

HB

204

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/1/96

DATE TURNED INTO OFFICE: 5/05/96

The Finance Committee considered CS FOR HOUSE BILL NO. 204(FIN) am Relating to the administrative revocation of a minor's license to drive; efd.

REPORTED BY
SFC 5/05/96

and recommends:

be replaced with S CS CS HB 204 (FIN)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical change
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>		Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

HSS/ Alcohol Safety Action Program	5/1/96	∅	
Pub. Safety / AST	2/21/96	∅	
Pub. Safety / Driver Ser.	2/21/96	∅	
Law / Criminal	2/21/96	∅	
Admin / PDA	2/22/96	∅	
Admin / OPA	2/22/96	∅	
Court System	2/21/96	∅	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 13

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: SCSCS HR204(Jud)

(S) Publish Date: 5-1-96

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Revocation of Minor's licence to drive 9RU: Alcohol and Drug Abuse Svcs
 Sponsor: House Rules Component: Alcohol Safety Action Program
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 305
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
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 ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 30.0

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the component.

Prepared by: Loren A. Jones, Director
 Division: Alcoholism and Drug Abuse

Phone: 465-2071
 Date: 04/30/96

Approved by Com: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 5/1/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: No. 12
 Bill Version: CSHB 204(FIN)
 (H) Publish Date: 2/28/96

Revision Date: February 21, 1996 Dept. Affected: Public Safety
 Title: An Act relating to alconol related driving BRU: Alaska State Troopers
offenses of minors... Component: Detachments
 Sponsor: Rules
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

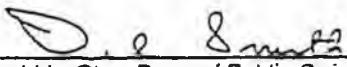
*002 Federal Receipts	-0-	-0-	-0-	-0-	-0-	-0-
*003 GF Match	-0-	-0-	-0-	-0-	-0-	-0-
*004 GF	-0-	-0-	-0-	-0-	-0-	-0-
*005 GF/Program Receipts	-0-	-0-	-0-	-0-	-0-	-0-
*006 GF/MHTIA	-0-	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) 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.)
 This bill will not impact the programs of the Alaska State Troopers. Currently troopers are enforcing the alcohol laws as they pertain to minors including serving revocation notices to drivers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: 2/21/96
 Approved by Commissioner:  Date: 2-12-1996
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. 11
 Bill Version: CSHB 204(FIN)
 (H) Publish Date: 2/28/96

Revision Date: February 21, 1996 Dept. Affec.ed: Public Safety
 Title: An Act relating to alcohol related driving offenses of minors... BRIJ: Motor Vehicles
 Component: Driver Services
 Sponsor: Rules
 Requestor: H. Finance COMPONENT SERIAL NO. 0500

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	-0-	-0-	-0-	-0-	-0-	-0-
1003 GE Match	-0-	-0-	-0-	-0-	-0-	-0-
1004 GE	-0-	-0-	-0-	-0-	-0-	-0-
1005 GE/Program Receipts	-0-	-0-	-0-	-0-	-0-	-0-
1006 GE/MTIA	-0-	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

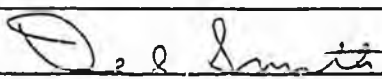
Estimate of current year (FY 96) impact: \$ -3-

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.)

This bill will not impact the programs of the Division of Motor Vehicles. Current law requires DMV to administratively revoke the driver's license for the offense of minor in possession or consumption of alcohol.

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 2/21/96
 Approved by Commissioner:  Date: 2/28/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

NO. 10

Bill Version: CSHB 204(FIN)

(H) Publish Date: 2/28/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/21/96 Dept. Affected: Department of Law
 Title: "...administrative revocation of a minor's license to drive...operating a motor vehicle after consuming alcohol..." BRU: Criminal Division
 Sponsor: House Rules / Request of the Governor Component: Criminal Division
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) cost: \$ 0.0

POSITIONS

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 AS 28 to establish a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft by creating three new criminal violations: "minor operating a vehicle after consuming alcohol", "minor's refusal to submit to a chemical test", and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol." These new offenses would be infractions and would not result in jail time being imposed. However, the penalty would be a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. The bill also provides that a minor convicted of these violations will also be subject to administrative revocation of the minor's driver's license under the state's "use it, lose it" statutes. The bill will not have a fiscal impact for the Department of Law because infractions are presented in district court by the arresting officer, which does not require the presence or assistance of a prosecutor.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/21/96
 Date: 2/21/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 9
Bill Version: CSHB 204 (FIN)
(H) Publish Date: 2/28/96

Revision Date: _____
Title: "An Act relating to the administrative revocation of a minor's license to drive...."
Sponsor: Rules Committee by Request of Governor
Requestor: (H) FIN

Dept. Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
1007 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: 264-4400
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 2/17/96

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FISCAL NOTE

(No. 8
 Bill Version: CSHB 204 (FIN)
 (H) Publish Date: 2/28/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the administrative revocation of a
 minor's license to drive...."
 Sponsor: Rules Committee by Request of Governor
 Requestor: (H) FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
1007 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Bover *MBover*
 Agency: Department of Administration

Date: 2/28/96

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No. 7
 Bill Version: CSHB 204 (FIN)
 (H) Publish Date: 2/28/96

02/21/96 13:25 1907 279 8884 ADMIN ACCOUNT

FISCAL NOTE

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date: 02/21/96 Dept. Affected: Alaska Court System
 Title: No Drink before Driving if Under 21 BRU: Trial Courts
 Component: _____
 Sponsor: House Rules by request of Governor
 Requester: _____ COMPONENT SERIAL NO. 758

Expenditures/Revenues		(Thousands of Dollars)				
	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY 96) cost: None

Positions						
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* - see attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel
 Agency: Alaska Court System

Phone: 284-8228
 Date: 02/21/96

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Date: 02/21/96

COMMITTEE COPY

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Alaska Court System

Fiscal Analysis

HB 204

HB 204 provides that a person who is at least 13 years of age but not yet 21 years of age commits the offense of minor operating a vehicle after consuming alcohol if the person operates or drives a motor vehicle or operates an aircraft or a watercraft after having consumed any quantity of alcohol. This offense is an infraction punishable by a fine of not more than \$1000, community work service, or both.

