

HB

21

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 21

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...revocation of a driver's license for illegal possession or use of a controlled substance...consumption of alcohol..." BRU: Prosecution
 Sponsor: Representative Porter Component: All
 Requester: Representative Porter COMPONENT SERIAL NO. 0085-90

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the driver's license revocation penalties, contained in AS 28.15, for minors who possess or use a controlled substance in violation of AS 11.71, or who possess or consume alcohol, in violation of AS 04.16.050, to include violations of municipal ordinances with substantially similar elements. The revocation of licenses is primarily an administrative process within the Department of Public Safety. The Department of Law's involvement consists of representing the Department of Public Safety (when needed) in an appeals hearing, to review a revocation. Such involvement, since the state's revocation penalties took effect last summer, has been minimal. Consequently, a fiscal impact is not expected.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/1/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/1/95
 Agency: Department of Law

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 21

Revision Date: 01/27/95
 Title: An act relating to revocation of a driver's license
 Sponsor: Porter and Toohy
 Requestor: _____

Dept. Affected: Health and Social Services
 BRU: Alcohol and Drug Abuse Svcs
 Component: ADA Administration
 COMPONENT SERIAL NO. 302
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

	FY96	FY97	FY98	FY99	FY00	FY01
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the division.

Prepared by: Patty L. Olson
 Division: Alcoholism & Drug Abuse
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: _____
 Date: 01/27/95
 Date: 30/1/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA

BILL NO: HB21

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to revocation of a BRU: Alaska State Troopers
driver's license for illegal possession, etc. Component: Detachments
 Sponsor: Representative Brian Porter
 Requestor: _____ 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

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

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.)
 No material impact.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/20/95
 Approved by Commissioner: *R. J. Otte* Date: 11/31/95
 Agency: Ronald J. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

CS FOR HOUSE BILL NO. 21(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 2/10/95

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
2 of a controlled substance or illegal possession or consumption of alcohol by a
3 person at least 13 but not yet 21 years of age; and providing for an effective
4 date."

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

6 * Section 1. AS 28.15.183(a) is amended to read:

7 (a) If a peace officer has probable cause and based on personal observation
8 that a person who is at least 14 years of age but not yet 21 years of age has possessed
9 or used a controlled substance in violation of AS 11.71 or a municipal ordinance, or
10 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
11 ordinance, and the peace officer has cited the person or arrested the person for a
12 violation of AS 11.71, [OR] AS 04.16.050, or the municipal ordinance, the peace
13 officer shall read a notice and deliver a copy to the person. The notice must advise
14 that

1 (1) the department intends to revoke the person's driver's license or
2 permit, privilege to drive, or privilege to obtain a license or permit;

3 (2) the person has the right to administrative review of the revocation;

4 (3) if the person has a driver's license or permit, the notice itself is a
5 temporary driver's license or permit that expires seven days after it is delivered to the
6 person;

7 (4) revocation of the person's driver's license or permit, privilege to
8 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
9 of the notice to the person unless the person, within seven days, requests an
10 administrative review.

11 * Sec. 2. AS 28.15.183(c) is amended to read:

12 (c) Unless the person has requested an administrative review, the department
13 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
14 obtain a license or permit, effective seven days after delivery to the person of the
15 notice required under (a) of this section, upon receipt of a sworn report of a peace
16 officer

17 (1) that the officer had probable cause ^{to believe} and based on personal
18 observations] that the person is at least 14 years of age but not yet 21 years of age and
19 has possessed or used a controlled substance in violation of AS 11.71 or a municipal
20 ordinance, or possessed or consumed alcohol in violation of AS 04.16.050 or a
21 municipal ordinance;

22 (2) that the peace officer has cited the person or arrested the person for
23 a violation of AS 11.71, [OR] AS 04.16.050, or a municipal ordinance;

24 (3) that notice under (a) of this section was provided to the person; and

25 (4) describing the circumstances surrounding the violation of the
26 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions
27 of AS 04.16.050, or the municipal ordinance.

28 * Sec. 3. AS 28.15.183(g) is amended to read:

29 (g) Except as provided under (h) of this section, the department may not issue
30 a new license or reissue a license to a person whose driver's license, permit, or
31 privilege to drive has been revoked under this section unless the person is enrolled in

1 and is in compliance with, or has successfully completed

2 (1) an alcoholism education and rehabilitation treatment program, if the
3 revocation resulted from possession or consumption of alcohol in violation of
4 AS 04.16.050 or a municipal ordinance; or

5 (2) a drug rehabilitation treatment program, if the revocation resulted
6 from possession or use of a controlled substance in violation of AS 11.71 or a
7 municipal ordinance.

8 * Sec. 4. AS 28.15.184(g) is amended to read:

9 (g) The hearing for review of a revocation by the department under
10 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
11 of age but not yet 21 years of age and whether the person possessed or used a
12 controlled substance in violation of AS 11.71 or a municipal ordinance, or possessed
13 or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance.

14 * Sec. 5. AS 28.15.185(a) is amended to read:

15 (a) A person who is at least 13 years of age but not older than 17 years of age
16 who is adjudicated by a juvenile court of (1) misconduct involving a controlled
17 substance under AS 11.71 or a municipal ordinance, or (2) possession or
18 consumption of alcohol under AS 04.16.050 or a municipal ordinance is subject to
19 revocation of the person's driver's license under (b) of this section.

20 * Sec. 6. AS 28.15.185(c) is amended to read:

21 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
22 the court may, upon petition of the person, review the revocation and may restore the
23 driver's license, except a court may not restore the driver's license until

24 (1) at least one-half of the period of revocation imposed under this
25 section has expired; and

26 (2) the person has taken and successfully completed a state approved
27 program of drug rehabilitation if convicted of misconduct involving a controlled
28 substance under AS 11.71 or a municipal ordinance, or alcohol rehabilitation if
29 convicted of possession or consumption of alcohol under AS 04.16.050 or a
30 municipal ordinance; this paragraph does not apply to a person who resides in an area
31 that does not offer a state approved drug or alcohol rehabilitation program or a person

1 that the court determines does not need alcohol or drug rehabilitation.

2 * **Sec. 7. APPLICABILITY.** This Act applies to violations of AS 04.16.050, AS 11.71,
3 or a municipal ordinance that occur on or after the effective date of this Act.

4 * **Sec. 8.** This Act takes effect July 1, 1995.

AMENDMENT

2

OFFERED IN THE HOUSE
TO: CSHB 21(TRA)

1 Page 2, line 23:

2 Delete "a violation of AS 11.71, [OR] AS 04.16.050, or a municipal ordinance;"

3 Insert

4 "(A) a violation of AS 11.71 or AS 04.16.050; or

5 (B) possession or use of a controlled substance or alcohol in
6 violation of a municipal ordinance;"

HOUSE COMMITTEE REPORT

(7)
 Date Referred: February 10, 1995 FURTHER REFERRALS: Finance

Date of Committee Action: 2/27/95

The JUDICIARY Committee considered: HB 21

HOUSE BILL NO. 21 DRIVER'S LIC REVOCATION;ALCOHOL/DRUGS

"An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 21 (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) _____ fiscal note(s) _____

zero fiscal note(s) Health & Soc Serv zero fiscal note(s) _____
Public Safety
Dept. of Law

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Brian Porter</i>	✓			
<i>[Signature]</i>	✓			
<i>Betty Davis</i>	X			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE Brian A Porter

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 21(TRA)

1 Page 2, line 23:

2 Delete "a violation of AS 11.71, [OR] AS 04.16.050, or a municipal ordinance;"

3 Insert

4 "(A) a violation of AS 11.71 or AS 04.16.050; or

5 (B) possession or use of a controlled substance or alcohol in

6 violation of a municipal ordinance;"

B

HOUSE COMMITTEE REPORT

2/10/95

(7) Date Referred: January 16, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/8/95

The TRANSPORTATION Committee considered:

HB 21

HOUSE BILL NO. 21

DRIVER'S LIC REVOCATION:ALCOHOL/DRUGS

"An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; and providing for an effective date."

recommends it be replaced with the following committee substitute - CS HB 21(TRA) [] 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) _____ [] fiscal note(s) _____

[] zero fiscal note(s) Public Safety, Dept. of Law, H-55 [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
Beverly Masek	MASEK			✓	
Yvonne James	JAMES	✓			
Ed Madigan	Madigan	✓			
Tom Brice	Brice			✓	
Tom Sanders	Sanders			✓	
W. Williams	Williams	✓			
G. Davis	G. DAVIS	✓			
		(4)		(3)	

Handwritten signatures and initials at the bottom of the table.

CS FOR HOUSE BILL NO. 21(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
 2 of a controlled substance or illegal possession or consumption of alcohol by a
 3 person at least 13 but not yet 21 years of age; and providing for an effective
 4 date."

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

6 * Section 1. AS 28.15.183(a) is amended to read:

7 (a) If a peace officer has probable cause to believe [AND BASED ON
 8 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
 9 yet 21 years of age has possessed or used a controlled substance in violation of
 10 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation
 11 of AS 04.16.050 or a municipal ordinance, and the peace officer has cited the person
 12 or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the
 13 municipal ordinance, the peace officer shall read a notice and deliver a copy to the
 14 person. The notice must advise that

1 (1) the department intends to revoke the person's driver's license or
2 permit, privilege to drive, or privilege to obtain a license or permit;

3 (2) the person has the right to administrative review of the revocation;

4 (3) if the person has a driver's license or permit, the notice itself is a
5 temporary driver's license or permit that expires seven days after it is delivered to the
6 person;

7 (4) revocation of the person's driver's license or permit, privilege to
8 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
9 of the notice to the person unless the person, within seven days, requests an
10 administrative review.

11 * Sec. 2. AS 28.15.183(c) is amended to read:

12 (c) Unless the person has requested an administrative review, the department
13 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
14 obtain a license or permit, effective seven days after delivery to the person of the
15 notice required under (a) of this section, upon receipt of a sworn report of a peace
16 officer

17 (1) that the officer had probable cause to believe [AND BASED ON
18 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
19 21 years of age and has possessed or used a controlled substance in violation of
20 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation
21 of AS 04.16.050 or a municipal ordinance;

22 (2) that the peace officer has cited the person or arrested the person for

23 (A) a violation of AS 11.71 or AS 04.16.050; or

24 (B) possession or use of a controlled substance or alcohol in
25 violation of a municipal ordinance;

26 (3) that notice under (a) of this section was provided to the person; and

27 (4) describing the circumstances surrounding the violation of the
28 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions
29 of AS 04.16.050, or the municipal ordinance.

30 * Sec. 3. AS 28.15.183(g) is amended to read:

31 (g) Except as provided under (h) of this section, the department may not issue

1 a new license or reissue a license to a person whose driver's license, permit, or
2 privilege to drive has been revoked under this section unless the person is enrolled in
3 and is in compliance with, or has successfully completed

4 (1) an alcoholism education and rehabilitation treatment program, if the
5 revocation resulted from possession or consumption of alcohol in violation of
6 AS 04.16.050 or a municipal ordinance; or

7 (2) a drug rehabilitation treatment program, if the revocation resulted
8 from possession or use of a controlled substance in violation of AS 11.71 or a
9 municipal ordinance.

10 * Sec. 4. AS 28.15.184(g) is amended to read:

11 (g) The hearing for review of a revocation by the department under
12 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
13 of age but not yet 21 years of age and whether the person possessed or used a
14 controlled substance in violation of AS 11.71 or a municipal ordinance, or possessed
15 or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance.

16 * Sec. 5. AS 28.15.185(a) is amended to read:

17 (a) A person who is at least 13 years of age but not older than 17 years of age
18 who is adjudicated by a juvenile court of (1) misconduct involving a controlled
19 substance under AS 11.71 or a municipal ordinance, or (2) possession or
20 consumption of alcohol under AS 04.16.050 or a municipal ordinance is subject to
21 revocation of the person's driver's license under (b) of this section.

22 * Sec. 6. AS 28.15.185(c) is amended to read:

23 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
24 the court may, upon petition of the person, review the revocation and may restore the
25 driver's license, except a court may not restore the driver's license until

26 (1) at least one-half of the period of revocation imposed under this
27 section has expired; and

28 (2) the person has taken and successfully completed a state approved
29 program of drug rehabilitation if convicted of misconduct involving a controlled
30 substance under AS 11.71 or a municipal ordinance, or alcohol rehabilitation if
31 convicted of possession or consumption of alcohol under AS 04.16.050 or a

1 municipal ordinance; this paragraph does not apply to a person who resides in an area
2 that does not offer a state approved drug or alcohol rehabilitation program or a person
3 that the court determines does not need alcohol or drug rehabilitation.

4 * Sec. 7. APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11.71,
5 or a municipal ordinance that occur on or after the effective date of this Act.

6 * Sec. 8. This Act takes effect July 1, 1995.



Official Business

Alaska State Legislature HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

House Bill 21 closes a small, but important loophole in House Bill 299 which passed last year.

That law should be amended to include municipal ordinance as well as state law. House Bill 21 does this.

There are zero fiscal notes from the Department of Public Safety, the Department of Health and Social Services, and the Department of Law. The simple fix will cost the the state nothing, but will increase the effectiveness of the law.

SPONSOR STATEMENT

Municipality of Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4250

Rick Mystrom, Mayor

DEPARTMENT OF LAW
Office of the Prosecutor
320 L Street, Suite 100

January 19, 1995

I am writing to express my strongest support for proposed House Bill 21, sponsored by Representative Porter.

As a state, Alaska, sorrowfully, has one of the highest incidents of alcohol abuse in the nation. Unfortunately that abuse often begins at a young age. At least 50% of all juvenile crime in Alaska is linked to alcohol. Alcohol is also a factor in a tremendous number of suicides. In fact as many as 72% of suicides by Native men aged 15 to 24 are alcohol related. Chillingly, nationwide almost 70% of juveniles who report using drugs or alcohol state their first experiences were with drugs or alcohol taken from their parents' supplies.

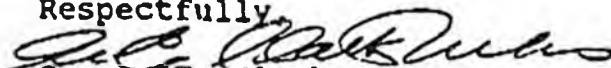
This abuse causes carnage on the roadway. Here in Anchorage there were 13 DWI traffic fatalities compared to 24 murders in 1994. In 1993 Alaska had the 3rd highest percentage of alcohol-related traffic deaths in the nation. Drunk drivers kill 26,000 Americans every year or 1 every 20 minutes. One and a half million people are seriously injured or crippled each year while economic losses range over \$24 billion a year.

Young people generally lack the maturity of judgement to make them the best of drivers at any time. Their sense of immortality can make them disregard or fail to perceive dangers the adult driver would readily see. Couple those characteristics with a proven disposition to consume alcohol and a recipe for disaster is created. Thus, taking their driver's license is both a remedial measure which removes a likely risk from the road and a rehabilitative measure that teaches the relationship between behavior and consequences. The unpleasant consequence, loss of the license, should lead to a decrease in the frequency of the undesirable behavior. The end results will be safer roads and children growing up without the health and social risks associated with early alcohol consumption.

The language chosen for the proposed amendments is also laudable. The Court of Appeals is required to give restrictive interpretation to legislative language. Using the language selected will allow communities to explore approaches to lessening juvenile drug and alcohol abuse tailored to the community's specific needs and problems instead of forcing a complete mirroring of the state statutory prohibitions. In the long run that can only lead to more effective treatment and enforcement.

In closing, I urge the passage of House Bill 21.

Respectfully,



Carmen E. ClarkWeeks
Acting Municipal Prosecutor