs.; 2nd 10 or more yrs. ago: 90 days to 2 yrs.; 2nd 5-10 yrs. ago: 6 mos. to 2 yrs.; 2nd within 5 yrs.: 1-2 yrs.	1st: Class A misdemeanor; 2nd within 5 yrs.: min. 5 days jail or min. 80 hrs. community service in addition to Class D felony (min. 2 yrs.) and may be fined up to \$10,000
IOWA	3213.1, et seq.	.10% BAC	2nd offense: must undergo substance abuse evaluation prior to sentencing; 3rd offense or if evaluation recommends treatment: may be required to commit to treatment	1st: 180 days; 2nd within 6 yrs.: 1 yr.	1st: serious misdemeanor, \$500-1000 and min. 48 hrs. jail, may perform up to 200 hrs. community service in lieu of fine if court allows; 2nd: aggravated misdemeanor, min. \$750 and min. 7 days jail; 3rd: Class D felony, min. \$750 and 30 days to 1 yr. jail
KANSAS	8-1008, 1014, 1567	.10% BAC at time of test	Presentence alcohol and drug evaluation conducted by community-based alcohol and drug safety action program, supervision and monitoring of all convicted persons	1st: 30 days or upon completion of required treatment program (whichever is longer); subsequent: 1 yr. or upon completion of required treatment program (whichever is longer)	1st: \$200-500 and 48 hrs. to 6 mos. jail or 100 hrs. community service; 2nd: \$500-1000 and 90 days to 1 yr. jail; 3rd: \$1000-2500 and 90 days to 1 yr. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
KENTUCKY	189A.010, <i>et seq.</i>	No limit per se. "While under the influence of alcohol"	1st offense: 90 day alcohol or substance abuse program can lessen driver suspension from 6 mos. to 30 days	1st: 6 mos.; 2nd: 1 yr.; 3rd: 2 yrs.	1st: \$250-500 or 48 hrs. to 30 days jail or 2-30 days community labor; 2nd within 5 yrs.: \$350-500 and 7 days to 6 mos. jail and may get 10 days to 6 mos. community labor in addition to jail term; 3rd within 5 yrs.: \$500-1000 and 30 days to 12 mos. jail and may get 10 days to 1 yr. community labor in addition to jail term
LOUISIANA	14:98; 32:414	.10% BAC	Rehabilitation provided for 1st and 2nd offense, includes screening procedure to determine portion of program which may be applicable and appropriate for individual offender	1st: 60 days	1st: \$125-500 and 10 days to 6 mos. jail; 2nd: \$300-500 and 30 days to 6 mos. jail; 3rd: up to \$1000 and 1-5 yrs. jail; 4th: hard labor 10-30 yrs.
MAINE	Tit. 29 §1312	.10% BAC	1st: Education program conducted by Dept. of Human Services; 2nd: education program conducted by Dept. of Human Services and where required by Dept. of Human Services, alcohol or rehab program	1st: 30 days or successful completion of educational program, whichever is longer; 2nd: 1 yr. (may be reduced to 6 mos. on successful completion of educational program)	1st: up to \$1000 and up to 90 days jail; 2nd: \$250-2000 and 24 hrs. to 6 mos. jail
MARYLAND	Transp. 16-205; 16-212; 21-902; 27-101	"While intoxicated or while under the influence of a controlled dangerous substance"	Driver Improvement Program and Alcohol Education Program required	1st: up to 60 days; 2nd within 3 yrs.: up to 120 days	1st: up to \$1000 and/or up to 1 yr. jail; 2nd within 3 yrs.: up to \$1000 and/or 48 hrs. to 2 yrs. jail, may also receive min. 80 hrs. community service; 3rd within 3 yrs.: up to \$2000 and/or up to 3 yrs. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
MASSACHUSETTS	Ch. 90 §24	No limit per se	1st offense: appropriate to defendant with his/her consent as a condition of probation upon written finding that appropriate and adequate treatment is available to defendant and defendant would benefit and safety of public would not be endangered; minimum 14 days in residential alcohol treatment program	1st: 1 yr.; 2nd: 2 yrs.; 3rd: 5 yrs.; after 2 yrs. can apply for new license on limited basis on grounds of hardship and present/past violation dealt with and under control	1st: \$100-1000 and/or up to 2 yrs. jail; 2nd within 6 yrs.: \$300-1000 and 7 days to 2 yrs. jail; 3rd within 6 yrs.: \$500-1000 and 60 days to 2 yrs. jail
MICHIGAN	MCL 9.2325	.10% BAC	Screening and assessment to determine the likely benefit from rehabilitation. court may order person to participate and successfully complete one or more rehab programs	1st: 6 mos. to 2 yrs. (can get restricted license); 2nd: revoked; 3rd: revoked	1st: \$100-500 and/or up to 90 days jail and costs of prosecution and community service up to 45 days; 2nd within 7 yrs.: \$200-1000 and either 10-90 days community service and up to 1 yr. jail or up to 90 days community service and 48 hrs. to 1 yr. jail; 3rd within 10 yrs.: \$500-5000 and/or 1-5 yrs. jail
MINNESOTA	169.121, et seq.	.10% BAC within 2 hrs. of time of driving	Alcohol problem assessment in counties of more than 10,000 population and report made to court including recommendation as to treatment or rehab program	1st: min. 30 days; 2nd within 5 yrs.: min. 90 days and until court has certified treatment/rehabilitation has been successfully completed; 3rd within 5 yrs.: min. 1 yr. and until rehab completed; 4th within 5 yrs.: min. 2 yrs. and until rehab completed	2nd within 5 yrs.: gross misdemeanor, min. 30 days jail or 8 hrs. community service for each jail day; 3rd within 10 yrs.: gross misdemeanor, min. 30 days jail or 8 hrs. community service for each jail day
MISSISSIPPI	63-11-30	.10% BAC	1st: required alcohol safety education program; subsequent: may participate	1st: 90 days or successful completion of program, whichever is longer; 2nd: 2 yrs. (can be reduced after successful completion of program); 3rd: 5 yrs. (eligible for reinstatement after 3 yrs.); 4th: 5 yrs.	1st: \$250-1000 and/or up to 24 hrs. jail; 2nd within 5 yrs.: \$600-1000 and 48 hrs. to 1 yr. jail or 10 days to 1 yr. community service; 3rd within 5 yrs.: \$800-1000 and 30 days to 1 yr. jail; 4th within 5 yrs.: \$2000-5000 and 90 days to 5 yrs. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
MISSOURI	577.012, (49)	.10% BAC	1st: Court may order participation and successful completion of alcohol or drug-related traffic offender education or rehab program which meets standards established by Dept. of Public Safety and Dept. of Mental Health	Upon failure to submit to breath test	1st: Class C misdemeanor, \$50 min. and/or up to 3 mos. jail; 2nd within 3 yrs.: Class A misdemeanor, 7 days to 6 mos. jail; 3rd within 3 yrs.: Class D felony, 45 days to 1 yr. jail
MONTANA	61-5-200, 205: 61-2-406, 722	.10% BAC	Defendant shall complete alcohol information course at alcohol treatment program approved by Dept. of Corrections & Human Services which may include alcohol or drug treatment or both if considered necessary by counselor conducting program	Up to 1 yr. per offense	1st: \$100-500 and up to 10 days jail; 2nd: \$300-500 and 48 hrs. to 30 days jail; 3rd: \$500-1000 and 48 hrs. to 6 mos. jail
NEBRASKA	28-106; 39-669.07, <i>et seq.</i>	.10% BAC	None	1st: 6 mos (if judge orders suspension of sentence or probation, 60 days from time of order); 2nd within 10 yrs.: 1 yr. (if judge orders suspension of sentence or probation, 6 mos. from time of order); 3rd within 10 yrs.: 15 yrs. (if judge orders suspension of sentence or probation, 1 yr. from time of order)	1st: \$200-500 and 7-30 days jail; 2nd: \$500 and 30 days jail; 3rd: \$500 and 3-6 mos. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
NEVADA	484.379, <i>et seq.</i>	.10% BAC	1st or 2nd within 7 yrs.: may apply to undergo program of treatment for alcoholism or drug abuse for at least one yr. if classified by physician/counselor as alcoholic or drug abuser; if defendant pays costs and has served jail sentence; 1st: must do educational course on alcohol and substance abuse		1st: \$200-1000 and 2 days to 6 mos. jail or 48 hrs. community service (jail sentence can be lessened if defendant participates in rehab program); 2nd within 7 yrs.: \$500-1000 and 10 days to 6 mos. jail; 3rd within 7 yrs.: \$2000-5000 and 1-6 yrs. jail; in addition to any penalty, civil penalty of \$35 paid to court
NEW HAMPSHIRE	263:65-a: 265.82	.10% BAC	Yes, Impaired Driver Intervention Program; must successfully complete to get license back; must be approved by director of Office of Alcohol and Drug Abuse Prevention and commissioner	1st: 60 days to 2 yrs.; 2nd: 3 yrs.; 3rd: Indefinite, min. 3 yrs.	1st: up to \$1000; 2nd within 7 yrs.: up to \$1000 and 7 days to 6 mos. jail; 3rd within 7 yrs.: up to \$1000 and 7 days to 6 mos. jail
NEW JERSEY	39:4-50	.10% BAC	Screening evaluation referral program and fee requirements of Div. of Alcoholism's Intoxicated Driving Programs Unit and 12-48 hrs. in two consecutive days in Intoxicated Driver Resource Center and a program of alcohol education and highway safety as proscribed by director of Div. of Motor Vehicles	6 mos. to 1 yr.; 2nd: 2 yrs.; 3rd: 10 yrs.	1st: \$250-400 and up to 30 days jail; 2nd within 10 yrs.: \$500-1000, 30 days community service, and 48 hrs. to 90 days jail; 3rd within 10 yrs.: \$1000 and min. 180 days jail; up to 90 days of jail can be exchanged for community service