If a person under arrest for the offense of minor operating a vehicle after consuming alcohol refuses to submit to a chemical test of the person's breath, the refusal is an infraction punishable by a fine of not more than \$1000, community work service, or both.

If a person who has been cited for minor operating a vehicle after consuming alcohol may not operate a motor vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation. Such operation is an infraction punishable by a fine of not more than \$1000, community work service, or both.

According to the Division of Motor Vehicles, in FY 94 it was notified by police officers of juvenile alcohol or drug use more than 3200 times (this was done for purposes of revoking the minor's driver's license or privilege to obtain a license pursuant to AS 23.15.133). The percentage of these cases in which the minor was operating a motor vehicle is unknown, but it is likely to have been substantial. Because the number of new cases that will be generated by HB 204 is unknown, this note does not reflect those costs. However, when experience with the changes made by HB 204 is obtained, the court system may need to return to the legislature for additional funding.

2. DCS for CSAB 204 (JUD)

Page 11, line 2: After
" VALIDITY " insert the following

" 4.4 apt for an offense under
AS 28.35.280, if "

Delete: " of "

Conceptual amend.
made by Sen Donley
w/o objection adopted

5/05/96
approved by Sen Halford

called to legal
12:40 p.m.

SENATE CS FOR CS FOR HOUSE BILL NO. 204(F/A)(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/1/96

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the administrative revocation of a minor's license to drive;
2 creating criminal offenses of minor operating a vehicle after consuming alcohol,
3 a minor's refusal to submit to chemical test, and driving during the 24 hours
4 after being cited for minor operating a vehicle after consuming alcohol or refusal
5 to submit to chemical test; establishing penalties for these offenses; relating to
6 court ordered drug and alcohol screening, evaluation, referral, and programs;
7 relating to implied consent to certain testing if operating a motor vehicle, aircraft,
8 or watercraft; relating to an instrument's working tolerance in a chemical breath
9 test; relating to the authority of a court to impose a suspended sentence after
10 failure to complete a treatment program upon conviction of felony driving while
11 intoxicated or felony refusal to submit to a chemical test; relating to the period
12 of time a court may consider for determining prior convictions in sentencing a

1 person convicted of felony driving while intoxicated or felony refusal to submit
2 to a chemical test; amending Rules 6 and 32.1, Alaska Rules of Criminal
3 Procedure, to allow the use of hearsay evidence before a grand jury in a
4 prosecution for felony driving while intoxicated or felony refusal to submit to a
5 chemical test and to not require a presentence report for a first felony driving
6 while intoxicated or first felony refusal to submit to a chemical test; and
7 providing for an effective date."

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

9 * **Section 1.** AS 28.15..33(a) is amended to read:

10 (a) If a peace officer has probable cause to believe that a person who is at least
11 14 years of age but not yet 21 years of age has possessed or used a controlled substance
12 in violation of AS 11.71, or a municipal ordinance with substantially similar elements,
13 or possessed or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance
14 with substantially similar elements, operated a vehicle after consuming alcohol in
15 violation of AS 28.35.280, or refused to submit to a chemical test under
16 AS 28.35.285 and the peace officer has cited the person or arrested the person for a
17 violation of AS 11.71, AS 04.16.050, AS 28.35.280, or 28.35.285 or the municipal
18 ordinance with substantially similar elements, the peace officer shall read a notice and
19 deliver a copy to the person. The notice must advise that

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

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

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

26 (4) revocation of the person's driver's license or permit, privilege to
27 drive, or privilege to obtain a license or permit, takes effect seven days after delivery of
28 the notice to the person unless the person, within seven days, requests an administrative
29 review;

1 (5) if the person has been cited under AS 28.35.280 or under
2 AS 28.35.285, that person, under AS 28.35.290, may not operate a motor vehicle,
3 aircraft, or watercraft during the 24 hours following issuance of the citation.

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

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

9 (1) that the officer had probable cause to believe that the person is at
10 least 14 years of age but not yet 21 years of age and has possessed or used a controlled
11 substance in violation of AS 11.71, or a municipal ordinance with substantially similar
12 elements, or possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
13 ordinance with substantially similar elements, operated a vehicle after consuming
14 alcohol in violation of AS 28.35.280, or refused to submit to a chemical test of
15 breath under AS 28.35.285;

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

17 (A) a violation of AS 11.71, [OR] AS 04.16.050, AS 28.35.280,
18 or 28.35.285; or

19 (B) possession or use of a controlled substance or alcohol in
20 violation of a municipal ordinance with substantially similar elements;

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

22 (4) describing the circumstances surrounding the violation of the
23 controlled substances provisions of AS 11.71, the alcoholic beverages provisions of
24 AS 04.16.050, or the municipal ordinance with substantially similar elements, the minor
25 operating a vehicle after consuming alcohol provisions of AS 28.35.280, or the minor
26 refusing to submit to a chemical test of breath under provisions of AS 28.35.285.

