

HB

203

FISCAL NOTE

No. 1
 Bill Version: 04-13
 (H) Publiish Date: 2-27-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the meaning of 'previously convicted' in determining repeat drunk drivers..."
 Sponsor: Governor
 Requestor: _____

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

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	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE:

(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	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact.

Prepared by: Brant McGee
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: 2-7-95

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2-7-95

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FISCAL NOTE

No. 2

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: HB 203
(H) Publish Date: 2/27/95

Revision Date: _____
Title: "An Act relating to the meaning of 'previously convicted' in determining repeat drunk drivers . . ."
Sponsor: _____
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						
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	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE:

(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	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

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

Phone: (907) 264-4412
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2-19-95

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Rev: 01/95

0L 95/17/0030FN

FISCAL NOTE

No. 3
 Bill Version: HB 203
 (H) Publish Date: 2/27/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the meaning of the phrase BRU: _____
"previously convicted"..... Component: _____
 Sponsor: _____
 Requester: Governors Office COMPONENT SERIAL NO. _____

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

FUND SOURCE (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	0.0	0.0	0.0

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 succeed in clarifying the meaning of "previously convicted" and the intent of including conviction of similar offenses in other jurisdictions. The Department of Corrections is impacted only to the extent that offenders convicted in other states were convicted under statutes requiring less than a .10 BAC and to the extent that those convictions are discovered at the time of conviction in Alaska.

No data is available to test the impact of this bill on DOC, however, prior to 1991 these cases would have been included in the conviction data without reference to the BAC. Therefore, in any average case numbers would include some years in which these added cases would be included. The numbers are small and the impact, if any will be negligible.

Prepared by: Jerry Shriner
 Division: _____
 Approved by Commissioner: [Signature]
 Agency: Department of Corrections

Phone: 465-5582
 Date: 2/16/95
 Date: 2/16/95

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FISCAL NOTE

No. 4
 Bill Version: HB 203
 (H) Publish Date: 2/27/95

**STATE OF ALASKA
 1995 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...revocation of a minor's license to drive...
 illegal use or possession of a firearm." BRU: Prosecution
 Sponsor: Rules By the Governor's Request Component: All
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 0085-0030

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 amends the state's "use it, lose it" law, AS 28.15.185, to provide for the revocation of a juvenile's driver's license, privilege to drive, or privilege to obtain a driver's license if the juvenile is convicted or adjudicated of an offense that involves the illegal use or possession of a firearm. The revocation of a license 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, regarding alcohol and drugs, has been minimal. Consequently, a fiscal impact is not expected.

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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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 5
 Bill Version: HB 203
 (H) Publish Date: 2/27/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act clarifying 'previously convicted' for determining repeat offenders of the D.W.I. Laws. DPS Statewide Support
 Component: Commissioner's Office
 Sponsor: Governor
 Requestor: _____ COMPONENT SERIAL NO. 0523

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: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Lee J. in Lucas, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 2/16/95
 Approved by Commissioner: *Ronald L. Otte* Date: 2-17-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 203
P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

February 27, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the meaning of the phrase "previously convicted" for purposes of this state's driving while intoxicated (DWI) laws. Alaska law tries to discourage repeat offenders by treating them more harshly than first offenders. In keeping with this public policy, the mandatory minimum sentences for second, third, and subsequent drunk driving offenses require more jail time, higher fines, and longer revocations of driving privileges. A repeat DWI offender also is subject to forfeiture of the vehicle or aircraft involved in the commission of the offense, and is precluded from being granted limited license privileges during the time that person's driver's license is revoked.

In Bumette v. Municipality of Anchorage, 823 P.2d 10 (Alaska App. 1991), an Alaska court held that a defendant who had a prior DWI conviction from Oregon was not subject to Alaska's enhanced mandatory minimum sentence for second offenses because Oregon's DWI law was less restrictive than Alaska's law. In Oregon, and many other states, a person is presumed intoxicated if there is more than .08 percent by weight of alcohol in the person's blood (BAC). Alaska still uses the .10 percent BAC standard. Because it is possible for a person in Oregon or one of these other states to be convicted of drunk driving with a lower BAC than that required in Alaska, our courts have held that convictions from these states cannot be counted when deciding what is the proper mandatory minimum sentence to impose. This result occurs even if the court records from the other state show that the person's BAC was not .08 or .09 percent, but was actually .10 percent or higher at the time of the offense.

TRANSMITTAL LETTER

The Honorable Gail Phillips
February 27, 1995
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This is not fair. A person who has been convicted of drunk driving in one state should be treated like a repeat offender when convicted of drunk driving in another state. The person should not be treated like a first offender over and over again because of technical differences between the states' laws. Drunk drivers are dangerous and need to be kept off of our roads.

This bill will help do that. It amends DWI-related provisions in AS 28 to make clear that the phrase "previously convicted" includes a conviction under a law of another state even if that law allows conviction with a lower BAC level than that used in Alaska. Whether another state's law allows a DWI conviction for .08 or .09 BAC levels, it is still a conviction for drunk driving and it should count as one.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Knowles". The signature is written in a cursive style with a large initial "T".

Tony Knowles
Governor

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

February 28, 1995

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX 11000
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3428
FAX: (907) 465-4043

OFFICE OF SPECIAL PROSECUTIONS AND APPEALS
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501-2064
PHONE: (907) 269-6250
FAX: (907) 239-6270

The Hon. Gary Davis, Chair
House Transportation Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: HB 203 (An Act relating to the meaning of the phrase "previously convicted"); HB 204 ("MOVACA")

Dear Representative Davis:

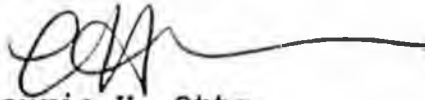
Two of the Governor's crime bills, HB 203 and HB 204, have been referred to your committee. This is ask that the bills be scheduled for a hearing at the committee's earliest convenience.

HB 203 amends the definition of "previously convicted" for purposes of the state's DWI laws so that convictions from jurisdictions that use a blood-alcohol content ("BAC") level below Alaska's .10% will still count as prior convictions under AS 28.35.030. HB 204 creates a new violation for minors who operate a vehicle after consuming alcohol.

If you have any questions or desire any further information, please do not hesitate to contact my office.

Very Truly Yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Laurie H. Otto
Deputy Attorney General

LHO:jf