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
NEW MEXICO	66-5-29; 66-8-102	.10% BAC	May be required by court to enroll in screening program to determine level of abuse and recommendation of treatment, if necessary; must complete any recommended treatment program required by court; 1st offense: can attend driver rehab program as a deferred sentence	1 yr. (on 1st offense suspension can be avoided by attending driver rehab program)	1st: \$300-500 and/or 30-90 days jail; 2nd within 5 yrs.: up to \$1000 and/or 90 days to 1 yr. jail; 3rd or more within 5 yrs.: up to \$1000 and min. 6 mos. jail
NEW YORK	VEH. & TRAF. 1192(2)	.10% BAC	Court may require attendance at single session of "victims impact program"	1st: 6 mos.; 2nd within 10 yrs.: 1 yr.	1st: \$350-500 and/or up to 1 yr. jail; 2nd: \$500-5000 and/or min. 1 yr. jail, Class E felony
NORTH CAROLINA	20-138.1. 179	.10% BAC at time of test	Assessment may be required for alcoholism and substance abuse and appropriate treatment if necessary	1st: 1 yr.; 2nd within 3 yrs.: 4 yrs. (conditionally restored after 2 yrs.); 3rd with most recent within 5 yrs.: permanent (conditionally restored after 3 yrs.)	1st: up to \$1000 and 7 days to 12 mos. jail; subsequent within 7 yrs.: \$2000 and 14 days to 24 mos. jail
NORTH DAKOTA	39-06-31; 39-08-01	.10% BAC at time of test given within 2 hrs. of driving	Order for addiction evaluation by appropriate licensed addiction treatment program with appropriate treatment if necessary	1 yr. or period as recommended by trial court	1st: Class B misdemeanor, min. \$250; 2nd within 5 yrs.: Class B misdemeanor, min. \$500 and min. 4 days jail or 10 days community service; 3rd within 5 yrs.: Class A misdemeanor, \$1000 and min. 60 days jail; 4th within 7 yrs.: Class A misdemeanor, \$1000 and 180 days jail
OHIO	3793.10; 4507.16; 4511.19	.10% BAC	1st: Driver's Intervention Program (in suspended jail sentence); rehab may be required in sentences	1st: 60 days to 3 yrs.; 2nd within 5 yrs.: 120 days to 5 yrs.; 3rd within 5 yrs.: 180 days to 10 yrs.	1st: \$150-1000 and 3 days to 6 mos. jail; 2nd within 5 yrs.: \$150-1000, 10 days to 6 mos. jail; 3rd within 5 yrs.: \$150-1000 and 30 days to 1 yr. jail
OKLAHOMA	Tit. 47 §§6-205.1, 11-902	.10% BAC at time of test	Dept. of Mental Health Treatment Program may be required upon evaluation	1st: 90 days; 2nd within 5 yrs.: 1 yr.; 3rd within 5 yrs.: 3 yrs.	Up to \$1000 and 10 days to 1 yr. jail; subsequent within 10 yrs.: up to \$2500 and 1-5 yrs. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
OREGON	161.615, <i>et seq.</i> ; 813.010, <i>et seq.</i>	.08% BAC	Mandatory complete exam by court approved agency/organization to determine whether individual has a problem condition involving alcohol or controlled substances; complete a treatment program if exam shows it necessary; if none necessary, then complete alcohol and drug information program.	1st: 1 yr.; 2nd within 5 yrs.; 3 yrs.; 3rd within 5 yrs.; 3 yrs.	1st: Class A misdemeanor, up to \$2500, up to 1 yr. jail, fees for programs; 2nd, impound vehicle in addition to above
PENNSYLVANIA	Tit. 75 1548; 1532; 3731	.10% BAC	2nd or subsequent offense within 5 yrs.: evaluation to determine if person needs or would benefit from treatment for alcohol or drug abuse; may order treatment if necessary	12 mos.	1st: min. \$300 and min. 48 hr. jail
RHODE ISLAND	27-21	.10% BAC	1st: attendance required at special course on DWI or under the influence of controlled substance and/or alcoholic or drug treatment for individual; 2nd: drug and alcohol treatment	1st: 3-6 mos.; 2nd: 1-2 yrs.	1st: \$100-300 and 10-60 hrs. community service and/or up to 1 yr. jail; 2nd within 5 yrs.: \$400 and 10 days to 1 yr. jail; 3rd: in addition to 2nd offense penalties, may have car seized and sold by State of Rhode Island and proceeds going to general fund; in addition anyone convicted under this section pays highway assessment fine of \$500
SOUTH CAROLINA	56-5-2930, <i>et seq.</i>	"Under influence of intoxicating liquors"	Successful completion of Alcohol and Drug Safety Action Program certified by South Carolina Commission on Alcohol and Drug Abuse prior to reinstatement of license	1st: 6 mos.; 2nd within 10 yrs.; 1 yr.; 3rd within 10 yrs.; 2 yrs.; 4th within 10 yrs.; 3 yrs.; 5th within 10 yrs.; permanent	1st: \$200 and 48 hrs. to 30 days jail or 48 hrs. public service; 2nd within 10 yrs.: \$2000-5000 and 48 hrs. to 1 yr. jail or min. 10 days public service; 3rd within 10 yrs.: \$3500-6000 and 60 days to 3 yrs. jail; 4th within 10 yrs.: 1-5 yrs. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
SOUTH DAKOTA	32-23-1, <i>et seq.</i>	.10% BAC	1st: required if .17% BAC; court-ordered evaluation	1st: min. 30 days to 1 yr.; 2nd: min. 1 yr.; 3rd: min. 1 yr. (unconditional); 4th: min. 2 yrs.	1st: \$1000 and/or 1 yr. jail; 2nd within 5 yrs.: \$1000 and/or 1 yr. jail; 3rd within 5 yrs.: \$2000 and/or 2 yrs. jail; 4th: Class 5 felony, 5 yrs. jail and may impose fine of \$5000
TENNESSEE	55-10-401, 403	"Under the influence"	2nd offense: may be required to participate in court-approved inpatient alcohol and drug treatment program	1st: 1 yr.; 2nd: 2 yrs.; 3rd: 3-10 yrs.	1st: \$250-1000 and 48 hrs. to 11 mos. 29 days jail; 2nd within 10 yrs.: \$500-2500 and 45 days to 11 mos. 29 days jail; 3rd: \$1000-5000 and 120 days to 11 mos. 29 days jail
TEXAS	Tex. Rev. Civ. Stat. Art. 67011-1	.10% BAC	Evaluation	1st: 90-365 days; 2nd or 3rd: 180 days to 2 yrs.	1st: \$100-2000 and 72 hrs. to 2 yrs. jail; 2nd: \$300-2000 and 15 days to 2 yrs. jail; 3rd: \$500-2000 and 30 days to 2 yrs. jail or 60 days to 5 yrs. state penitentiary
UTAH	41-6-44	.08% BAC	1st: assessment and educational series at a licensed alcohol rehab facility; 2nd: same as above and treatment at court's discretion; 3rd: same as above and treatment at alcohol rehab facility is mandatory; 4th: treatment required	1st: 90 days; subsequent within 6 yrs. of prior conviction: 1 yr.	1st: Class B misdemeanor, up to \$1000 and 48-240 hrs. jail or 24-50 hrs. community service; 2nd within 6 yrs.: up to \$1000 and 240-720 hrs. jail or 80-240 hrs. community service; 3rd within 6 yrs.: 720-2160 hrs. jail or 240-720 hrs. community service; if prior two convictions were both after 4/23/90, then: \$1000-2500 and 240-2160 hrs. jail or 240-720 hrs. community service; 4th within 6 yrs.: if all after 4/23/90, \$1000-5000 and 720-2160 hrs. jail or 240-720 hrs. community service
VERMONT	1201, <i>et seq.</i>	.08% BAC	1st: alcohol assessment screening-therapy program or driver rehab if necessary at court's discretion; 2nd completion of therapy program at court's discretion	1st: 90 days; 2nd: 18 months; 3rd: 3 yrs.; 4th: life	1st: max. \$750 and/or up to 2 yrs. jail; 2nd: up to \$1500 and/or 48 hrs. to 2 yrs. jail; 3rd: up to \$2500 and/or up to 5 yrs. jail