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

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

32 (1) an alcoholism education or rehabilitation treatment program, if the

1 revocation resulted from possession or consumption of alcohol in violation of
2 AS 04.16.050 or a municipal ordinance with substantially similar elements, from
3 operating a vehicle after consuming alcohol in violation of AS 28.35.280, or from
4 refusal to submit to a chemical test of breath in violation of AS 28.35.285; or

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

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 controlled
12 substance in violation of AS 11.71 or a municipal ordinance with substantially similar
13 elements, or possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
14 ordinance with substantially similar elements, operated a vehicle after consuming
15 alcohol in violation of AS 28.35.280, or refused to submit to a chemical test of
16 breath in violation of AS 28.35.285.

17 * Sec. 5. AS 28.35.030(h) is amended to read:

18 (h) The court shall order a person convicted under this section to satisfy the
19 screening, evaluation, referral, and program requirements of an alcohol safety action
20 program if such a program is available in the community where the person resides,
21 or a private or public treatment facility approved by the Division of Alcoholism and
22 Drug Abuse, of the Department of Health and Social Services, under AS 47.37 [AN
23 AGENCY AUTHORIZED BY THE COURT] to make referrals for rehabilitative
24 treatment or to provide rehabilitative treatment. If a person is convicted under (n) of this
25 section, the court shall order the person to be evaluated as required by this subsection
26 before the court imposes sentence for the offense.

27 * Sec. 6. AS 28.35.030(j) is amended to read:

28 (j) If a person fails to satisfy the requirements of an authorized agency under (i)
29 of this section, the court

30 (1) may impose any portion of a suspended sentence; however, if the
31 person was convicted under (n) of this section, the court shall impose a part or all of
32 the remaining portion of any suspended sentence;

1 (2) may punish the failure as contempt of the authority of the court under
2 AS 09.50.010 or as a violation of a condition of probation; and

3 (3) shall order the revocation or suspension of the person's driver's
4 license, privilege to drive, and privilege to obtain a driver's license until the requirements
5 are satisfied.

6 * Sec. 7. AS 28.35.030(n) is amended to read:

7 (n) A person is guilty of a class C felony if the person is convicted of driving
8 while intoxicated and has been previously convicted two or more times within the five
9 years preceding the date of the present offense. For purposes of determining
10 minimum sentences based on previous convictions [IF A PERSON HAS BEEN
11 PREVIOUSLY CONVICTED], the provisions of (o)(4) of this section apply [, EXCEPT
12 THAT ONLY CONVICTIONS OCCURRING WITHIN FIVE YEARS PRECEDING
13 THE DATE OF THE PRESENT OFFENSE MAY BE INCLUDED]. Upon conviction,
14 the court

15 (1) shall impose a fine of not less than \$5,000 and a minimum sentence
16 of imprisonment of not less than

17 (A) 120 days if the person has been previously convicted twice;

18 (B) 240 days if the person has been previously convicted three
19 times;

20 (C) 360 days if the person has been previously convicted four or
21 more times;

22 (2) may not

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

26 (B) suspend imposition of sentence;

27 (3) shall revoke the person's driver's license, privilege to drive, or
28 privilege to obtain a license under AS 28.15.181(c);

29 (4) may order as a condition of probation or parole that the person take
30 a drug, or combination of drugs, intended to prevent the consumption of an alcoholic
31 beverage; a condition of probation imposed under this paragraph is in addition to any
32 other condition authorized under another provision of law; and

1 (5) may also order forfeiture under AS 28.35.036 of the vehicle or
2 aircraft used in the commission of the offense, subject to remission under AS 28.35.037.

3 * Sec. 8. AS 28.35.031(a) is amended to read:

4 (a) A person who operates or drives a motor vehicle in this state or who operates
5 an aircraft as defined in AS 28.35.030(o) or who operates a watercraft as defined in
6 AS 28.35.030(o) shall be considered to have given consent to a chemical test or tests of
7 the person's breath for the purpose of determining the alcoholic content of the person's
8 blood or breath if lawfully arrested for an offense arising out of acts alleged to have been
9 committed while the person was operating or driving a motor vehicle or operating an
10 aircraft or a watercraft while intoxicated or if lawfully arrested under AS 28.35.280
11 for the offense of minor operating a vehicle after consuming alcohol!. The test or
12 tests shall be administered at the direction of a law enforcement officer who has
13 reasonable grounds to believe that the person was operating or driving a motor vehicle
14 or operating an aircraft or a watercraft in this state while intoxicated or that the person
15 was a minor operating a vehicle after consuming alcohol.

16 * Sec. 9. AS. 28.35.032(l) is amended to read:

17 (l) The court shall order a person convicted under this section to satisfy the
18 screening, evaluation, referral, and program requirements of an alcohol safety action
19 program if such a program is available in the community where the person resides,
20 or a private or public treatment facility approved by the Division of Alcoholism and
21 Drug Abuse, of the Department of Health and Social Services, under AS 47.37 [AN
22 AGENCY AUTHORIZED BY THE COURT] to make referrals for rehabilitative
23 treatment or to provide rehabilitative treatment. If a person is convicted under (p) of this
24 section, the court shall order the person to be evaluated as required by this subsection
25 before the court imposes sentence for the offense.

26 * Sec. 10. AS 28.35.032(n) is amended to read:

27 (n) If a person fails to satisfy the requirements of an authorized agency under
28 (m) of this section, the court

29 (1) may impose any portion of a suspended sentence; however, if the
30 person was convicted under (p) of this section, the court shall impose a part or all of
31 the remaining portion of any suspended sentence;

32 (2) may punish the failure as contempt of the authority of the court

1 under AS 09.50.010 or as a violation of a condition of probation; and

2 (3) shall order the revocation or suspension of the person's driver's
3 license, privilege to drive, and privilege to obtain a driver's license until the
4 requirements are satisfied.

5 * Sec. 11. AS 28.35.032(p) is amended to read:

6 (p) A person is guilty of a class C felony if the person is convicted under this
7 section and has been previously convicted two or more times within the five years
8 preceding the date of the present offense. For purposes of determining minimum
9 sentences based on previous convictions [IF A PERSON HAS BEEN PREVIOUSLY
10 CONVICTED], the provisions of AS 28.35.030(o)(4) apply [, EXCEPT THAT ONLY
11 CONVICTIONS OCCURRING WITHIN FIVE YEARS PRECEDING THE DATE OF
12 THE PRESENT OFFENSE MAY BE INCLUDED]. Upon conviction,

13 (1) the court shall impose a fine of not less than \$5,000 and a
14 minimum sentence of imprisonment of not less than

15 (A) 120 days if the person has been previously convicted twice;

16 (B) 240 days if the person has been previously convicted three
17 times;

18 (C) 360 days if the person has been previously convicted four
19 or more times;

20 (2) the court may not

21 (A) suspend execution of the sentence required by (1) of this
22 subsection or grant probation, except on condition that the p rson serve the
23 minimum imprisonment under (1) of this subsection; or

24 (B) suspend imposition of sentence;

25 (3) the court shall revoke the person's driver's license, privilege to
26 drive, or privilege to obtain a license under AS 28.15.181(c);

27 (4) the court may order as a condition of probation or parole that the
28 person take a drug, or combination of drugs, intended to prevent consumption of an
29 alcoholic beverage; a condition of probation imposed under this paragraph is in
30 addition to any other condition authorized under another provision of law;

31 (5) the sentence imposed by the court under this subsection shall run

1 consecutively with any other sentence of imprisonment imposed on the person; and
2 (6) the court may also order forfeiture under AS 28.35.036, of the
3 vehicle or aircraft used in the commission of the offense, subject to remission under
4 AS 28.35.037.

5 * Sec. 12. AS 28.35.039 is amended to read:

6 Sec. 28.35.039. DEFINITIONS FOR AS 28.35.029 - 28.35.039. In
7 AS 28.35.029 - 28.35.039,

8 (1) "controlled substance" has the meaning given in AS 28.33.190;

9 (2) "alcohol safety action program" means a program designated by
10 the commissioner of health and social services as an alcohol safety action program.

11 * Sec. 13. AS 28.35 is amended by adding new sections to read:

12 ARTICLE 6. CERTAIN OFFENSES RELATING TO MINORS.

13 Sec. 28.35.280. MINOR OPERATING A VEHICLE AFTER CONSUMING
14 ALCOHOL. (a) A person who is at least 14 years of age but not yet 21 years of age
15 commits the offense of minor operating a vehicle after consuming alcohol if the person
16 operates or drives a motor vehicle or operates an aircraft or a watercraft after having
17 consumed any quantity of alcohol. A peace officer who has probable cause to believe
18 that a person has committed the offense of minor operating a vehicle after consuming
19 alcohol may

20 (1) place the person under arrest;

21 (2) request that the person submit to a chemical test or tests of the
22 person's breath for the purpose of determining the alcoholic content of the person's
23 blood or breath; and

24 (3) transport the person to a location at which a chemical or other test
25 authorized under (2) of this subsection may be administered.

26 (b) If a chemical test under this section reveals any alcohol concentration within
27 the person's blood or breath, the person shall be cited for violating this section and then
28 released unless there is a lawful reason for further detention. A person who is 18 years
29 of age or older shall be released on the person's own recognizance. A person who is
30 under the age of 18 shall be released to a parent, guardian, or legal custodian.

31 (c) A person who is cited for violating this section shall be advised by a peace
32 officer that it is unlawful under AS 28.35.290 for the person to operate a motor vehicle,

1 aircraft, or watercraft during the 24 hours following the issuance of the citation.

2 (d) The offense of a minor operating a vehicle after consuming alcohol is an
3 infraction. Upon conviction, the court shall impose a fine of not more than \$1,000,
4 community work service, or both. The court may offer the minor the option of
5 performing community work in place of a fine or a portion of the fine. The value of
6 community work in place of a fine is as specified in AS 12.55.055(c).

7 (e) In this section,

8 (1) "operate an aircraft" has the meaning given in AS 28.35.030(o);

9 (2) "operate a watercraft" has the meaning given in AS 28.35.030(o).

10 Sec. 28.35.285. MINOR'S REFUSAL TO SUBMIT TO CHEMICAL TEST.

11 (a) If a person under arrest for minor operating a vehicle after consuming alcohol
12 refuses the request of a peace officer to submit to a chemical test or tests of the person's
13 breath authorized under AS 28.35.031(a) and 28.35.280(a), after being advised by the
14 officer that the refusal will result in the denial or revocation of the driver's license,
15 privilege to drive, or privilege to obtain a license, that the refusal may be used against
16 the person in a civil or criminal action or proceeding arising out of an act alleged to have
17 been committed by the person while operating a vehicle after consuming alcohol, and
18 that the refusal is a violation, a chemical test may not be given.

19 (b) A person who is cited for violating this section shall be advised by a peace
20 officer that it is unlawful under AS 28.35.290 for the person to operate a motor vehicle,
21 aircraft, or watercraft during the 24 hours following the issuance of the citation.