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
VIRGINIA	18.2-266(i), <i>et seq.</i>	.10% BAC	Alcohol Safety Action Program for 1st or 2nd offense at court's discretion	1st: 1 yr.; 2nd within 10 yrs.; 3 yrs.; 3rd within 10 yrs.; 3 yrs.	2nd within 10 yrs.: \$200-2500 and 1 mo. to 1 yr. jail; 3rd: \$500-2500 and 2 mos. to 1 yr. jail
WASHINGTON	46.61.502 (1), 515	.10% BAC	1st: alcohol information course or more intensive treatment program as determined by court; 2nd: diagnostic evaluation by alcoholism agency approved by Dept. of Social & Health Services	1st: 90 days; 2nd within 5 yrs.; 1 yr.; 3rd within 5 yrs.; 2 yrs.	1st: \$250-1000 and 24 hrs. to 1 yr. jail; 2nd within 5 yrs.: \$500-2000 and 7 days to 1 yr. jail
WEST VIRGINIA	17C-5-2	.10% BAC	Motor Vehicle Alcohol Test and lock program upon revocation of license	1st: min. 6 mos.; 2nd: 10 yrs.; 3rd: life	1st: \$100-500 and 1 day to 6 mos. jail; 2nd: \$1000-3000 and/or 6 mos. to 1 yr. jail; 3rd: \$3000-5000 and/or 1-3 yrs. jail
WISCONSIN	343.30; 346.63	.10% BAC	Not mentioned	1st: 6-9 mos.; 2nd within 5 yrs.; 1 yr. to 18 mos.; 3rd or more within 5 yrs.: 2-3 yrs.	1st: \$150-300; 2nd within 5 yrs.: \$300-1000 and 5 days to 6 mos. jail; 3rd within 5 yrs.: \$600-2000 and 30 days to 1 yr. jail; 4th within 5 yrs.: \$600-2000 and 60 days to 1 yr. jail; 5th within 5 yrs.: \$600-2000 and 6 mos. to 1 yr. jail
WYOMING	31-5-233; 31-7-127	.10% BAC	No	3rd conviction within 5 yrs.: 3 yrs.	1st: up to \$750 and/or up to 6 mos. jail; 2nd within 5 yrs.: \$200-750 and 7 days to 6 mos. jail