22 (c) The refusal of a minor to submit to a chemical test authorized under
23 AS 28.35.031(a) and 28.35.280(a) is admissible evidence in a civil or criminal action or
24 proceeding arising out of an act alleged to have been committed by the person while
25 operating a vehicle after consuming alcohol.

26 (d) Refusal to submit to a chemical test or tests of the person's breath requested
27 under AS 28.35.280 is an infraction. Upon conviction, the court shall impose a fine of
28 not more than \$1,000, or community work service, or both. The court may offer the
29 minor the option of performing community work in place of a fine or a portion of the
30 fine. The value of community work in place of a fine is as specified in AS 12.55.055(c).

31 Sec. 28.35.290. DRIVING DURING THE 24 HOURS AFTER BEING CITED
32 FOR ALCOHOL OR BREATH TEST OFFENSES. (a) A person who has been cited

1 for minor operating a vehicle after consuming alcohol under AS 28.35.280 or for refusal
2 to submit to a chemical test of breath under AS 28.35.285 may not operate a motor
3 vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation.

4 (b) Operating a motor vehicle, aircraft, or watercraft during the 24 hours after
5 being cited for minor operating a vehicle after consuming alcohol or for minor's refusal
6 to submit to a chemical test is an infraction. Upon conviction, the court shall impose a
7 fine of not more than \$1,000, or community work service, or both. The court may offer
8 the minor the option of performing community work in place of the fine or a portion of
9 the fine. The value of community work in place of a fine is as specified in
10 AS 12.55.055(c).

11 (c) In this section,

12 (1) "operate an aircraft" has the meaning given in AS 28.35.030(o);

13 (2) "operate a watercraft" has the meaning given in AS 28.35.030(o).

14 * **Sec. 14.** AS 28.35.280(d) is repealed and reenacted to read:

15 (d) The offense of a minor operating a vehicle after consuming alcohol is an
16 infraction. Upon conviction, the court shall impose a fine of not more than \$1,000. The
17 court may offer the minor the option of performing community work in place of a fine
18 or a portion of a fine. The value of community work in place of a fine is as specified
19 in AS 12.55.055(c).

20 * **Sec. 15.** AS 28.35.285(d) is repealed and reenacted to read:

21 (d) Refusal to submit to a chemical test or tests of the person's breath requested
22 under AS 28.35.280 is an infraction. Upon conviction, the court shall impose a fine of
23 not more than \$1,000. The court may offer the minor the option of performing
24 community work in place of a fine or a portion of the fine. The value of community
25 work in place of a fine is as specified in AS 12.55.055(c).

26 * **Sec. 16.** AS 28.35.290(b) is repealed and reenacted to read:

27 (b) Operating a motor vehicle, aircraft, or watercraft during the 24 hours after
28 being cited for minor operating a vehicle after consuming alcohol is an infraction. Upon
29 conviction, the court shall impose a fine of not more than \$1,000. The court may offer
30 the minor the option of performing community work in place of the fine or a portion of
31 the fine. The value of community work in place of a fine is as specified in
32 AS 12.55.055(c).

1 * Sec. 17. AS 28.40 is amended by adding a new section to read:

2 Sec. 28.40.060. BREATH TEST RESULT VALIDITY. If an offense described
3 under this title requires that a chemical test of a person's breath produce a particular
4 result, and the chemical test is administered by a properly calibrated instrument approved
5 by the Department of Public Safety, the result described by statute is not affected by the
6 instrument's working tolerance.

7 * Sec. 18. Rule 6(r)(1), Alaska Rules of Criminal Procedure, is amended to read:

8 (1) Evidence which would be legally admissible at trial shall be
9 admissible before the grand jury. In appropriate cases, however, witnesses may be
10 presented to summarize admissible evidence if the admissible evidence will be
11 available at trial. Except as stated in subparagraphs (2), [AND] (3), and (6), hearsay
12 evidence shall not be presented to the grand jury absent compelling justification for
13 its introduction. If hearsay evidence is presented to the grand jury, the reasons for its
14 use shall be stated on the record.

15 * Sec. 19. Rule 6(r), Alaska Rules of Criminal Procedure, is amended by adding a new
16 paragraph to read:

17 (6) In a prosecution for driving while intoxicated under
18 AS 28.35.030(n) or for refusal to submit to a chemical test under AS 28.35.032(p),
19 hearsay evidence received through the Alaska Public Safety Information Network or
20 from other governmental agencies of prior convictions of driving while intoxicated or
21 refusal to submit to a chemical test may be presented to the grand jury.

22 * Sec. 20. Rule 32.1(a), Alaska Rules of Criminal Procedure, is amended to read:

23 (a) Scheduling. At the time guilt in a felony case is established by verdict or
24 plea, the judge shall establish the date for a sentencing hearing and a presentencing
25 hearing, if appropriate, and except as provided under subsection (f) of this rule,
26 shall order a presentence investigation by the Department of Corrections. If the judge
27 elects to schedule a single hearing, all of the procedures for the presentencing and
28 sentencing hearings shall be applicable at the single hearing.

29 * Sec. 21. Rule 32.1, Alaska Rules of Criminal Procedure, is amended by adding a new
30 subsection to read:

31 (f) When Presentence Investigation Not Required. Unless a person may be
32 sentenced to a presumptive term of imprisonment under AS 12.55.125(e)(1) or (2), a

1 presentence investigation by the Department of Corrections is not required for a
2 defendant convicted of driving while intoxicated under AS 28.35.030(n) or refusal to
3 submit to a chemical test under AS 28.35.032(p).

4 * Sec. 22. Sections 1 - 13 and 17 - 21 of this Act apply only to acts committed on or after
5 the effective date of secs. 1 - 13 and 17 - 21 of this Act, except that to the extent that the
6 amendments made by secs. 6, 7, 10, 11, and 18 - 21 of this Act involve prior convictions,
7 those prior convictions may have occurred before, on, or after the effective date of this Act.

8 * Sec. 23. Sections 14 - 16 of this Act take effect only upon a final decision by the Alaska
9 Court of Appeals and the Alaska Supreme Court that the possibility of imposing community
10 work service by the court for the offenses prohibited under AS 28.35.280, 28.35.285, and
11 28.35.290 gives rise to the right to court appointed counsel and trial by jury.

FISCAL NOTE

No. 13

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: SCSCS HR204 (Jud)

(S) Publish Date: 5-1-96

Revision Date: _____	Dept. Affected: <u>Health and Social Services</u>
Title: <u>Revocation of Minor's license to drive</u>	BRU: <u>Alcohol and Drug Abuse Svcs</u>
Sponsor: <u>House Rules</u>	Component: <u>Alcohol Safety Action Program</u>
Requestor: <u>Senate Judiciary</u>	COMPONENT SERIAL NO. <u>305</u>
	See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
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 ()						
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FUND SOURCE (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$0.0

POSITIONS:

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the component.

Prepared by: *Loren A. Jones*
 Division: Alcoholism and Drug Abuse

Phone: 465-2071
 Date: 04/30/96

Approved by Com: *Karen P. Ardue*
 Agency: Department of Health & Social Services

Date: 5/1/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: No. 12
 Bill Version: CSHB 204 (FIN)
 (H) Publish Date: 2/28/96

Revision Date: February 21, 1996 Dept. Affected: Public Safety
 Title: An Act relating to alcohol related driving offenses of minors... BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Rules
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL 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	-0-	-0-	-0-	-0-	-0-	-0-
1003 GE Match	-0-	-0-	-0-	-0-	-0-	-0-
1004 GE	-0-	-0-	-0-	-0-	-0-	-0-
1005 GE/Program Receipts	-0-	-0-	-0-	-0-	-0-	-0-
1006 GE/MHTIA	-0-	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

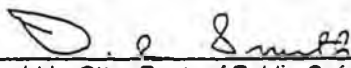
Estimate of current year (FY 96) impact: \$ -0-

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.)

This bill will not impact the programs of the Alaska State Troopers. Currently troopers are enforcing the alcohol laws as they pertain to minors including serving revocation notices to drivers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: 2/21/96
 Approved by Commissioner:  Date: 2-21-96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL No. 11
 Bill Version: CSHB 204.(FIN)
 (H) Publish Date: 2/28/96

Revision Date: February 21, 1996 Dept. Affected: Public Safety
 Title: An Act relating to alcohol related driving offenses of minors... BRU: Motor Vehicles
 Sponsor: Rules Component: Driver Services
 Requestor: H. Finance COMPONENT SERIAL NO. 0500

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

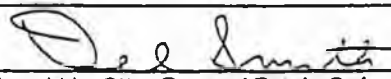
Estimate of current year (FY 96) impact: \$ -0-

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.)

This bill will not impact the programs of the Division of Motor Vehicles. Current law requires DMV to administratively revoke the driver's license for the offense of minor in possession or consumption of alcohol.

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 2/21/96
 Approved by Commissioner:  Date: 2/20/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

NO. 10

Bill Version: CSHB 204 (FIN)

(H) Publish Date: 2/28/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/21/96 Dept. Affected: Department of Law
 Title: "...administrative revocation of a minor's license to drive...operating a motor vehicle after consuming alcohol..." BRU: Criminal Division
 Sponsor: House Rules on Request of the Governor Component: Criminal Division
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.01	0.01	0.01	0.01	0.01	0.01
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28 to establish a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft by creating three new criminal violations: "minor operating a vehicle after consuming alcohol", "minor's refusal to submit to a chemical test", and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol." These new offenses would be infractions and would not result in jail time being imposed. However, the penalty would be a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. The bill also provides that a minor convicted of these violations will also be subject to administrative revocation of the minor's driver's license under the state's "use it, lose it" statutes. The bill will not have a fiscal impact for the Department of Law because infractions are presented in district court by the arresting officer, which does not require the presence or assistance of a prosecutor.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/21/96
 Date: 2/21/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 9
Bill Version: CSHB 204(FIN)
(H) Publish Date: 2/28/96

Revision Date: _____
Title: "An Act relating to the administrative revocation of a minor's license to drive..."
Sponsor: Rules Committee by Request of Governor
Requestor: (H) FIN

Dept. Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: 264-4400
Date: _____

Approved by Commissioner: Mark Bover *M. Bover*
Agency: Department of Administration

Date: 2/26/96

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FISCAL NOTE

Jo. 8

Bill Version: CSHB 204 (FIN)

(H) Publish Date: 2/28/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the administrative revocation of a
 minor's license to drive..."
 Sponsor: Rules Committee by Request of Governor
 Requestor: (H) FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary.)
 There is no fiscal impact to the Office of Public Advocacy.