# ANCHORAGE DUI REPEATERS

DUI W/REPEAT OFFENDER > ZERO  
AS OF 08/24/94

Jim Wolf - Muni Prosecutor

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
	FREDERICK	D	940003755	9489863	19940601	94	0004058	.215	02
ERMAN	ADELBERT	P	940003965	9497636	19940613	94	0004372	.127	01
S	FRANK	L	940004138	94100429	19940617	94	0004470	.000	01
AW	ANDREW		940005251	94133733	19940803	94	0005687	.225	02
MO	MICHELLE	Y	940002525	9458601	19940413	94	0002708	.248	02
ONAK	MATTHEW	J	940002753	9465728	19940424	94	0003043	.000	02
ERSON	ART	A	940005126	94129940	19940729	94	0005529	.199	02
ERSON	RONALD	A	930000189	93187572	19931121	93	0008760	.171	01
ILL	KERRY	S	940005086	94129278	19940728	94	0005504	.118	01
ONY	ANNE	M	930000797	93205768	19931225	93	0009583	.335	02
	CHARLES		940003239	9475939	19940511	94	0003505	.246	01
HOLOMEW	DOUGLAS	J	940000615	94011708	19940122	94	0000551	.221	02
HI	WADE	H	940005063	94128239	19940726	94	0005465	.336	01
ON	NEIL	D	940001596	9438875	19940310	94	0001880	.206	02
MAN	MICHAEL	L	940004580	94115095	19940707	94	0001985	.242	02
NG	SCOTT	W	930000549	93197663	19931210	93	0009198	.170	01
EREN	JOHN	S	940004588	94115137	19940707	94	0004986	.000	01
ARD	JOHN	J	940003343	9478015	19940514	94	0003575	.157	01
	SARAH		940000435	93869460	19931119	93	0008694	.172	01
ETTE	MARY	J	940003231	9475761	19940510	94	0003499	.316	02
	MAUREEN	T	940000267	947760	19940115	94	0000366	.190	01
	AUGUST	E	940005624	94146073	19940822	94	0006158	.364	01
HIFORD	THOMAS	S	940000436	93199630	19931215	93	0009274	.230	07
ER	MARY	J	940001591	9438839	19940310	94	0001875	.241	01
	IAN	C	940003984	9496012	19940610	94	0004318	.141	02
CK	JOHNNY	L	940002413	9456119	19940409	95	0002594	.142	02
	STEVEN	J	940002827	9464522	19940422	94	0002986	.078	02
UIN	ROBERT	H	940001979	9446258	19940323	94	0002191	.235	02
	JOEL	H	940000362	949662	19940118	94	0000428	.200	01
S	RICHARD	D	940000943	9420396	19940206	94	0001013	.200	02
S	RICHARD	D	940000875	9420396	19940206	94	0001013	.200	01
ENDER	WILLIS	L	940003658	9486953	19940528	94	0003961	.232	01
	BRIAN	E	940003805	9491780	19940604	94	0004141	.251	01
AL	SHELLEY	P	940002044	9447723	19940326	94	0002262	.000	01
S	JOHNNIE	C	940003774	9490485	19940602	94	0004086	.296	01
	ROLAND		940002207	9451593	19940401	94	0002389	.000	01
	ROLAND		940000540	9413909	19940126	94	0000645	.282	01
ERIT	JULIE	A	940002152	9427984	19940219	94	0002152	.265	01
	JAMES	A	940000370	94007750	19940115	94	0000362	.214	03
	NICHOLAS	W	930000405	93195329	19931206	93	0009066	.079	01
	PAUL		940004628	94116851	19940710	94	0005064	.000	02
OTHER	MITCHELL	A	940001826	9444156	19940319	94	0002097	.324	03

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BELL	RONNELL	J	940000754	9417772	19940201	94	0000851	.000	01
C	KENNY	L	940001592	9438752	19940310	94	0001872	.000	01
CANIKOFF	NICK	A	940001149	9426392	19940217	94	0001326	.195	01
C	EARNEST	G	940000931	9419664	19940205	94	0000986	.230	01
C	DELBERT	A	940003387	9478675	19940514	94	0003598	.215	01
C	CLIFFORD	C	940001292	9430200	19940224	94	0001469	.000	01
CANIKOFF	ROBERT	G	940000843	946077	19940112	94	0000254	.017	01
C	STEVEN	J	940004020	9496281	19940611	94	0004324	.248	01
C	RICHARD	J	940001406	9433665	19940302	94	0001632	.236	03
C	MARVIN	R	940002045	9447802	19940326	94	0002266	.237	01

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DWI W/REPEAT OFFENDER > ZERO  
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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
OK	BRUCE	W	940003896	9493620	19940607	94	0004212	.000	03
OK	LAURA	L	940002950	9467610	19940428	94	0001145	.227	01
OLEY	MICHAEL	T	940001479	9435582	19940305	94	0001734	.151	02
RBEIL	GORDON	C	940003304	9477156	19940512	94	0003537	.167	01
DOVA	STEVE	A	940001333	9431376	19940226	94	0001537	.183	02
SART	ROBERT	M	930000215	93189362	19931124	93	0008838	.070	01
SAN	VICTOR		940003645	94884256	19940530	94	0004005	.342	02
UGHEN	JAMES	M	940000346	947164	19940114	94	0000318	.105	02
Z	FORTUNATO	A	940002949	9467730	19940428	94	0003147	.000	01
MINGS	ERIC		940002728	9461020	19940417	94	0002835	.149	01
ID	MARK	C	940003927	9494885	19940609	94	0004279	.220	01
ID	SHELBY	F	940004479	94111606	19940703	94	0004877	.113	02
WIDSON	DOUGLAS	G	940000773	9417787	19940201	94	0000853	.188	01
VIS	RICARDO		940000713	94015600	19940129	94	0000744	.171	03
VIS	ROBERT	W	940003519	9483070	19940522	94	0003781	.139	01
ASON	SUSAN	M	940001143	9426292	19940217	94	0001316	.191	01
LKETTIE	GERALD	H	940000246	94002752	19940105	94	0000115	.000	03
JOE	LESLIE	M	940003501	9483272	19940521	94	0003759	.144	02
NBRE	JEFFREY	K	940000439	93186339	19931118	93	0008690	.000	01
YARMON	RICHARD	D	940000147	944446	19940108	94	0000192	.000	02
SON	LUDENE	S	940001088	9425022	19940214	94	0001257	.259	02
VIDIO	MICHAEL	B	940005023	94127031	19940724	94	0005424	.000	01
LE	DENNIS	D	940002210	9452353	19940402	94	0002418	.159	01
STERDAY	PATRICK	L	940005279	94134525	19940804	94	0005727	.220	01
AM	JEFFREY		940005402	94140031	19940813	94	0005939	.175	01
LISON	ROBERT	L	930000839	93205933	19931225	00	0000000	.145	03
OSLEY	ROBERT	M	940002529	9458849	19940413	94	0002715	.275	01
SLINGER	JON	H	940000556	9413824	19940125	94	0000643	.190	01
CKMELRA	BILLY	J	940000269	948344	19940115	94	0000382	.118	01
IS	GREGORY	C	930000314	93192745	19931201	93	0008982	.197	01
IS	GREGORY	C	930000109	93185301	19931116	93	0008637	.142	01
BER	ROCHELLE	M	940001478	9435554	19940305	94	0001730	.247	02
YNUS	RAFAL		940005152	94131974	19940731	94	0005599	.156	01
USON	TIMOTHY	C	940005154	94130862	19940730	94	0005566	.000	03
AD	CHAD	A	940003653	9487704	19940529	94	0003988	.261	01
BARBARA	BARBARA	L	940002058	9448627	19940327	94	0002291	.000	01
CHARLES	CHARLES	J	940000876	9419580	19940205	94	0000987	.000	03
ROBERT	ROBERT	W	940004309	94105196	19940624	94	0004624	.255	01
MICHAEL	MICHAEL	A	940004957	94126597	19940724	94	0005413	.160	02
FRANK	FRANK	A	940000382	9410337	19940119	94	0000450	.000	03
KEVIN	KEVIN	J	940001472	9436622	19940306	94	0001768	.150	02
ERNEST	ERNEST	L	940001904	9443653	19940318	94	0002077	.146	03

G	PROY	JOSEPH	H	940004546	94113830	19940706	94	0004923	.000	03
G	COLI	MARTHA		930000145	93182774	19931112	93	0008520	.212	01
G	ENS	CLAUD	W	930000114	93183844	19931114	93	0008576	.174	01
G	T	RALPH	E	940001635	9440019	19940312	94	0001933	.256	02
G	Y	TED	D	940001908	94124801	19940721	94	0005332	.211	01
G	SCH	BRYAN	S	940002186	9451044	19940401	94	0002346	.157	01
G	Y	KENNETH	N	940004973	94126143	19940723	94	0005393	.248	01
G	BERGEN	DUSTIN	L	940000572	9414459	19940127	94	0000677	.238	02
G		RAUL	C	940000965	9420365	19940206	94	0001011	.168	03
G	III	JOHN	S	940003974	9496599	19940611	94	0004333	.000	02