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 2/26/96

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02/21/96 13:25 1907 279 6384

ADMIN ACCOUNT

No. 7

Bill Version: CSHB 204 (FIN)

(H) Publish Date: 2/28/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date: 02/21/96

Dept. Affected: Alaska Court System

Title: No Drink before Driving if Under 21

BRU: Trial Courts

Component: _____

Sponsor: House Rules by request of Governor

Requestor: _____

COMPONENT SERIAL NO. 758

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

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

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

Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* - see attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 02/21/96

Approved by: Arthur H. Snowden, II, Administrative Director

Date: 02/21/96

COMMITTEE COPY

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Alaska Court System

Fiscal Analysis

HB 204

HB 204 provides that a person who is at least 13 years of age but not yet 21 years of age commits the offense of minor operating a vehicle after consuming alcohol if the person operates or drives a motor vehicle or operates an aircraft or a watercraft after having consumed any quantity of alcohol. This offense is an infraction punishable by a fine of not more than \$1000, community work service, or both.

If a person under arrest for the offense of minor operating a vehicle after consuming alcohol refuses to submit to a chemical test of the person's breath, the refusal is an infraction punishable by a fine of not more than \$1000, community work service, or both.

If a person who has been cited for minor operating a vehicle after consuming alcohol may not operate a motor vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation. Such operation is an infraction punishable by a fine of not more than \$1000, community work service, or both.

According to the Division of Motor Vehicles, in FY 94 it was notified by police officers of juvenile alcohol or drug use more than 3200 times (this was done for purposes of revoking the minor's driver's license or privilege to obtain a license pursuant to AS 28.15.133). The percentage of these cases in which the minor was operating a motor vehicle is unknown, but it is likely to have been substantial. Because the number of new cases that will be generated by HB 204 is unknown, this note does not reflect those costs. However, when experience with the changes made by HB 204 is obtained, the court system may need to return to the legislature for additional funding.

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB204
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 minors operating vehicles after consuming alcohol. Despite our best efforts to date, the number of drunk drivers continues to rise in Alaska. The state needs new tools to respond to the problem of drunk driving.

An important step in making our roads and other avenues of transportation safe is to focus on high-risk drivers and let the police take them off the road before tragedy strikes. Two particularly high-risk groups of drivers are those who operate commercial motor vehicles and minors. The legislature addressed commercial motor vehicle operators in 1992, passing stringent laws that keep commercial drivers off the roads when they are under the influence of alcohol. The time has come to do the same with underage drivers, who generally are not allowed under the law to possess or consume any alcohol.

This bill establishes a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft. It does this by creating three new criminal violations: "minor operating a vehicle after consuming alcohol," "minor's refusal to submit to a chemical test," and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol."

These new offenses are only infractions and cannot result in jail time being imposed. Instead, the penalty is a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. An important feature of the proposed new law is that the minor can be taken off the road and to a police station or other location for the administration of a chemical test to determine the presence of

The Honorable Gail Phillips
February 27, 1995
Page 2

alcohol in the minor's blood or breath. If the minor refuses to take the test, that is a separate infraction, much like the misdemeanor crime of refusal we have for driving-while-intoxicated cases.

This bill's amendments to AS 28.15.183 and 28.15.184 would make the minor's driver's license or permit, privilege to drive, or privilege to obtain a license subject to administrative revocation under those "use it, lose it" statutes.

Under the bill, a minor who is cited for driving after consuming alcohol is prohibited from operating a motor vehicle, aircraft, or watercraft during the 24 hours after the citation is issued. This will help ensure that the minor stays off the road or other avenues of transportation while under the influence of alcohol.

I urge your favorable action on this bill.

Sincerely,



Tony Knowles
Governor

BILL: HB 204 SHORT TITLE: DRINKING & DRIVING: MINORS & OTHERS
BILL VERSION: CSHB 204(FIN) AM
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (S) FIN

STATUS DATE: 05/01/96

TITLE: "AN ACT RELATING TO THE ADMINISTRATIVE REVOCATION OF A MINOR'S LICENSE TO DRIVE; CREATING CRIMINAL OFFENSES OF MINOR OPERATING A VEHICLE AFTER CONSUMING ALCOHOL, A MINOR'S REFUSAL TO SUBMIT TO CHEMICAL TEST, AND DRIVING DURING THE 24 HOURS AFTER BEING CITED FOR MINOR OPERATING A VEHICLE AFTER CONSUMING ALCOHOL OR REFUSAL TO SUBMIT TO CHEMICAL TEST; ESTABLISHING PENALTIES FOR THESE OFFENSES; RELATING TO COURT ORDERED DRUG AND ALCOHOL SCREENING, EVALUATION, REFERRAL, AND PROGRAMS; RELATING TO IMPLIED CONSENT TO CERTAIN TESTING IF OPERATING A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT; RELATING TO AN INSTRUMENT'S WORKING TOLERANCE IN A CHEMICAL BREATH TEST; RELATING TO THE AUTHORITY OF A COURT TO IMPOSE A SUSPENDED SENTENCE AFTER FAILURE TO COMPLETE A TREATMENT PROGRAM UPON CONVICTION OF FELONY DRIVING WHILE INTOXICATED OR FELONY REFUSAL TO SUBMIT TO A CHEMICAL TEST; RELATING TO THE PERIOD OF TIME A COURT MAY CONSIDER FOR DETERMINING PRIOR CONVICTIONS IN SENTENCING A PERSON CONVICTED OF FELONY DRIVING WHILE INTOXICATED OR FELONY REFUSAL TO SUBMIT TO A CHEMICAL TEST; AMENDING RULES 6 AND 32.1, ALASKA RULES OF CRIMINAL PROCEDURE, TO ALLOW THE USE OF HEARSAY EVIDENCE BEFORE A GRAND JURY IN A PROSECUTION FOR FELONY DRIVING WHILE INTOXICATED OR FELONY REFUSAL TO SUBMIT TO A CHEMICAL TEST AND TO NOT REQUIRE A PRESENTENCE REPORT FOR A FIRST FELONY DRIVING WHILE INTOXICATED OR FIRST FELONY REFUSAL TO SUBMIT TO A CHEMICAL TEST; AND PROVIDING FOR AN EFFECTIVE DATE."