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DWI W/REPEAT OFFENDER > ZERO  
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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	EA RES	RPT OFF
LINE	WILLIAM	L	940005445	94139961	19940813	94	0005936	.183	03
G	JOHNNY	D	940000312	93208777	19931231	93	0009723	.320	01
ERREZ	ARON		940004162	94102357	19940619	94	0004550	.174	01
	JAY	W	940000857	93203784	19931221	93	0009475	.000	01
	KIMBERLY	S	940000160	94003796	19940107	94	0000163	.295	02
ARK	RONALD	H	940003801	9492544	19940605	94	0004165	.000	01
TON	KEVIN	F	930000244	93189959	19931126	93	0008862	.155	01
L	JOHN	J	930000245	93189883	19931125	93	0008859	.224	01
ON	GARY	E	940004485	94110865	19940702	94	0004849	.175	01
	DAVID	B	940005513	94141800	19940815	94	0005993	.170	02
N	ROY	L	940001332	9431402	19940226	94	0001538	.159	02
N	TODD	D	940004478	94111342	19940702	94	0004874	.150	01
S	JACK	R	940004322	94105851	19940625	94	0004642	.175	02
S	TOMMY	M	940000847	94728	19940102	94	0000041	.253	02
EY	MCKINLEY	W	940004767	94120915	19940716	94	0005197	.105	02
RICKSON	GILBERT	A	940004866	94123251	19940719	94	0005274	.217	01
RIX	RUSSELL	J	940001336	9431809	19940226	94	0001549	.157	02
Y	JAMES	E	940004824	94122932	19940718	94	0005261	.000	03
Y	JAMES	E	940001173	9426867	19940218	94	0001352	.174	02
ERA	JOSE	R	940002316	9454129	19940406	94	0002485	.000	01
MANN	CHARLES		940001639	9439308	19940311	94	0001894	.000	08
OG-KAHAYURA	MARTHA	M	940004949	94126824	19940725	94	0005420	.331	02
	RANDALL	L	940000446	93187872	19931121	93	0008771	.269	01
	WILLIAM	L	940001334	9431250	19940226	94	0001529	.160	01
	ROBERT	D	930000291	93191240	19931129	93	0008936	.185	01
ERT	STEVEN	C	940000863	93203284	19931220	93	0009439	.208	04
RE	ARNOLD	K	940001290	9429864	19940223	94	0001458	.000	02
	DANIEL	A	940003125	9473464	19940507	94	0003434	.217	01
M	STEVEN	R	940003010	9469678	19940501	94	0003239	.243	01
SCHER	MARLA	R	940005151	94130777	19940729	94	0005564	.120	02
SCHER	MARLA	R	940003146	9473436	19940507	94	0003427	.144	01
REY	RODNEY	C	930000669	93201495	19931218	93	0009390	.000	02
MAN	ROBERT	E	940001408	9433508	19940302	94	0001627	.000	02
MAN	SCOTT	J	940000761	9417936	19940202	94	0000862	.168	01
ISON	GRANT	T	940003605	9485501	19940525	94	0003889	.178	03
ISON	GRANT	T	940002988	9464067	19940422	94	0002988	.171	02
N	ROY	D	940002222	9452965	19940404	94	0002442	.000	01
GG	RONALD	L	940001739	93201225	19931217	93	0000000	.000	03
TT	JAMES	J	940000167	93208644	19931231	93	0009716	.166	01
LES	MICHAEL	V	940000591	9414896	19940127	94	0000706	.000	03
INGS	CHARLES	B	930000486	93196067	19931207	93	0009109	.185	01
ON	MISTY	K	930000981	9386337	19930605	93	0004388	.304	01

J	S	MICHAEL	H	930000393	93174963	19930806	93	0007690	.000	01
J	S	ROBERT	C	930000290	93190936	19931128	93	0008919	.000	03
J	W	THOMAS	W	940002289	9453483	19940404	94	0002468	<u>.193</u>	02
J	EN	SCOTT	E	930000317	93192832	19931202	93	0008985	.185	01
K	HATAG	BARBARA	A	940001314	9430715	19940225	94	0001500	.000	01
K	HATAG	EDWARD	J	940005297	94136523	19940807	94	0005794	.202	01
K	TER	STEVEN	E	940003632	9486093	19940526	94	0003920	.064	01
K	ON	ROBERT	D	940001027	9423540	19940212	94	0001205	.134	06
K		KALEILANI	F	940000733	9417349	19940201	94	0000830	.227	01
K	TEILUK	DOLLY		940004338	94105991	19940125	94	0004650	.263	01

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KEVIN	I.	930000551	93197614	19931210	93	0009194	.289	01
ERNEST	S	940003975	9496717	19940611	94	0004337	<u>.212</u>	<u>02</u>
JAMES	K	930000331	93193411	19931203	93	0009005	<u>.216</u>	<u>02</u>
CYNTHIA	A	940003611	9485161	19940525	94	0003873	<u>.000</u>	<u>02</u>
MASSA	D	940005379	94137181	19940809	94	0005820	<u>.143</u>	<u>02</u>
CHERISE	A	940001702	9440197	19940311	94	0001944	<u>.231</u>	<u>03</u>
STEVEN	R	940003788	9490415	19940602	94	0004084	<u>.116</u>	<u>02</u>
WILLIE	E	930000575	93199287	19931214	93	0009244	.180	01
MIKE	W	940005584	94143898	19940818	94	0006087	.199	01
CLAUDE	L	940003102	9471968	19940504	94	0003351	.283	01

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DWI W/REPEAT OFFENDER > ZERO  
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LAST NAME	FIRST NAME	M	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
MEYER	BRUCE	M	940000699	9416229	19940130	94	0000775	.233	01
MEDON	BRUCE	E	940004456	94110890	19940702	94	0004851	.000	03
MEDON	CHRISTOPHE	P	940005160	94131567	19940731	94	0005584	.128	01
MEDON	JEFFRY	A	940000152	944928	19940109	94	0000214	.119	02
MEDUROFF	MACAR	J	940000746	94011466	19940121	94	0000534	.000	01
MEDOLS	CHARLES	D	940003775	9490638	19940602	94	0004091	.218	02
MEDOLS	CHARLES	D	940003012	9468710	19940429	94	0003205	.230	02
MEDOLS	JENNIFER	J	940001893	9445178	19940321	94	0002138	.108	01
MEDOLS	RAYMOND	E	940005674	94144769	19940820	94	0006127	.000	02
MEDOLSON	ROGER	C	940001185	9428557	19940220	94	0001402	.000	01
MEDON	ERIC	B	930000460	93196549	19931208	93	0009143	.139	02
MEDON	SHANNON	P	940000010	94000679	19940102	94	0000039	.169	01
MEDON	SCOTT	A	940004023	9496057	19940610	94	0004316	.145	01
MEDON	MICHAEL	J	940001043	9424696	19940214	94	0001247	.172	01
MEDON	GEORGE	N	940001656	9439627	19940312	94	0001912	.211	02
MEDON	IRENEUCZ		940005065	94128192	19940726	94	0005464	.232	01
MEDON	LEONARD	J	940004789	94121814	19940717	94	0005228	.189	02
MEDON	MELCHOR	H	940001768	9442486	19940316	94	0002005	.167	01
MEDON	DONALD	A	940004487	94110658	19940701	94	0004844	.183	01
MEDON	DAVID		940005392	94138252	19940810	94	0005852	.000	02
MEDON	KEVIN		940003660	9488257	19940530	94	0004001	.204	01
MEDON	KENNETH	Q	940001265	9429619	19940223	94	0001437	.237	01
MEDON	KENNETH	Q	940000924	9419587	19940205	94	0000981	.239	01
MEDON	WALTER	R	940003776	9490757	19940	94	0004097	.000	01
MEDON	DAVID	L	940002373	9455406	19940	94	0002557	.215	06
MEDON	RICHARD	E	940005149	94131510	1994073	94	0005583	.226	03
MEDON	CHARLES	E	930000485	93198632	19931209	93	0009149	.173	01
MEDON	BERTHA	J	940000700	9415915	19940129	94	0000758	.101	02
MEDON	VICTOR	L	930000526	93198061	19931211	93	0009212	.225	01
MEDON	JAMES	R	940005676	94144782	19940820	94	0006129	.197	01
MEDON	VERNITA	M	940000006	93195999	19931207	93	0009106	.000	02
MEDON	CHERYL	L	940000402	946042	19940113	94	0000305	.000	02
MEDON	HARRY	N	940002539	9459085	19940414	94	0002734	.037	02
MEDON	LOWELL	V	940000810	9419015	19940204	94	0000936	.199	02
MEDON	LOWELL	V	940003576	9484887	19940525	94	0003857	.244	01
MEDON	CLARENCE	R	940003339	9478520	19940514	94	0003592	.190	01
MEDON	CHARLES	F	940000274	947762	19940115	94	0000363	.000	01
MEDON	JOSEPH		940004036	9496990	19940612	94	0004349	.209	02
MEDON	GLEN		940001625	9440133	19940313	94	0001939	.159	02
MEDON	ALBEN	P	940002835	9465429	19940424	94	0003032	.139	01
MEDON	TAMMY		940005259	94136482	19940807	94	0005792	.260	01
MEDON	EARLENE	E	930000183	93187394	19931120	93	0008748	.170	01

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ALLEY	LINCOLN	N	940003976	9497009	19940612	94	0004350	.204	01
AY	WALTER	L	930000358	93194031	19931204	93	0009026	.000	01
RTS	LORNA	D	940004024	9497584	19940612	94	0004368	.215	02
ES	ANGEL	C	940003206	9471721	19940509	94	0003478	.243	01
RS	ROBERT	J	940001139	9426065	19940216	94	0001307	.000	02
INS	HARRY		940003804	9492730	19940606	94	0004168	.150	02
MILLER	KIRK	T	940004186	94101875	19940619	94	0004532	.094	02
HEUS	LYNDON	D	940005585	94143731	19940818	94	0006082	.217	01
CKY	GREGORY	L	940001660	9439428	19940311	94	0001898	.308	03
SON	DELBERT	G	940000166	94000090	19940101	94	0000007	.213	03

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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
SAMUELSON	HOWARD	B	940004344	94105721	19940624	94	0004641	.180	02
SAMUEZ-MORALES	JOSE	R	940003608	9485581	19940526	94	0003894	.264	03
SAMUEZ-MORALES	JOSE	R	940000381	9410443	19940120	94	0000452	.246	01
SAMUEZ	CHARLES	W	940004025	9496876	19940611	94	0004347	.192	01
SAMUEZ	LAURA	C	940004264	94103523	19940621	94	0004583	.249	01
SAMUEZ	ROY	B	940004954	94127057	19940725	94	0005426	.000	01
SAMUEZ	JULIE	A	930000332	93193400	19931203	93	0009002	.226	01
SCHEIDT	SCOTT	M	940000928	9419460	19940204	94	0000976	.173	01
SCHEIDT	DALE	T	940000612	94011011	19940121	94	0000510	.152	01
SCHEIDT	DAVID	F	940001188	9428162	19940220	94	0001394	.000	01
SCHEIDT	ROBERT	P	940004972	94126365	19940723	94	0005404	.000	01
SCHEIDT	JOHATHAN	B	940002982	9468324	19940429	94	0003178	.232	02
SEDERHIST	GIDEON	C	940001037	9424215	19940213	94	0001222	.257	01
SEDERHIST	JOHN		940004623	94116741	19940710	94	0005063	.000	01
SHAFER	FRITZ	L	940004331	94107257	19940627	94	0004688	.287	01
SHEPHERD	RUSSELL	L	940002899	9467158	19940427	94	0003110	.188	03
SHUMWAY	GENE	T	940000466	9411575	19940121	94	0000519	.088	01
SKIEN	WILLIAM	R	940000007	93208862	19931231	93	0009725	.200	02
SLAVIN	TONY	V	940000000	94118569	19940712	94	0005125	.187	03
SLAVIN	TONY	V	930000000	93187436	19931120	93	0008751	.000	02
SMITH	CLINTON	W	930000035	93193149	19931202	93	0008992	.213	01
SMITH	DALLAS	A	940001036	9424309	19940213	94	0001234	.186	01
SMITH	DAVID	J	940005357	94135660	19940806	94	0005754	.212	01
SOMMERHOFF	ROBERT	E	940001577	9484950	19940525	94	0003859	.206	02
SOMMERVILLE	KENNETH	G	940000703	9415117	19940128	94	0000715	.095	01
SOUTHWELL	FRANKLIN	R	940003329	9479032	19940515	94	0003607	.000	01
SOUTHWELL	JACKIE	I	920000037	92158752	19921001	92	0007595	.332	03
SPEARS	JIM	L	930000809	93205950	19931225	00	0000000	.239	01
STARBUCK	MARK	S	940001196	9429143	19940222	94	0001418	.161	01
STEINBERG	CHRISTOPHE	R	940004079	9498971	19940615	94	0004423	.000	01
STEINBERG	GARY	M	940004834	94122975	19940718	94	0005263	.123	01
STEINBERG	GARY	M	940001187	9427940	19940219	94	0001387	.160	01
STEINBERG	ARTHUR	M	940004760	94121912	19940717	94	0005212	.300	01
STEINBERG	JOHN	W	940002315	9454137	19940405	94	0002482	.281	01
STEINBERG	LUCILLE		940004406	94108671	19940629	94	0004731	.000	01
STEINBERG	KEVIN		940003060	9470489	19940502	94	0003291	.327	01
STEINBERG	ALEXANDER	S	940001310	9430699	19940225	94	0001499	.090	01
STEINBERG	JAMES		940001032	9424481	19940214	94	0001238	.239	01
SMALL	SAMUEL	S	930000102	93187013	19931120	93	0008739	.105	01
THEODORE	DALE	E	930000463	93196046	19931207	93	0009107	.000	03
THEODORE	HERBERT	W	930000253	93190471	19931127	93	0008903	.116	01
THEODORE	RONNIE	T	940001335	9424203	19940213	94	0001220	.000	02

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TUPLE	OTTO	R	930000623	93200343	19931216	93	0009312	.257	04
TAS	HELEN	L	940001358	9431748	19940226	94	0001547	.166	01
T PSON	JOHN	F	940002420	9457229	19940410	94	0002625	.000	02
NE	MARK	J	940002421	9437172	19940410	94	0002622	.314	02
NTON	TROY	S	940004174	94102015	19940619	94	0004541	.000	01
	CHRISTOPHE	A	930000088	93183853	19931111	93	0008579	.177	01
	JAMES	L	930000330	93190953	19931128	93	0008917	.156	01
	TIMOTHY	H	940000858	9412387	19940123	94	0000577	.173	01
	BILLY	J	940001537	9437281	19940308	94	0001793	.000	01
KAYLOK	GLENN	W	930000339	93193414	19931203	93	0009003	.000	03

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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
WYLOK	THOMAS	W	940001409	9433503	19940301	94	0001624	.211	02
WYLOK	STEVEN	L	940000860	93209179	19931231	94	0000001	.283	03
WYLOK	STEVEN	L	940000428	93174814	19931028	94	0000514	.000	03
WYLOK	CRISTIAN		940003396	9479894	19940516	94	0003638	.237	01
WYLOK	TERRY	J	940000801	9418801	19940203	94	0000921	.000	02
WYLOK	KENNETH	G	940000862	93191005	19931128	93	0008925	.000	01
WYLOK	DAVID	A	940004107	9499710	19940616	94	0004445	.172	01
WYLOK	MARTY	G	940000785	9411121	19940121	94	0000515	.000	01
WYLOK	CARYN	E	940004282	94101922	19940619	94	0004538	.125	01
WYLOK	LARRY	B	940001361	9431246	19940226	94	0001531	.176	01
WYLOK	JAMES	D	940001626	9439770	19940312	94	0001922	.330	01
WYLOK	GREGORY	C	930000747	93203180	19931220	93	0009438	.205	01
WYLOK	WALTER	L	940001390	9432984	19940301	94	0001595	.205	02
WYLOK	GUSTY		940000797	9418404	19940203	94	0000888	.175	02
WYLOK	KAREN	M	940002399	9455943	19940408	94	0002586	.153	02
WYLOK	KAREN	M	940001331	9431382	19940226	94	0001535	.202	01
WYLOK	TONI	S	940000930	9419600	19940205	94	0000985	.167	01
WYLOK	CLEO	C	940000162	94001742	19940104	94	0000071	.267	07
WYLOK	DON	A	940001030	9424268	19940213	94	0001232	.145	02
WYLOK	RALPH	P	940001798	9443063	19940318	94	0002047	.188	01
WYLOK	GARY	K	940001924	9444272	19940320	94	0002110	.093	01
WYLOK	JONATHAN		940001142	9426186	19940216	94	0001310	.301	02
WYLOK	ROY	M	940000707	9415516	19940128	94	0000741	.257	01
WYLOK	LARRY	D	940004893	94124253	19940720	94	0005301	.000	04
WYLOK	DANE	J	940000309	94006453	19940112	94	0000265	.307	02
WYLOK	DANIEL	E	940000565	94012247	19940122	94	0000566	.000	02
WYLOK	KEVIN	D	940003635	9466199	19940527	94	0003823	.185	01
WYLOK	PAUL	D	930000087	93184169	19931114	93	0008591	.244	02
WYLOK	SHIRLEY	A	930000884	93186491	19931119	93	0008695	.000	01
WYLOK	TIMOTHY	B	940005123	94129868	19940729	94	0005526	.257	02
WYLOK	JASON	R	940004347	94106272	19940625	94	0004657	.284	01
WYLOK	JEFFREY	A	940004348	94105962	19940625	94	0004649	.185	01
WYLOK	PHILLIP	J	940004892	94124339	19940720	94	0005304	.236	02
WYLOK	RALPH	M	940003931	9495421	19940610	94	0004291	.000	02
WYLOK	BRETT	A	940003021	9469063	19940430	94	0003225	.000	01
WYLOK	MICHAEL	L	940001191	9427429	19940219	94	0001379	.192	02
WYLOK	AARON	Q	940005397	94138559	19940811	94	0005864	.204	02
WYLOK	AARON	Q	940003875	9493373	19940607	94	0004201	.000	01
WYLOK	JEFFREY	S	940003784	9490826	19940603	94	0004103	.234	01

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