02/27/95	495	(H)	READ THE FIRST TIME - REFERRAL(S)
02/27/95	495	(H)	TRANSPORTATION, JUDICIARY
02/27/95	495	(H)	5 ZERO FISCAL NOTES (2-ADM, 2-DPS, LAW)
02/27/95	496	(H)	GOVERNOR'S TRANSMITTAL LETTER
03/17/95	773	(H)	TRA RPT 5DP 1NR
03/16/95	774	(H)	DP: SANDERS, WILLIAMS, JAMES, MACLEAN
03/16/95	774	(H)	DP: MASEK
03/16/95	774	(H)	NR: G.DAVIS
03/16/95	774	(H)	5 ZERO FNS (2-ADM, LAW, 2-DPS) 2/27/95
03/28/95	954	(H)	JUD RPT 6DP 1NR
03/28/95	954	(H)	DP: PORTER, FINKELSTEIN, B.DAVIS, GREEN
03/28/95	954	(H)	DP: BUNDE, TOOHEY
03/28/95	954	(H)	NR: VEZEY
03/28/95	954	(H)	INDETERMINATE FISCAL NOTE (COURT)
03/28/95	954	(H)	5 ZERO FNS (2-ADM, 2-DPS, LAW) 2/27/95
03/28/95	954	(H)	FIN REFERRAL ADDED
02/28/96	2904	(H)	FIN RPT CS(FIN) NT 6DP
02/28/96	2905	(H)	DP: HANLEY, MULDER, BROWN, NAVARRE
02/28/96	2905	(H)	DP: PARNELL, KOHRING
02/28/96	2905	(H)	INDETERMINATE FISCAL NOTE (COURT)
02/28/96	2905	(H)	5 ZERO FNS (2-ADM, 2-DPS, LAW)
04/24/96	3987	(H)	RULES TO CALENDAR 4/24/96
04/24/96	3987	(H)	READ THE SECOND TIME
04/24/96	3988	(H)	FIN CS ADOPTED UNAN CONSENT
04/24/96	3988	(H)	AM NO 1 ADOPTED UNAN CONSENT
04/24/96	3989	(H)	AM NO 2 ADOPTED Y30 N10
04/24/96	3992	(H)	AM NO 3 ADOPTED UNAN CONSENT
04/24/96	3992	(H)	AM NO 4 FAILED Y19 N21
04/24/96	3995	(H)	AM NO 5 ADOPTED UNAN CONSENT
04/24/96	3995	(H)	ADVANCED TO THIRD READING UNAN CONSENT
04/24/96	3995	(H)	READ THE THIRD TIME CSHB 204(FIN) AM

04/24/96	3995	(H)	PASSED Y38 N1 A1
04/24/96	3995	(H)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/24/96	3996	(H)	PORTER NOTICE OF RECONSIDERATION
04/26/96	4047	(H)	RECON TAKEN UP - IN THIRD READING
04/26/96	4048	(H)	RETURN TO SECOND FOR AM 6 UNAN CONSENT
04/26/96	4048	(H)	AM NO 6 ADOPTED UNAN CONSENT
04/26/96	4048	(H)	AUTOMATICALLY IN THIRD READING
04/26/96	4054	(H)	PASSED ON RECONSIDERATION Y36 E4
04/26/96	4054	(H)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/26/96	4054	(H)	COURT RULE(S) SAME AS PASSAGE
04/26/96	4078	(H)	TRANSMITTED TO (S)
04/27/96	3619	(S)	READ THE FIRST TIME - REFERRAL(S)
04/27/96	3620	(S)	JUD, FINANCE
05/01/96	3745	(S)	JUD RPT SCS 4DP 1NR SAME TITLE
05/01/96	3746	(S)	ZERO FISCAL NOTE TO SCS (DHSS)
05/01/96	3746	(S)	PREVIOUS H INDETERMINATE FN (COURT)
05/01/96	3746	(S)	PREVIOUS H ZERO FNS (LAW, DPS, ADM-2)
05/01/96	3746	(S)	REFERRED TO FINANCE

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 4/27/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 5-1-96

The Judiciary Committee considered CS FOR HOUSE BILL NO. 204(FIN) am
 Relating to the administrative revocation of a minor's license to drive.

and recommends:

- be replaced with S CS CS HB 204 (JUD)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Hy Zenas</i>	<input checked="" type="checkbox"/>	<i>Lynne Green</i>	<input checked="" type="checkbox"/>		
<i>Joe Adams</i>	<input checked="" type="checkbox"/>				
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Chair: Austin Taylor</i>	<input checked="" type="checkbox"/>	<i>Chair:</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Pub Safety</i>	<i>2/16/96</i>	<input checked="" type="checkbox"/>	
<i>Law</i>	<i>2/21/96</i>	<input checked="" type="checkbox"/>	
<i>Pub Defender</i>	<i>2/21/96</i>	<input checked="" type="checkbox"/>	
<i>Pub. Advocacy</i>	<i>2/22/96</i>	<input checked="" type="checkbox"/>	
<i>AK Court</i>	<i>2/21/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill