

SB

4

FISCAL NOTE

No. 3

Bill Version: SSSB 4

(S) Publish Date: 2-22-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...classifying certain offenses...Driving while BRU: Prosecution
intoxicated...failure to submit to a chemical test...as felonies... Component: Third Judicial District
 Sponsor: Senator Taylor Fourth Judicial District
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 0087-0088

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	299.8	299.8	299.8	299.8	299.8	299.8
TRAVEL	13.5	13.5	13.5	13.5	13.5	13.5
CONTRACTUAL	32.2	32.2	32.2	32.2	32.2	32.2
SUPPLIES	14.7	14.7	14.7	14.7	14.7	14.7
EQUIPMENT	36.5	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	396.7	360.2	360.2	360.2	360.2	360.2

CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	396.7	360.2	360.2	360.2	360.2	360.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	396.7	360.2	360.2	360.2	360.2	360.2

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

POSITIONS

FULL-TIME	5.0	5.0	5.0	5.0	5.0	5.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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

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

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

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/14/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/14/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSSB 4

ANALYSIS CONTINUATION:

imprisonment of 360 days and a fine of not less than \$1,000. A court would not be permitted to suspend execution of sentence or grant probation except on the condition that a person serve the minimum sentence of 360 days of imprisonment. And, a court would not be permitted to suspend imposition of sentence.

Currently, a third conviction results in a minimum sentence of sixty days imprisonment and a fine of not less than \$1,000. A fourth conviction results in a minimum period of imprisonment of 120 days and a fine of not less than \$2,000. A fifth conviction results in a minimum of 240 days imprisonment and a fine of not less than \$3,000. And a sixth conviction results in not less than 360 days of imprisonment and a fine of not less than \$4,000. The crime of driving while intoxicated, whatever the number of offenses, is a class A misdemeanor under existing law, and the counting of offenses for purposes of increasing the sentence covers a ten year span.

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

Finally, the bill would also make it a class C felony if a person drives a motor vehicle while their license was revoked as a result of a felony conviction for driving while intoxicated or refusal to submit to a chemical test. The minimum sentence would be imprisonment for not less than 30 days and a fine of not less than \$1,000. Under current law, driving while a license is suspended or revoked is a class A misdemeanor. We note that the felony DWLS provision is triggered by a prior felony. The state's presumptive sentencing laws require a sentence of two years of imprisonment upon a second felony conviction.

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

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

02/14/95

09:46:00.8

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DRU NAME: PROSECUTION

PCH	UNADJ PCH	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	RES	HOS BUDG	SALARY	PREM PAY	BENES	PER. SERV. COSTS	G. F. AMOUNT
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03#026		ATTORNEY III	P	DILLINGHAM	A XE III 22A	6		33900	0	9723	43623.54	
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**** JUSTIFICATION:

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

TRAVEL COSTS	3500.00
CONTRACTUAL COSTS	5000.00
SUPPLIES COSTS	1200.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS 59823.54 43623.54

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 43623.54

TOTAL FUNDING 43623.54

03#052		ATTORNEY III	F	ANCHORAGE	A XE AA 22A	12		53304	0	18385	71689.98	
--------	--	--------------	---	-----------	-------------	----	--	-------	---	-------	----------	--

**** JUSTIFICATION:

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

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	8600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS 93089.98 71689.98

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 71689.98

TOTAL FUNDING 71689.98

03#067		ATTORNEY III	F	PALMER	A XE DD 22A	12		55260	0	18073	74133.41	
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**** JUSTIFICATION:

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

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	7600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS 94533.41 74133.41

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 74133.41

TOTAL FUNDING 74133.41

03#068		LEGAL SECRETARY I	F	PALMER	A GG 2A 10A	12		25140	0	11463	36603.52	
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**** JUSTIFICATION:

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

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	2000.00
SUPPLIES COSTS	2400.00
EQUIPMENT COSTS	8500.00

02/14/95

09:46:01.3

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DRU NAME: PROSECUTION

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

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

OTHER COSTS 0.00

TOTAL COSTS 53503.52 36603.52

*** FUNDING DETAIL:

1004 GENERAL FUND RECEIPTS 36603.52

TOTAL FUNDING 36603.52

**** COMPONENT TOTALS:

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

TOTAL PERSONAL SERVICES 226050.45

TOTAL COSTS INC. ASSOC COSTS 300950.00

NUMBER OF NEW POSITIONS IN COMPONENT: 4

FUNDING DATA: G.F. & G.F. MATCH: 226050.45

OTHER FUNDS: 0.00

TOTAL FUNDING: 226050.45

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FISCAL NOTE

No. 2

Bill Version: SSSB 4

(S) Publish Date: 2-22-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to offenses... driving while BRU: statewide programs
intoxicated or failure to submit to a chemical test... Component: CC Dir.'s office CRCs
 Sponsor: Sen. Tavior
 Requester: _____ COMPONENT SERIAL NO. 1382

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	303.3	314.7	326.5	338.8	351.5	364.7
TRAVEL						
CONTRACTUAL	3,406.3	3,406.3	3,406.3	3,406.3	3,406.3	3,406.3
SUPPLIES						
EQUIPMENT	25.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3,734.6	3,721.0	3,732.8	3,745.1	3,757.8	3,771.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3,734.6	3,721.0	3,732.8	3,745.1	3,757.8	3,771.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	3,734.6	3,721.0	3,732.8	3,745.1	3,757.8	3,771.0

Estimate of any current year (FY95) cost: \$ 00

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would make the third or subsequent DWI or failure to submit to a chemical test a class C Felony and set a minimum sentence. 330 individuals annually would be convicted and sentenced under the language of this bill. The following formulas reflect the impact on DCC. ("added days to serve" allows for statutory goodtime calculations)

	offenders		added days to serve	cost per dday		annual cost
3rd offense	261	X	200	X	\$57	\$ 2,975.4
4th offense	53	X	160	X	\$57	\$ 483.4
5th or more	16	X	0	X	\$57	\$ 0
total	330					\$ 3,458.8

CONTINUE NEXT PAGE:

Prepared by: Jerry Shiner
 Division: Commissioner's Office
 Approved by Commissioner: *Walter M. Pugh*
 Agency: Department of Corrections

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

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FISCAL NOTE

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With rare exception this class of offenders would serve their sentences in a treatment or CRC facility. A total of 60,680 annual bed days would be served and 167 new CRC beds would be required.

$$60,680 \times \$57 = \$3,458.8$$

The Department's contracting officer is already working beyond a sustainable capacity and one additional staff person would be needed to implement and administer the new contracts. That cost has been separated from the \$3,458.8 and shown in the personal services line. The balance is shown in the contractual line.

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO.:

No. 1

Bill Version:

SSSB4

(S) Publish Date:

2-22-95

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to arrests for possession of alcohol and driving while intoxicated. BRU: Alaska State Troopers
 Component: Detachment
 Sponsor: Senator Robin Taylor
 Requestor: (S) STA COMPONENT SERIAL NO. 0799

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

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

FUNDING: (Thousands of Dollars)

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

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

POSITIONS:

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

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

Prepared By: Francis C. Allan Phone: 389-5691
 Division: Alaska State Trooper Date: 02/11/95
 Approved by Commissioner: [Signature] Date: 2/14/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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2/14/95

FISCAL ANALYSIS
SSSB4

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

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

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

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

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

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

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

3) Felony cases average the following additional effort:

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

FISCAL ANALYSIS
SSSB4

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

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

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

**Division of Alaska State Troopers
Analysis
Sponsor Substitute for Senate Bill 4**

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

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

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

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSSB 4

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to DWI laws BRU: Trial Courts
 Components: _____
 Sponsor: Sen. Taylor
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

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

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	131.6	128.6	128.6	128.6	128.6	128.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	131.6	128.6	128.6	128.6	128.6	128.6

POSITIONS

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

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

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *(Signature)* Phone: 264-8228
 Agency: Alaska Court System Date: 02/27/95
 Approved by: Arthur H. Snowden, II, Administrative Director *(Signature)*
 Agency: Alaska Court System Date: 02/27/95

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Alaska Court System
Fiscal Analysis
SSSB 4

SSSB 4 increases the classification of a third or subsequent conviction for driving while intoxicated or refusing to submit to a chemical test from a class A misdemeanor to a class C felony, if the offense occurred within a five year period. A person would receive a minimum 360 days in jail for a third or subsequent conviction within a five year period.

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

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

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

Unlike misdemeanor cases, felony cases require presentation to a grand jury. SSSB 4 will increase the number of cases presented to grand juries each year approximately 14 percent, with a corresponding increase in juror costs.

Alaska State Legislature

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Senator Robin L. Taylor

Sponsor Statement

SENATE BILL 4

Before the Senate Judiciary Committee
March 1, 1995

Senate Bill 4 would make drunk driving a felony on the third offense within a five year period and requires a minimum sentence of 360 days and a \$1000 fine upon conviction. It would also require a sentence of not less than 30 days and a \$1000 fine if a person convicted of felony DWI later drives a vehicle while that person's license is suspended or revoked.

It also gives the court the option of ordering a person to take antabuse or a similar drug as a condition of parole or probation. These drugs are intended to prevent the consumption of alcohol. The court may also order forfeiture of the vehicle or aircraft involved, subject to remission under existing law.

The need for SB4 is clear. In 1994, Anchorage had made 351 DWI arrests by August 24. Of that total, it was the second offense for 102 of the drivers and the third or more for 48 of them. The breath alcohol counts of most of these offenders is staggering. One driver, who already had seven DWIs on record, had a BAC of .267 .

We are all aware of the high profile cases. The guy with multiple DWI convictions who wipes out a family. Every one of the repeat offenders SB4 would get off our streets and highways has the potential of becoming a killer.

Sponsor Statement - SB4

Page Two

The goal of SB4 is to get these people off the road. They kill, they maim and they destroy property. The Impaired Driving Assessment conducted by a technical assistance team of the National Highway Traffic Safety Administration in Alaska this fall revealed that alcohol related motor vehicles crashes carry an annual price tag of nearly \$32 million dollars. The human cost, the grief, the destruction of families, is impossible to calculate.

Section one of the bill addresses only a change needed in state law to overcome a court ruling that a minor cannot be arrested for consuming alcohol unless the police actually witness the consumption. That ruling is currently in effect in the First Judicial District. Section one of this bill would add minor consuming to the list of offences for which an officer may make a warrantless arrest.

The remainder of SB4 deals strictly with what is needed to make it a felony to repeatedly drive drunk. It would give Alaska one of the toughest drunk driving statutes in the nation and send a clear message that will no longer tolerate those who cannot or will not stop this behavior.

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, Alaska 99524-0106 • (907) 277-0515



February 8, 1995

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Senator Robin Taylor
Capitol Building
Juneau, Alaska 99801-1182

Dear Senator Taylor,

I am the State-wide president of the Alaska Peace Officers Association. Our organization represents over 1200 law enforcement officers from over 80 local, state and federal agencies. On January 31, 1995, the State Board met and discussed pending legislation dealing with peace officers.

We have chosen Senate Bill 4 as one of our priority pieces of legislation. We strongly feel this legislation will enhance public safety across the state. Drunk driving claims too many lives in this state. The repeat offenders need to be dealt with strongly through greater criminal sanctions for repeat offenders.

If there is anything this organization can do to assist your effort in passing this legislation please contact me (451-5316) or our Executive Director, Joseph Young (277-0515), or Alyce Hanley (243-7574). On behalf of the Alaska Peace Officers Association, I want to thank you for proposing this legislation and wish you the best in this legislative session.

Respectfully yours,

Michael Corkill
Statewide President

ANCHORAGE DWI REPEATERS

DWI W/REPEAT OFFENDER - ZERO
AS OF 08/24/94

Jim Wolf - Muni Prosecutor

LAST NAME	FIRST NAME	I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
	FREDERICK	D	940003755	9489863	19940601	94	0004058	.215	02
MAN	ADELBERT	P	940003965	9497636	19940613	94	0004172	.127	01
	FRANK	L	94000413	94100429	19940617	94	0004470	.000	01
AW	ANDREW		940005251	94133733	19940803	94	0005687	.225	02
MO	MICHELLE	Y	940002525	9458601	19940413	94	0002708	.248	02
ONAK	MATTHEW	J	940002793	9465728	19940424	94	0003043	.000	02
ERSON	ART	A	940005126	94129940	19940729	94	0005529	.199	02
ERSON	RONALD	A	930000189	93187572	19931121	93	0008760	.171	01
LL	KERRY	S	940005086	94129278	19940728	94	0005564	.118	01
ONY	ANNE	M	930000797	93205768	19931225	93	0009583	.135	02
	CHARLES		940003239	9475939	19940511	94	0003505	.246	01
HOLOMEW	DOUGLAS	J	940000615	94011708	19940122	94	0000551	.221	02
CH	WADE	H	940005063	94128239	19940726	94	0005465	.136	01
ON	N.L.	D	940001596	9438875	19940310	94	0001880	.206	02
MAN	MICHAEL	L	940004580	94115095	19940707	94	0004985	.242	02
NG	SCOTT	W	930000549	93197663	19931210	93	0003198	.170	01
OREN	JOHN	S	940004588	94115137	19940707	94	0004986	.000	01
ARD	JOHN	J	940003343	9478015	19940514	94	0003575	.157	01
	SARAH		940000435	93869460	19931119	93	0008694	.172	01
ETTE	MARY	J	940003231	9475761	19940510	94	0003499	.316	02
L	MAUREEN	T	940000267	947760	19940115	94	0000366	.190	01
L	AUGUST	E	940005624	94146073	19940822	94	0006158	.364	01
L THFORD	THOMAS	S	940000436	93199630	19931215	93	0009274	.230	07
CP	MARY	J	940001591	9438839	19940310	94	0001875	.241	01
	IAN	C	940003984	9496012	19940610	94	0004318	.184	03
ICK	JOHNNY	L	940002413	9456119	19940409	95	0002594	.142	02
	STEVEN	J	940002827	9464522	19940422	94	0002986	.078	02
L IN	ROBERT	H	940001979	9446258	19940123	94	0002191	.235	02
	JOEL	H	940000362	949662	19940118	94	0000428	.200	01
ES	RICHARD	D	940000943	9420396	19940206	94	0001013	.200	02
ES	PICHARD	D	940000875	9420396	19940206	94	0001013	.200	01
NDER	WILLIS	L	940003658	9486953	19940528	94	0003961	.232	01
	BRIAN	E	940003805	9491780	19940604	94	0004131	.251	01
L AL	SHELLEY	P	940002044	9447723	19940326	94	0002262	.000	01
ES	JOHNNIE	C	940003774	9490485	19940602	94	0004086	.296	01
ES	ROLAND		940002207	9451593	19940401	94	0002389	.000	01
ES	ROLAND		940000540	9413909	19940126	94	0000645	.282	01
ERIT	JULIE	A	940002152	9427984	19940219	94	0002152	.265	01
	JAMES	A	940000370	94007750	19940115	94	0000362	.214	03
	NICHOLAS	W	930000405	93195329	19931206	93	0009066	.079	01
	PAUL		940004628	94116851	19940710	94	0005064	.089	02
MMER	MITCHELL	A	940001826	9444156	19940319	94	0002097	.324	03

BUSSELL	RONNELL	J	940000754	9417772	19940201	94	0000851	.000	01
CADRE	FENNY	L	940001592	9438752	19940310	94	0001872	.000	01
CHERNIKOFF	NICK	A	940001149	9426392	19940217	94	0001326	.195	01
CHERRY	EARNEST	G	940000931	9419664	19940205	94	0000986	.230	01
CHIN	DELBERT	A	940003387	9478675	19940514	94	0003598	.215	01
CHLITEN	CLIFFORD	C	940001292	9430200	19940224	94	0001469	.000	01
CHERNIKOFF	ROBERT	G	940000843	946077	19940112	94	0000254	.017	01
CHODS	STEVEN	J	940004020	9496281	19940611	94	0004124	.248	01
CHURCH	RICHARD	J	940001406	9433665	19940302	94	0001632	.236	03
COLEY	MARVIN	R	940002045	9447802	19940326	94	0002266	.237	01

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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
BOOK	BRUCE	W	940003896	9493620	19940607	94	0004212	000	01
BOOK	LAURA	L	940002950	9467610	19940428	94	0001145	227	01
BOLEY	MICHAEL	T	940001479	9435582	19940305	94	0001734	151	02
BOEHL	GORDON	C	940001304	9477156	19940512	94	0003537	167	01
BOOVA	STEVE	A	940001333	9431378	19940226	94	0001537	193	02
BOURT	ROBERT	M	930000215	93189362	19931124	93	0008838	070	01
BOSAN	VICTOR		94001645	94884256	19940510	94	0004005	142	02
BOSHEN	JAMES	M	940000346	947164	19940114	94	0000338	105	02
BIZ	FORTUNATO	A	940002949	9467730	19940428	94	0003147	000	01
BLOMINGS	ERIC		940002728	9461020	19940417	94	0002835	149	01
BLOMID	MARK	C	940003927	9494885	19940609	94	0004279	220	01
BLOMID	SHELBY	F	940004479	94111606	19940731	94	0004877	141	02
BLOMIDSON	DOUGLAS	G	940000773	9417787	19940201	94	0000813	188	01
BLOMIS	RICARDO		940000713	94015600	19940129	94	0000734	171	03
BLOMIS	ROBERT	W	940003519	9483070	19940522	94	0001731	139	01
BLOMSON	SUSAN	M	940001143	9426292	19940217	94	0001316	191	01
BLOMKETTIE	GERALD	H	940000246	94002752	19940105	94	0000115	000	03
BLOMROE	LESLIE	M	940003501	9483272	19940521	94	0001754	144	02
BLOMBRE	JEFFREY	K	940000439	93186339	19931118	93	0008690	000	01
BLOMARMON	RICHARD	D	940000147	944446	19940108	94	0000192	000	02
BLOMSON	LUDENE	S	940001088	9425022	19940214	94	0001297	254	02
BLOMIDIG	MICHAEL	B	940005023	94127011	19940724	94	0005434	000	01
BLOMLE	DENNIS	D	940002210	9452353	19940402	94	0002414	154	01
BLOMTERDAY	PATRICK	L	940005279	94134525	19940804	94	0005727	220	01
BLOM	JEFFREY		940005462	94140031	19940813	94	0005919	175	01
BLOMISON	ROBERT	L	930000819	93205933	19931225	00	0000000	145	03
BLOMISLEY	ROBERT	M	940007529	9458849	19940411	94	0002715	275	01
BLOMLINGER	JOH	H	940000556	9413826	19940125	94	0000641	190	01
BLOMPELRA	BILLY	J	940000269	948354	19940115	94	0000382	118	01
BLOMIS	GREGORY	C	930000314	93192745	19931201	93	9008982	197	01
BLOMIS	GREGORY	C	930000109	93185301	19931114	93	0008617	142	01
BLOMBER	ROCHILLE	M	940001478	9435554	19940305	94	0001720	247	02
BLOMYTHUS	PAFAL		940005152	94131974	19940731	94	0005549	154	01
BLOMUSON	TIMOTHY	C	940005354	94130862	19940730	94	0005566	000	03
BLOM	CHAD	A	940003653	9487704	19940529	94	0003988	261	01
BLOM	BARBARA	L	940002058	9448627	19940327	94	0002391	000	01
BLOMAN	CHARLES	J	940000876	9419580	19940205	94	0000987	000	03
BLOM	ROBERT	W	940004309	94105196	19940624	94	0004624	255	01
BLOMGRER	MICHAEL	A	940004957	94126597	19940724	94	0005413	160	02
BLOMHORN	FRANK	A	940000382	9410317	19940119	94	0000450	000	03
BLOM	KEVIN	J	940001472	9436622	19940306	94	0001768	150	02
BLOMBISLER	ERNEST	L	940001904	9443653	19940318	94	0002077	146	03

Q	PROY	JOSEPH	H	940004546	94113810	19940706	94	0004921	.000	01
Q	TOLI	MARTHA		930000145	91182774	.9931112	93	0008520	.212	01
Q	INS	CLAUD	W	930000114	91183844	19911114	91	0008576	.174	01
Q	T	RALPH	E	940001615	9440019	19940312	94	0001213	.256	02
Q	Y	TED	D	940004908	94124801	19940721	94	0005132	.211	01
Q	SCH	BRYAN	S	940002186	9451044	19940401	94	0002146	.157	01
Q	Y	KENNETH	H	940004973	94126143	19940721	94	0005191	.248	01
Q	ERGEN	DUSTIN	L	940000572	9414459	19940127	94	0000677	.238	02
Q		RAIL	C	940000965	9470165	19940206	94	0001011	.168	03
Q	IN	JOHN	E	940003974	9496599	19940611	94	0004111	.000	02

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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RBS	PPT OFF
WINE	WILLIAM	L	940005445	94119961	19940811	94	0005916	183	03
G	JOHNNY	D	940000312	93208777	19931211	93	0009723	120	01
ERREZ	ARON		940004162	94102357	19940619	94	0004550	174	01
	JAY	W	940000857	93203784	19931221	93	0009475	000	01
	KIMBERLY	S	940000160	94003796	19940107	94	0000163	295	02
ARK	RONALD	H	940003801	9402544	19940605	94	0004165	000	01
TON	KEVIN	F	930000244	9318995	19931126	93	0008862	155	01
L	JOHN	J	930000245	93189883	19931125	93	0008859	224	01
ON	GARY	E	940004485	94110865	19940702	94	0004849	175	01
	DAVID	B	940005513	94141800	19940815	94	0005993	170	02
N	ROY	L	940001332	9411402	19940226	94	0001518	159	02
N	TODD	D	940004478	94111342	19940702	94	0004874	150	01
S	JACK	R	940004322	94105851	19940625	94	0004642	175	02
S	TAMMY	M	940000847	94728	19940102	94	0000041	253	02
BY	MCKINLEY	M	940004767	94120915	19940716	94	0005197	105	02
RICKSON	GILBERT	A	940004866	94121251	19940719	94	0005274	217	01
RIX	RUSSELL	J	940001336	9411909	19940226	94	0001549	157	02
Y	JAMES	E	940004824	94112912	19940718	94	0005261	000	03
Y	JAMES	F	940003173	9420867	19940218	94	0001352	174	02
ERA	JOSE	P	940002316	9454129	19940406	94	0007485	000	01
HANN	CHARLES		940001635	9419308	19940311	94	0001894	000	00
ES KANAYUPA	MARTHA	M	940004249	94114924	19940725	94	0005420	311	02
	RANDALL	L	940000444	93187872	19931121	93	0008771	269	01
	WILLIAM	L	940001131	9411255	19940226	94	0001529	140	01
	ROBERT	D	930010291	93191240	19931129	93	0008936	145	01
ERT	STEVEN	G	940000461	93201284	19931220	93	0009439	208	04
RE	ARNOLD	F	940001290	9429884	19940223	94	0001458	011	02
	DANIEL	A	940001125	9473464	19940507	94	0001434	217	01
	STEVEN	P	940001910	9469678	19940501	94	0001239	241	01
CHER	MARLA	R	940005151	94110777	19940729	94	0005564	120	02
CHER	MARLA	R	940003144	9473436	19940507	94	0001427	144	01
REY	RODNEY	C	930000669	93201495	19931218	93	0009390	000	02
HAN	ROBERT	E	940001400	9413588	19940102	94	0001627	000	02
HAN	SCOTT	J	940000761	9411916	19940202	94	0000862	168	01
ISON	GRANT	T	940003605	9485501	19940525	94	0003089	178	03
ISON	GRANT	T	940002988	9464067	19940422	94	0002988	171	03
	ROY	D	940002222	9452965	19940404	94	0002442	000	01
ED	RONALD	L	940001739	93201225	19931217	00	0002000	000	03
TT	JAMES	J	940000167	93209644	19931231	93	0009716	166	01
IES	MICHAEL	V	940000591	9414896	19940127	94	0000706	000	03
INS	CHARLES	B	930000486	93196067	19931207	93	0009109	195	01
ON	MISTY	K	930000981	9386117	19930609	93	0004388	304	01

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

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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC HHR	BA RES	RPT OFF
WICK	ROBERT	G	930000505	93197835	19931211	93	0009207	215	01
WINTEN	DERWIN	R	940000009	94000585	19940101	94	0000036	.152	01
WCHAY	ELIZABETH	S	930000743	93202804	19931220	93	0009412	.107	02
WESSE	CHARLES	D	940003514	9483631	19940523	94	0003797	.162	01
	JOHN	M	930000519	93198269	19931212	93	0009217	.209	02
WASH	DAGNEY	J	940001413	9433460	19940301	94	0001623	.000	01
	KENNETH	W	940000592	9415066	19940128	94	0000771	.191	03
WAY	ARTHUR	P	930000577	93199307	19931214	93	0009246	.135	01
WAN	FREEMAN	L	940003825	9492103	19940605	94	0004152	.101	01
WAKOFF	ARTEMON	A	940003005	9470135	19940501	94	0003252	.229	01
	WILLIAM	J	930000213	93188534	19931123	93	0008802	.000	01
WANGER	BRIAN	D	930000650	93200969	19931217	93	0009354	.197	01
WROOD	WALTER	R	940002155	9450150	19940330	94	0002325	.000	04
WYER	RICHARD	W	940002345	9454568	19940406	94	0002499	.000	03
WYTE	WALTER	E	940000150	943983	19940108	94	0000171	.191	01
	REUBEN	G	940000571	9414514	19940127	94	0000681	.250	01
WYBY	EDITH	M	940001335	9431964	19940227	94	0003556	.206	01
	STEVEN	A	940001175	9426910	19940218	94	0003355	.173	01
WYTT	CHRIS	E	940005680	94145297	19940820	94	0006141	.260	02
WYETTE	JEFFERSON	A	930000035	93158564	19930930	00	0937466	.000	04
WYFIELD	EDWARD		940003120	9474033	19940508	94	0003447	.135	01
WYIN	DOMINICK	G	940003288	9477328	19940513	94	0003549	.247	03
WYINKEZ	JUAN	C	940005685	94145460	19940821	94	0006150	.307	04
WYOCK	PAUL	D	940003495	9481974	19940520	94	0003751	.000	02
WYON	PHYLLIS	A	940000795	9418451	19940203	94	0000890	.149	02
	CHRISTOPHE		940005678	94145442	19940821	94	0006146	.195	01
WYTH	JOHNNY		940000698	9416122	19940129	94	0000765	.128	02
WYDE	CORY	W	940001042	9424503	19940213	94	0003240	.144	02
WYIN	EDWARD	T	930000192	93188542	19931123	93	0008804	.152	02
WYER	VIOLET	E	940004173	94303630	19940618	94	0004722	.239	01
WYE	ANGRIS	J	930000677	93202780	19931219	93	0009415	.245	02
WYDIS	JAMES	J	940004582	94315105	19940707	94	0004984	.000	03
WYTER	MICHAEL	S	940004286	94104125	19940622	94	0004599	.191	03
WYEDOFF	TIM	O	940000851	94000155	19940101	94	0000015	.234	01
WYELIEP	LAURENCE	R	940001486	9436238	19940306	94	0001754	.263	01
WYER	NORMAN	E	940004238	94103170	19940621	94	0004573	.000	01
WYE	TAMMY	E	940004980	94126370	19940723	94	0005397	.000	01
	MICHAEL	J	940003391	9477995	19940514	94	0003572	.144	03
WYELL	MICHAEL	L	940004228	94101547	19940618	94	0004530	.000	05
WYGO	HARRY	B	940000807	9419018	19940204	94	0003933	.195	01
WYTOR	MICHAEL	H	930000185	93187524	19931123	93	0000755	.176	02
WYMER	DAVID	W	940000784	9418392	19940203	94	0000885	.193	01

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KEVIN	L	930000551	93197634	19931210	93	0009194	.289	01
ERNEST	S	940003975	9496717	199406	94	0004337	.239	02
JAMES	K	930000331	93193411	19931203	93	0009005	.236	02
CYNTHIA	A	940003611	9485161	19940525	94	0003873	.000	02
MASSA	D	940005379	94137181	19940809	94	0005820	.143	02
CHEPSE	A	940001702	9440197	19940313	94	0001944	.231	01
STEVEN	R	940003788	9490415	19940602	94	0004084	.116	02
WILLIE	E	930000575	93199287	19931214	93	0009244	.180	01
MIKE	W	940005584	94143898	19940818	94	0006087	.199	01
CLAUDE	L	940003102	9471968	19940504	94	0003351	.283	01

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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NR	BA RES	PPT OFF
ER	BRUCE	M	940000699	9416229	19940130	94	0000775	233	01
ON	BRUCE	E	940004456	94110890	19940702	94	0004851	000	03
ON	CHRISTOPHE	P	940005160	94132567	19940731	94	0005584	128	01
ON	JEFFRY	A	940000152	944928	19940109	94	0000214	119	02
UROFF	MACAR	J	940000746	94011466	19940121	94	0000534	000	01
OLS	CHARLES	D	940003775	9490638	19940602	94	0004091	218	02
OLS	CHARLES	D	940003012	9468710	19940429	94	0003205	230	02
OLE	JENNIFER	J	940001893	9445178	19940321	94	0002138	108	01
OLS	RAYMOND	E	940005674	94144769	19940820	94	0006127	000	02
OLSON	ROGER	C	940001185	9428547	19940220	94	0001402	000	01
	ERIC	B	930000460	93196549	19931208	93	0009144	119	02
EN	SHANNON	P	940000010	94000679	19940102	94	0000039	169	01
Y	SCOTT	A	940004023	9496057	19940610	94	0004316	145	01
ES	MICHAEL	J	940001043	9424696	19940214	94	0001847	172	01
UCK	GEORGE	H	940001656	9439627	19940312	94	0001912	211	02
ENY	IRENEUCZ		940005065	94128192	19940726	94	0005464	232	01
MBIA	LEONARD	J	940004789	94121814	19940717	94	0005228	189	02
ICILLO	MELCHOR	H	940001768	9442486	19940316	94	0002005	167	01
S	DONALD	A	940004487	94110658	19940701	94	0004844	183	01
	DAVID		940005392	94138252	19940810	94	0005852	000	02
ERSLI	KEVIN		940003660	9488257	19940530	94	0004001	204	01
INGER	KENNETH	O	940001265	9429619	19940223	94	0001417	217	01
INGER	KENNETH	O	940000924	9419587	19940205	94	0000981	219	01
R	WALTER	R	940003776	9490757	19940603	94	0004097	000	01
RS	DAVID	L	940002373	9455406	19940408	94	0002557	215	06
ON	RICHARD	E	940005149	94131510	19940731	94	0005581	226	03
BRICK	CHARLES	E	930000485	93198632	19931209	93	0009148	171	01
LIPS	BERTHA	J	940000700	9415915	19940129	94	0000758	101	02
LIPS	VICTOR	L	930000526	93198061	19931211	93	0009212	225	01
CE	JAMES	F	940005676	94144782	19940820	94	0006129	197	01
	VERNITA	H	940000006	93195999	19931207	93	0009106	080	02
AND	CHERYL	L	940000402	946042	19940113	94	0000105	000	02
EL	HARRY	N	940002539	9459085	19940414	94	0002714	037	02
EL	LOWELL	V	940000810	9419075	19940204	94	0000936	199	02
EL	LOWELL	V	940003576	9484887	19940525	94	0003857	244	01
ETT	CLARENCE	R	940003339	9478520	19940514	94	0003592	190	01
OSCH	CHARLES	P	940000274	947762	19940115	94	0000163	000	01
REZ	JOSEPH		940004036	9496990	19940612	94	0004349	209	02
S	GLENN		940001625	9440133	19940313	94	0001939	159	02
OX	ALDEN	P	940002835	9465429	19940424	94	0001012	139	01
AN	TAMMY		940005299	94136482	19940807	94	0005792	260	01
IT	EARLENE	E	930000381	93187394	19931120	93	0008748	170	01

WILLEY	LINCOLN	N	940003976	9497009	19940612	94	0004150	.204	01
WILLEY	WALTER	L	930000358	93194031	19931204	93	0009026	.000	01
WILLEY	LORNA	D	940004024	9497584	19940612	94	0004168	.215	02
WILLEY	ANGEL	C	940003206	9471721	19940509	94	0004478	.241	01
WILLEY	ROBERT	J	940001139	9426065	19940216	94	0001307	.000	02
WILLEY	HARRY		940003804	9492730	19940606	94	0004168	.150	02
WILLEY	KIRK	T	940004186	94101875	19940619	94	0004532	.094	02
WILLEY	LYNDON	D	940005585	94143731	19940818	94	0006082	.217	01
WILLEY	GREGORY	L	940001660	9439428	19940311	94	0001898	.308	03
WILLEY	DELBERT	G	940000166	94000090	19940101	94	0000007	.213	03

DWI W/REPEAT OFFENDER - ZERO
AS OF 08/24/94

1-31
2-1-94

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
SAMUELSON	HOWARD	B	940004344	94105721	19940624	94	0004641	.180	02
SAMUEZ-MORALES	JOSE	R	940003608	9485581	19940526	94	0003894	.264	03
SAMUEZ-MORALES	JOSE	R	940000381	9410443	19940120	94	0000452	.246	01
SAMUEZ	CHARLES	W	940004025	9496876	19940611	94	0004347	.192	01
SAMUEZ	LAURA	C	940004264	94103523	19940621	94	0004583	.249	01
SAMUEZ	ROY	B	940004954	94127057	19940725	94	0005426	.000	01
SAMUEZ	JULIE	A	93000432	93193400	19931203	93	0009002	.226	01
SCHNEIDER	SCOTT	M	940000928	9419460	19940204	94	0000976	.173	01
SCHNEIDER	DALE	T	940000612	94011011	19940121	94	0000510	.152	01
SCHNEIDER	DAVID	F	940001188	9428162	19940220	94	0001394	.000	01
SCHNEIDER	ROBERT	P	940004972	94126365	19940723	94	0005404	.000	01
SCOTT	JOHATHAN	B	940002982	9468324	19940429	94	0003178	.232	02
SEDERHOLM	GIDEON	C	940001037	9424215	19940211	94	0001222	.257	01
SEVERIN	JOHN		940004623	94116741	19940710	94	0005063	.000	01
SHAW	FRITZ	L	940004331	94107257	19940627	94	0004688	.287	01
SHETLAND	RUSSELL	L	940002899	9467158	19940127	94	0001110	.188	03
SHUMWAY	GENE	T	940000466	9411575	19940121	94	0000539	.088	01
SKIDMORE	WILLIAM	R	940000164	93208862	19931231	93	0009725	.200	02
SLAVIN	TONY	V	940004709	94118569	19940712	94	0005125	.187	03
SLAVIN	TONY	V	930000163	93187436	19931120	93	0008751	.000	02
SMITH	CLINTON	W	910000335	93193149	19931202	93	0008992	.213	01
SMITH	DALLAS	A	940001036	9424309	19940213	94	0001234	.186	01
SMITH	DAVID	J	940005357	94135660	19940806	94	0005754	.212	01
SOMMERHOFF	ROBERT	E	940003577	9484950	19940525	94	0003859	.206	02
SOMMERVILLE	KENNETH	G	940000703	9415117	19940128	94	0000715	.095	01
SOUTHWELL	FRANKLIN	H	940003329	9479032	19940515	94	0003607	.000	01
SOUTHWELL	JACKIE	L	920000037	92158752	19921001	92	0007595	.332	03
SPENCER	JIM	L	930000809	93205950	19931225	93	0000000	.239	01
STARBUCK	MARK	S	940001196	9429143	19940222	94	0001418	.161	01
STEPHENSON	CHRISTOPHE	R	940004079	9498971	19940615	94	0004423	.000	01
STEPHENSON	GARY	M	940004834	94122975	19940718	94	0005263	.123	01
STEPHENSON	GARY	M	940001187	9427340	19940219	94	0001387	.160	01
STEPHENSON	ARTHUR	M	940004760	94123912	19940717	94	0005232	.300	01
STEPHENSON	JOHN	W	940002315	9454117	19940405	94	0002482	.281	01
STEPHENSON	LUCILLE		940004406	94108671	19940629	94	0004731	.000	01
STEPHENSON	KEITH		940003060	9470469	19940502	94	0003291	.327	01
STEPHENSON	ALEXANDER	S	940001310	9430699	19940225	94	0001499	.090	01
STEPHENSON	JAMES		940001032	9424481	19940216	94	0001238	.239	01
STEPHENSON	SAMUEL	S	930000182	93187011	19931120	93	0008739	.105	01
THEODORE	DALE	E	930000463	93196046	19931207	93	0009107	.000	03
THEODORE	HERBERT	W	930000253	93190471	19931127	93	0008903	.116	01
THEODORE	NORMIE	T	940001035	9424203	19940213	94	0001220	.000	02

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TREBLE	OTTO	R	930000623	9320	19931216	93	0009312	.257	04
T...RS	HELEN	L	940001358	9431	19940226	94	0001547	.166	01
T...PSON	JOHN	F	940002420	9457229	19940410	94	0002625	.000	02
T...NE	MARK	J	940002421	9437172	19940410	94	0002622	.314	02
T...NTON	TROY	S	940004174	94102015	19940619	94	0004541	.000	01
	CHRISTOPHE	A	930000088	93183853	19931114	93	0000579	.177	01
	JAMES	L	930000330	93190953	19931128	93	0008917	.156	01
	TIMOTHY	H	940000858	9412387	19940123	94	0000577	.173	01
	BILLY	J	940001537	9437281	19940308	94	0001793	.000	01
	KAYLOK	W	930000339	93193414	19931203	93	0009003	.000	03

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

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA REG	RPT OFF
MAYLOK	THOMAS	W	940001409	9433503	19940301	94	0001624	.211	02
OK	STEVEN	L	940000860	93209179	19931231	94	0000001	.283	03
OK	STEVEN	L	940000428	93174814	19931028	94	0000514	.000	03
Z	CRISTIANI		940003396	9479894	19940516	94	0003638	.237	01
W	TERRY	J	940000801	9418801	19940203	94	0000921	.000	02
MAN	KENNETH	G	940000862	93191005	19931128	93	0008925	.000	01
Z	DAVID	A	940004107	9499710	19940616	94	0004445	.172	01
I	MARTY	G	940000785	9411121	19940121	94	0000515	.000	01
ON	CARYN	E	940004282	94101922	19940619	94	0004538	.125	01
R	LARRY	B	940001361	9431246	19940226	94	0001511	.176	01
	JAMES	D	940001626	9439770	19940312	94	0001922	.338	01
MACHER	GREGORY	C	930000747	93203180	19931220	93	0009438	.205	01
	WALTER	L	940001390	9432984	19940301	94	0001595	.205	02
LLIE	GUSTY		940000797	9418404	19940203	94	0000888	.175	02
NS	KAREN	M	940002399	9455943	19940408	94	0002586	.153	02
NS	KAREN	M	940001331	9411382	19940226	94	0001535	.202	01
W	TONI	S	940000930	9419600	19940205	94	0000985	.167	01
	CLEO	C	940000162	94001742	19940104	94	0000071	.267	07
TER	DON	A	940001030	9424268	19940213	94	0001232	.145	02
E	RALPH	P	940001798	9443063	19940318	94	0002047	.188	01
LAKE	GARY	K	940001924	9444272	19940320	94	0002110	.093	01
HA	JONATHAN		940001142	9426186	19940216	94	0001310	.101	02
E	ROY	M	940000707	9415516	19940128	94	0000741	.257	01
E-BEAR	LARRY	D	940004893	94124253	19940720	94	0005301	.000	04
MORE	DANE	J	940000309	94006453	19940112	94	0000265	.307	02
EY	DANIEL	E	940000565	94012247	19940122	94	0000566	.000	02
IAMS	KEVIN	D	940003635	9486199	19940527	94	0003823	.185	01
IAMS	PAUL	D	930000087	93184169	19931114	93	0008591	.244	02
IAMS	SHIRLEY	A	930000884	93186491	19931119	93	0008695	.000	01
OT	TIMOTHY	B	940005123	94129868	19940729	94	0005526	.257	02
IN	JASON	R	940004347	94106272	19940625	94	0004657	.284	01
ON	JEFFREY	A	940004348	94105962	19940625	94	0004649	.185	01
IN	PHILLIP	J	940004892	94124339	19940720	94	0005304	.236	02
ER	RALPH	M	940003931	9495421	19940610	94	0004291	.000	02
	BRETT	A	940003021	9469063	19940430	94	0003225	.000	01
ER	MICHAEL	L	940001191	9427429	19940219	94	0001379	.192	02
	AARON	Q	940005397	94138559	19940811	94	0005864	.204	02
	AARON	Q	940003875	9493373	19940607	94	0004201	.000	01
KINS	JEFFREY	S	940003784	9490826	19940603	94	0004103	.234	01

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STATE OF ALASKA

IMPAIRED DRIVING ASSESSMENT
October 2 - October 8, 1994

National Highway Traffic Safety Administration
Technical Assistance Team

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

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

January 20, 1995

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

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

Dear Senator Taylor and Representative Porter:

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

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

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

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

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

Senator Taylor and Representative Porter
January 20, 1995
Page 2

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald L. Otte". The signature is written in dark ink and is positioned above the printed name.

Ronald L. Otte
Commissioner

Enclosures

8. DRUNK DRIVING

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

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

Penalties for drunk driving are severe in most states.

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

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

Table 8: Drunk Driving

REQUIREMENTS OF THE
STATE LIBRARY

State	Code Section	BAC* Legal Limit	Rehabilitation Required ¹	Driver License Suspension ²	Other Penalties
ALABAMA	32-5A-191	10% BAC* per se at time of driving	Yes on first offense; DUI court referral; program approved by state	1st offense: 90 days; 2nd: 1 yr.; 3rd: 3 yrs.	1st offense: imprisonment up to 1 yr. and/or \$250-1000; 2nd within 5 yrs.: up to 1 yr. and \$500-2500; 3rd within 5 yrs.: up to 1 yr. and \$1000-\$5000
ALASKA	28.35.030, 28.35.181	10% BAC* as determined by test taken within 8 hours	Yes; program of alcohol education or rehabilitation that court finds appropriate for term specified by court	1st: 90 days min.; 2nd: 1 yr. min.; 3rd: 10 yrs. min.	1st: min. 72 hrs. and min. \$250; 2nd within 10 yrs.: min. 20 days and min. \$500; 3rd within 10 yrs.: min. 30 days and min. \$1000
ARIZONA	28-692, et seq.	10% BAC* at time of offense	Yes; alcohol abuse screening session by screening or treatment facility approved by health services; alcohol abuse classes or treatment facility if necessary; habitual abuse	1st: 90 days; 2nd: within 5 yrs. revocation; 3rd: within 5 yrs. revocation min. 2 yrs.	1st: min. 24 hrs. and min. \$250 and 8-24 hrs. community service; 2nd within 5 yrs.: min. 60 days and min. \$500; 3rd within five yrs.: min. 6 mos.
ARKANSAS	5-65-103, et seq.	10% BAC* as determined by test	Alcohol Education Program prescribed and approved of by Arkansas Highway Safety Program or alcohol treatment program approved by Office on Alcohol and Drug Abuse Prevention	1st: 90-120 days; 2nd: 12-16 mos.; 3rd: 24-30 mos.; 4th: 3 yrs.	1st: 1 day to 1 yr. prison; court can order public service in lieu of jail and \$150-1000; 2nd within 3 yrs.: 7 days to 1 yr. and \$400-3000; 3rd within 3 yrs.: 90 days to 1 yr. and \$900-5000; 4th within 3 yrs.: felony, 1-6 yrs.; fine only for 2nd and 3rd offenses within 5 yrs.
CALIFORNIA	Veh. §§23152, et seq.	0-10% BAC* at time of driving (rebuttably presumed that percentage at time of driving was more than at time of test); if test is less than 0.5% BAC, BAC presumed not .10% when driving; if test is 0.5-1.0%, not presumption but evidence of 10%; .10% at time of test equals 10% at time of driving	1st: if probation, must participate in alcohol or drug education program designated by court if programs approved of are available in that county; 2nd: if probation, 1 yr. in program acceptable to court	1st: 6 mos., or if probation granted, could be 90 days with exception of traveling to work and rehab program; 2nd: restricted to necessary travel (work and rehab) for 1 yr.; 3rd: 3 yrs.	1st: 72 hrs. to 6 mos. prison and \$390-1000; 2nd within 5 yrs.: 90 days to 1 yr. and \$390-1000; 3rd within 5 yrs.: 120 days to 1 yr. and \$390-\$1000

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension ¹	Other Penalties
COLORADO	42-2-122.1, 42-4-1202	15 g. of alcohol per 100 mm. of blood while driving or 15 g. of alcohol per 200 mm. of blood at time of test	Court's discretion up to 2 yrs.; drug and alcohol driving safety program	1 yr.	1st: 5 days to 1 yr. and court may fine \$300-1000 and 48-96 hrs. useful community service; 2nd within 5 yrs.: 90 days to 1 yr. and court may fine \$500-1500 and 60-120 hrs. useful community service
CONNECTICUT	14-227a	10% BAC at time of offense	Court may order participation in alcohol education and treatment program in addition to any fine or sentence	1st: 1 yr. (court's discretion); 2nd: 2 yrs.; 3rd: 3 yrs.; 4th: permanent	1st: \$500-1000 and jail up to 6 mos. or 100 hrs. community service; 2nd within 5 yrs.: \$500-2000 and jail up to 1 yr.; 3rd within 5 yrs.: \$1000-4000 and jail up to 2 yrs.; 4th within 5 yrs.: \$2000-8000 and jail up to 3 yrs.
DELAWARE	Tit. 21 24127	10% BAC as shown by test taken within 4 hours of offense	1st: required program of rehabilitation or course of instruction which may include inpatient up to 6 mos.; 2nd: program of education or rehabilitation which may include inpatient treatment up to 15 mos.	1st or 2nd: 1 yr.; 3rd or more: 18 mos.	1st: \$200-1000 or jail 60 days-6 mos.; for each subsequent offense within 5 yrs. of former offense: \$500-2000 and jail 2-18 mos.
DISTRICT OF COLUMBIA	40-716	10% BAC, 13% alcohol in urine	No	Yes for unspecified time	1st: up to \$300 and/or 90 days; 2nd within 15 yrs.: up to \$5000 and/or up to 1 yr.; 3rd within 15 yrs.: up to \$10,000 and/or up to 1 yr.

(continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required*	Driver's License Suspension†	Other Penalties
FLORIDA	316.193	10% BAC	Substance abuse course specified by the court	Revocation or suspension upon conviction	1st: \$250-500 and jail up to 6 mos.; 2nd within 3 yrs.; \$500-1000 and jail up to 9 mos.; 3rd within 3 yrs.; \$1000-2500 and jail up to 12 mos.; 4th within 3 yrs.; 3rd degree felony, prison up to 5 yrs.; if first offense BAC exceeds .20%: 1st: \$500-100 and jail up to 9 mos.; 2nd within 3 yrs.; \$1000-2000 and jail up to 12 mos.; 3rd within 3 yrs.; \$2000-5000 and jail up to 12 mos.; additional penalties: 1st: probation up to 1 yr. and community service of 50 hrs. minimum or \$10 fine per hour not worked
GEORGIA	40-5-63 40-6-39	10% BAC at time of test		1st: 1 yr., 2nd within 5 yrs., 3rd within 5 yrs., considered habitual offender, 5 yrs.	1st: \$300-1000 and 10 days to 12 mos.; 2nd within 5 yrs.; \$600-1000 and 90 days to 12 mos.; 3rd: \$1000-5000 and 120 days to 12 mos., mandatory
HAWAII	291-4	10% BAC	1st: 14 hr. minimum alcohol abuse rehab program including education and counseling or comparable program approved by court; subsequent may be required pending evaluation by substance abuse counselor	1st: 90 days (court can make it 30 days total prohibition and 60 days only for work and rehab); 2nd: 1 yr. absolute prohibition; 3rd: 1-5 yrs.	1st: \$150-1000 and/or min. 48 hrs. jail and/or 72 hrs. community service; 2nd within 5 yrs.: \$500-1000 and min. 48 hrs. jail or min. 80 hrs. community service; 3rd within 5 yrs.: \$500-1000 and 10-180 days jail
IDAHO	18-8004, et seq.	10% BAC	Alcoholic evaluation (own expense) approved facility; if necessary, an alcoholic treatment program best suited for individual	1st: mandatory up to 180 days (defendant may request for necessary privilege-work and family health needs); 2nd: mandatory 6 mos. after getting out of jail and possibly an additional time up to 1 yr.; 3rd: 1-5 yrs. (no privileges at all)	1st: up to \$1000 and/or up to 6 mos.; 2nd within 5 yrs.; mandatory fine up to \$2000 and jail 10 days to 1 yr.; 3rd within 5 yrs.: felony, jail up to 5 yrs. and may be fined up to \$5000

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ILLINOIS	625 ILCS 5/11-501, et seq.	10% BAC, less than 0.05% at test; presumed not to have required BAC at time of driving. 0.05%-10% at test: no presumption of guilt but take it with other evidence; 10% at test: guilty	Professional evaluation to determine if there is abuse problem and extent; defendant pays cost; program must be approved/licensed by Dept. of Alcohol and Substance Abuse	Up to 1 yr.	1st: Class A misdemeanor; jail up to 1 yr.; 2nd within 5 yrs.: mandatory min. 48 hrs. jail or min. 10 days community service; 3rd: Class 4 felony, 1-3 yrs. prison
INDIANA	9-30-5-1, et seq.	10% BAC	No	1st: 90 days to 2 yrs.; 2nd 10 or more yrs. ago: 90 days to 2 yrs.; 2nd 5-10 yrs. ago: 6 mos. to 2 yrs.; 2nd within 5 yrs.: 1-2 yrs.	1st: Class A misdemeanor; 2nd within 5 yrs.: min. 5 days jail or min. 80 hrs. community service in addition to Class D felony (min. 2 yrs.) and may be fined up to \$10,000
IOWA	3213.1, et seq.	10% BAC	2nd offense: must undergo substance abuse evaluation prior to sentencing; 3rd offense or if evaluation recommends treatment: may be required to commit to treatment	1st: 180 days; 2nd within 6 yrs.: 1 yr.	1st: serious misdemeanor, \$500-1000 and min. 48 hrs. jail; may perform up to 200 hrs. community service in lieu of fine if court allows; 2nd: aggravated misdemeanor, min. \$750 and min. 7 days jail; 3rd: Class D felony, min. \$750 and 30 days to 1 yr. jail
KANSAS	8-1008, 1014, 1057	10% BAC at time of test	Pre-sentence alcohol and drug evaluation conducted by community-based alcohol and drug safety action program; supervision and monitoring of all convicted persons	1st: 30 days or upon completion of required treatment program (whichever is longer); subsequent: 1 yr. or upon completion of required treatment program (whichever is longer)	1st: \$200-500 and 48 hrs. to 6 mos. jail or 100 hrs. community service; 2nd: \$500-1000 and 90 days to 1 yr. jail; 3rd: \$1000-2500 and 90 days to 1 yr. jail

(Continued)

Table 8: Drunk Driving—Continued

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

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
MASSACHUSETTS	Ch. 90 §24	No limit per se	1st offense: appropriate to defendant with his/her consent as a condition of probation upon written finding that appropriate and adequate treatment is available to defendant and defendant would benefit and safety of public would not be endangered; minimum 14 days in residential alcohol treatment program	1st: 1 yr.; 2nd: 2 yrs.; 3rd: 5 yrs.; after 2 yrs. can apply for new license on limited basis on grounds of hardship and present/past violation dealt with and under control	1st: \$100-1000 and/or up to 2 yrs. jail; 2nd within 6 yrs.: \$300-1000 and 7 days to 2 yrs. jail; 3rd within 6 yrs.: \$500-1000 and 60 days to 2 yrs. jail
MICHIGAN	MCL 9 2325	10% BAC	Screening and assessment to determine the likely benefit from rehabilitation; court may order person to participate and successfully complete one or more rehab programs	1st: 6 mos. to 2 yrs. (can get restricted license); 2nd: revoked; 3rd: revoked	1st: \$100-500 and/or up to 90 days jail and costs of prosecution and community service up to 45 days; 2nd within 7 yrs.: \$200-1000 and either 10-90 days community service and up to 1 yr. jail or up to 90 days community service and 48 hrs. to 1 yr. jail; 3rd within 10 yrs.: \$500-5000 and/or 1-5 yrs. jail
MINNESOTA	169.121, et seq.	10% BAC within 2 hrs. of time of driving	Alcohol problem assessment in counties of more than 10,000 population and report made to court including recommendation as to treatment or rehab program	1st: min. 30 days; 2nd within 5 yrs.: min. 90 days and until court has certified treatment/rehabilitation has been successfully completed; 3rd within 5 yrs.: min. 1 yr. and until rehab completed; 4th within 5 yrs.: min. 2 yrs. and until rehab completed	2nd within 5 yrs.: gross misdemeanor, min. 30 days jail or 8 hrs. community service for each jail day; 3rd within 10 yrs.: gross misdemeanor, min. 30 days jail or 8 hrs. community service for each jail day
MISSISSIPPI	63-11-30	10% BAC	1st: required alcohol safety education program; subsequent: may participate	1st: 90 days or successful completion of program, whichever is longer; 2nd: 2 yrs. (can be reduced after successful completion of program); 3rd: 5 yrs. (eligible for reinstatement after 3 yrs.); 4th: 5 yrs.	1st: \$250-1000 and/or up to 24 hrs. jail; 2nd within 5 yrs.: \$600-1000 and 48 hrs. to 1 yr. jail or 10 days to 1 yr. community service; 3rd within 5 yrs.: \$800-1000 and 30 days to 1 yr. jail; 4th within 5 yrs.: \$2000-5000 and 90 days to 5 yrs. jail

11-2011-0021

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
MISSOURI	577.012, 649	10% BAC	1st: Court may order participation and successful completion of alcohol or drug-related traffic offender education or rehab program which meets standards established by Dept. of Public Safety and Dept. of Mental Health	Upon failure to submit to breath test	1st: Class C misdemeanor, \$50 min. and/or up to 3 mos. jail; 2nd within 3 yrs.: Class A misdemeanor, 7 days to 6 mos. jail; 3rd within 3 yrs.: Class D felony, 45 days to 1 yr. jail
MONTANA	61-5-200, 205; 61-8-406, 722	10% BAC	Defendant shall complete alcohol information course at alcohol treatment program approved by Dept. of Corrections & Human Services which may include alcohol or drug treatment or both if considered necessary by counselor conducting program	1 to 1 yr. per offense	1st: \$100-500 and up to 10 days jail; 2nd: \$300-500 and 48 hrs. to 30 days jail; 3rd: \$500-1000 and 48 hrs. to 6 mos. jail
NEBRASKA	28-106; 39-669 07, et seq.	10% BAC	None	1st: 6 mos. (if judge orders suspension of sentence or probation, 60 days from time of order); 2nd within 10 yrs.: 1 yr. (if judge orders suspension of sentence or probation, 6 mos. from time of order); 3rd within 10 yrs.: 15 yrs. (if judge orders suspension of sentence or probation, 1 yr. from time of order)	1st: \$200-500 and 7-30 days jail; 2nd: \$500 and 30 days jail; 3rd: \$500 and 3-6 mos. jail

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension ¹	Other Penalties
NEVADA	484.379, <i>et seq.</i>	10% BAC	1st or 2nd within 7 yrs.: may apply to undergo program of treatment for alcoholism or drug abuse for at least one yr. if classified by physician/counselor as alcoholic or drug abuser; if defendant pays costs and has served jail sentence; 1st. must do educational course on alcohol and substance abuse		1st: \$200-1000 and 2 days to 6 mos. jail or 48 hrs. community service (jail sentence can be lessened if defendant participates in rehab program); 2nd within 7 yrs.: \$500-1000 and 10 days to 6 mos. jail; 3rd within 7 yrs.: \$2000-5000 and 1-6 yrs. jail; in addition to any penalty, civil penalty of \$35 paid to court
NEW HAMPSHIRE	263:65-a; 265:82	10% BAC	Yes, Impaired Driver Intervention Program; must successfully complete to get license back; must be approved by director of Office of Alcohol and Drug Abuse Prevention and commissioner	1st: 60 days to 2 yrs.; 2nd: 3 yrs.; 3rd: Indefinite, min. 3 yrs.	1st: up to \$1000; 2nd within 7 yrs.: up to \$1000 and 7 days to 6 mos. jail; 3rd within 7 yrs.: up to \$1000 and 7 days to 6 mos. jail
NEW JERSEY	39:4-50	10% BAC	Screening evaluation referral program and fee requirements of Div. of Alcoholism's Intoxicated Driving Programs Unit and 12-48 hrs. in two consecutive days in Intoxicated Driver Resource Center and a program of alcohol education and highway safety as proscribed by director of Div. of Motor Vehicles	6 mos. to 1 yr.; 2nd: 2 yrs.; 3rd: 10 yrs.	1st: \$250-400 and up to 30 days jail; 2nd within 10 yrs.: \$500-1000, 30 days community service, and 48 hrs. to 90 days jail; 3rd within 10 yrs.: \$1000 and min. 180 days jail; up to 90 days of jail can be exchanged for community service

(Continued)

Table 8: Drunk Driving—Continued

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

(Continued)

Table 8: Drunk Driving—Continued

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

(Continued)

Table 8: Drunk Driving—Continued

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

(Continued)

Table 8: Drunk Driving—Continued

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

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

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July 29, 1993

The Honorable Robin Taylor
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: Arrests for Minor Consuming; Possession By Consumption

Dear Senator Taylor:

Per your conversation with Dean Guaneli, attached please find two proposed bills that would resolve recent problems created by our courts in criminal cases. First is a proposed amendment to AS 12.25.030(b), which would authorize law enforcement officers to make warrantless arrests for minor consuming when the officer has reasonable cause to believe that the person has committed that offense. Without such an amendment, officers are now restricted to making arrests only if they observe the minor in possession of the alcohol.

The second would add a definition of "possess" to AS 11.71 to enable the state to prosecute "possession by consumption" drug cases. It is essentially the same bill proposed by Representative Zawacki in 1992 (HB 367).

If you have any questions, please do not hesitate to contact me. Thank you for your interest in these matters.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: Margot O. Knuth
Margot O. Knuth
Assistant Attorney General

MK/jf

SUPPORTING DOCUMENTS
(Applying to Section One ONLY)

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA,
Plaintiff,

v.

IVAN SABON
Defendant.

Case No. 1JU-S92-386 Cr.

CERTIFICATION

() This document and its attachments do not contain information that is confidential under AS 12.61.110 or the name of a victim of a crime listed in AS 12.61.140.

OPPOSITION TO MOTION TO DISMISS

FACTS

Officer Worth responded to the Senate Building on March 14, 1992 in response to a report of a person passed out in the restroom. Upon arrival at 1706 hours Worth discovered the defendant (Sabon) sitting on a toilet in an unconscious condition with his pants down. Worth's attempts to awaken Sabon proved difficult. Sabon had an odor of alcohol about his person and had bloodshot watery eyes. Sabon would not identify himself. Worth and Sergeant Herrera arrested Sabon for minor consuming based on Herrera's knowledge of Sabon's identity and presumably his age, although the police report doesn't indicate they knew his age.

ARGUMENT

The defendant argues in his memorandum that because the officers didn't see Sabon consume the alcohol the arrest is unconstitutional and the case must be dismissed. This does not

OPPOSITION TO MOTION
TO DISMISS

in any way explain why the court should go beyond the requirements of the "exclusionary rule" of evidence illegally seized to the more drastic step of dismissing the case. Elson v. State, 659 P.2d 1195 (Alaska 1983) and State v. Sears, 553 P.2d 907 (Alaska 1976); Mapp v. Ohio, 367 U.S. 643; 81 S. Ct. 1684, 6 L.Ed.2d 1081 (1961).

An illegal arrest is not a valid basis for dismissal of the action or suppression of the evidence. McConnell v. State, 595 P2d 147, 156 (AK 1979) See also fn. 26 at 155. (question of whether probable cause existed for defendant's arrest for MICS 3d not addressed given above-cited law). The remedy lies with the civil courts. See Ingraham v. Wright, 430 U.S. 651, 680 n. 48, 97 S.Ct. 1401 (1977).

Nor is outrageous conduct involved in this matter. Vaden v. State, 768 P2d 1102 (Alaska 1989) discusses outrageous conduct. While the Alaska Supreme Court noted in Vaden that judicial intervention for outrageous conduct is not limited to entrapment cases, the court nowhere in the opinion set out a standard for outrageous conduct outside of the entrapment situation. The court did, however, include a footnote at page 1108 (No. 13) which discusses outrageousness outside of entrapment. The standard is the malum in se standard i.e. the conduct must be inherently evil, immoral in its nature, illegality founded on principles of natural, moral and public law.

In this case the officers arrested a drunken teenager who

had passed out in a restroom, there is nothing inherently evil or immoral about such conduct. From a philosophical perspective one would be hard pressed to say such actions violate moral or public law. The law of the land is that if an officer were to have deprived Lawrence of his liberty improperly he would have been able to bring a 1983 Civil Rights action. Furthermore, had the officers left Sabon in the building and he later wandered in front of a car, the court knows the likely outcome.

In this case the court should focus on whether suppressing evidence is applicable not dismissal. The purpose of the exclusionary rule is two-fold, the preservation of the integrity of the judicial system and to dissuade law enforcement from a lawless invasion of a citizen's constitutional rights. Terry v. Ohio, 392 U.S. 1; 88 S. Ct. 1868, 20 L.Ed.2d 889 (1968); Sears, 553 P.2d at 912. Assuming arguendo that there was an illegal arrest in this matter then the remedy is the exclusionary rule prohibiting the introduction of any evidence from the time of the arrest onward, not the dismissal of the case.

Not all contacts between police officers and citizens involve a seizure of a person. The difference between a permissible encounter and a seizure is explained in Florida v. Royer, 103 S. Ct. 1319, 75 L.Ed.2d 229 (1983), when the United States Supreme Court said:

The defendant in citing the Minnesota case of State v. Abu-Shanab, 440 N.W.2d 557, relates to the sufficiency of evidence at trial rather than the exclusionary rule or dismissal.

Law enforcement officers do not violate the Fourth Amendment by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions, by putting questions to him if the person is willing to listen, or by offering in evidence in a criminal prosecution his voluntary answers to such questions . . . Nor would the fact that an officer identifies himself as a police officer, without more convert the encounter into a seizure requiring some level of objective justification

Here, there is no seizure of a person when a police officer approaches him and asks him questions and as a result of those questions later arrests the person.

There is nothing illegal about this arrest. The defendant argues that the court of appeals decision in State v. Thronsen, 809 P.2d 941 (Alaska App. 1991), should be applicable here. This is a case where the defendant was specifically charged with "possession" of cocaine by having the cocaine in his bloodstream. The court said that "possession" in one's bloodstream was not the exercise of dominion or control over the cocaine required by AS 11.81.900(b)(42) and hence the state had not, when it specifically charged possession in the bloodstream, met its burden of proof at trial. The court went on to say that the possession of cocaine in the bloodstream was circumstantial evidence of the person's possession before it got to the bloodstream. But in this instance, that is not how the crime was charged. A violation of AS 11.71.040 of "possession" of a controlled substance is a substantially different crime than a violation of AS 04.16.050. The essential elements of a violation

of AS 11.71.040 are: (1) at the time and place charged; (2) the defendant knowingly possessed a substance; and (3) that substance was a schedule IIA controlled substance. The essential elements of a violation of AS 04.16.050 are: (1) at the time and place charged; (2) the defendant was under 21 years of age; (3) that he knowingly consumed or possessed, or controlled an alcoholic beverage. Hence in this instance the definition of "possess" found in AS 11.81.900(b)(42) is only applicable to one of three ways that one can commit this offense.² In this instance, the defendant had consumed an alcoholic beverage as distinct from possessed an alcoholic beverage. The argument is that because the statute is written in the present tense, it does not include "consumed." If this were so, none of the criminal statutes would be applicable unless the crime was committed in the officer's presence. Take for example AS 11.41.100, murder. "A person commits the crime of murder in the first degree if with the intent to cause the death of another person the person causes the death of any person." If the defendant's argument were applied to murder, no one could be charged with the commission of the offense unless it occurred directly in the officer's presence because the charge would be that the person caused the death of

² The definition found at AS 11.81.900(b)(42) reads: "'possess'" means having physical possession or the exercise of dominion or control over property. However, very specifically this definition is limited to Title 11. The preamble to the definition section says "for purposes of this Title," that is, Title 11. Therefore, possess may mean something substantially different for Title 4. However, the court need not reach this issue because possess is only one of three ways of committing this offense.

another person. The charge alleges something that occurred in the past. The very first legislature to compile Alaska laws in 1962 recognized that the absurd argument made here might arise and enacted AS 01.10.050 which says: "Words in the present tense include the past and future tenses and words in the future tense include the present tense." Consequently, no matter what creative use one puts Webster's New World Dictionary (2d edition, 1982), the Alaska State Legislature has indicated that the crime set forth in AS 04.16.050 includes the past tense of consuming an alcoholic beverage.

Sabon cites State v. Hornaday, 713 P.2d 71, 74 (1986) for the proposition that an arrest for minor consuming can't be made unless the officer sees the consuming. Hornaday is not an Alaska case. The proper citation is, State v. Hornaday, 713 P.2d 71 (Washington 1986), Under the revised code of Washington the Washington Supreme Court held that consume did not include the past tense. The RCW apparently does not include a provision such as AS 01.10.050. Because Alaska's statutory scheme is different, Hornaday does not apply.

The dissent of Hornaday is ,however, instructive. J. Brachtenbach suggested,

Common sense is not a bad precedent. To hold that an admittedly intoxicated person is not in possession of intoxicants is an exercise in sophistry beyond my comprehension unless we, like spiders, are content to spin fine buy temporary webs.

J. Brachtenbach went on to quote from Francis Bacon's "Of Judicature" Essays from (1625),

If someone you care about drinks too much, probably one of your greatest hopes is to see that person stop. You may already be trying very hard to make that happen, but if you don't understand the disease of alcoholism, your efforts may do more harm than good.

Don't blame yourself. You and the alcoholic are both victims of an insidious illness that breeds confusion, despair and anxiety. To understand the disease you have to learn what you're up against. This pamphlet can help you get started.

How Can You Identify Alcoholism?

Alcoholics suffer from a disease. The disease is characterized by continuous or periodic preoccupation with alcohol and impaired control over drinking. When alcoholics drink, they can't always predict when they'll stop, how much they'll drink, or what the consequences will be. Their thinking becomes distorted and they may continue drinking even though it causes personal, professional, family or school problems. Both alcoholics and those close to them commonly deny that drinking is having a negative effect on their lives.

While alcoholism has no known cure, the disease can be stopped. Alcoholics can recover once they completely abstain from alcohol and other addictive drugs. More than 1.5 million Americans are in recovery.

What Can You Do?

Learn about alcoholism.

Resources such as NCADD Affiliates, certified alcoholism/addictions counselors and public or private alcoholism treatment programs offer sound and unbiased information. Many libraries and bookstores have sections on alcoholism, addictions and related subjects. Look for key phrases like "alcoholism addiction," "chemical dependency" or "substance abuse" in literature and program names.

Members of Alcoholics Anonymous (AA) and Al Anon (a free self-help program for people affected by someone else's drinking) often know about nearby sources of informa-

tion and services. You can also look under "alcohol" in your phone book.

To find doctors, social workers, other health workers and clergy trained to work with alcoholics/addicts and their families, ask local hospitals, health departments and religious groups for recommendations.

NCADD offers a self-test called "What are the Signs of Alcoholism" which helps people determine if they have an alcohol problem. For a free copy, send a self-addressed stamped envelope to NCADD, Public Information, 12 West 21st Street, New York, NY 10010.

Stick to the facts.

Alcoholism is a disease, not a moral failure or lack of willpower. As you begin to accept this fact, you'll recognize that much of the alcoholic's behavior results from the illness. You shouldn't feel guilty or inadequate if you can't solve the problem.

Being impatient either with yourself or the drinker is a very normal way of responding to stress, but continuing to show impatience, scorn or disgust only shrinks you and your partner's self-esteem. Instead, once you know the facts, develop a plan and try to concentrate on more constructive ways of dealing with the stress. Some suggestions follow.

"Live and let live."

You can be understanding without becoming too deeply involved in the drinker's problems. Ultimately, the drinker will have to take responsibility for dealing with the illness. In the meantime you have your own life to live.

Seek help for yourself.

Not only the drinker in your life needs help. One of the hallmarks of this illness is that it affects everyone close to the alcoholic. Your thinking becomes distorted. You and other family members need and deserve appropriate help in finding healthy ways to respond to the disease. You can't expect your partner to do something that you're not willing to do too.

Al Anon and other programs focus on the

special needs of individuals affected by someone else's drinking. Adolescent children can find support at Alateen meetings and Adult Children of Alcoholics (ACOA) meet in most areas. If these programs do not exist in your community, talk to someone knowledgeable about alcoholism and someone who understands its impact on you and your family.

Remember: you didn't cause the alcoholism, you can't control it and you can't cure it.

Your partner may not stop drinking even if you get help for yourself. But by learning how to relate to your partner in healthier ways, you can boost the chances that the alcoholic will recognize the symptoms of the illness and seek help. At the very least, you will be better able to cope with the disease.

Avoid "home treatments."

Many partners try to solve the drinking problem by preaching, complaining, acting like a martyr, or reasoning with the drinker. These "home treatments" do not work—especially when the alcoholic has been drinking. They may drive the alcoholic farther away from you and needed treatment.

Trying to reason with the drinker or demanding different behavior may force him or her to lie or make unrealistic promises. Hiding or throwing alcohol away wastes time and money and allows you to focus on the drinking instead of yourself. The alcoholic may get angry and desperate, and will still find ways to satisfy the addiction. Keep in mind that the drinking is compulsive—he or she cannot stop from willpower alone. So your efforts to strengthen the willpower by coaxing, extracting promises or making idle threats won't work. Most important, don't expect the drinker to stop solely because he or she loves you.

Don't become an "enabler."

An enabler is a person close to the alcoholic who supports or "enables" the drinking by pretending there isn't a problem (denial) or by

protecting or lying for the alcoholic. For example, cleaning up after the alcoholic, calling the office and making excuses for why the alcoholic can't come to work, or becoming the alcoholic's drinking partner make it easier for the drinker to continue drinking rather than face the reality of the disease. Group support like that found at Al-Anon meetings can identify and help you stop this kind of behavior.

Tell children that alcohol changes how people act.

Kids are affected by a heavy drinker's unpredictable behavior. Even three-year-olds can sense something is wrong. If you are married to an alcoholic, acknowledge the problem to your children. Younger children understand simple explanations like Mommy or Daddy has a disease, that the disease causes her or him to drink, and that it's difficult to stop.

Children tend to look to the non-alcoholic parent to stop the other's drinking. Explain that you can't control another adult's actions. Reassure them that it's not lack of love or anything they have done that causes the drinking.

Protect yourself and your children.

You may feel you must always be loyal to the alcoholic, but if your partner becomes violent or tries to drive after drinking, remember that you have a responsibility first to yourself and your children. Make advance arrangements for you and your children to stay with a relative or close friend in case of an emergency. Know the phone numbers of your police department and local shelter for battered spouses.

Don't get in a car with anyone who insists on driving after drinking. Plan alternate ways to get home if the drinker won't surrender the car keys. Never leave your children alone with a potential driver who has been drinking or is likely to in your absence.

Take a good look at yourself.

Many people who are closely involved with an alcoholic expect their own problems to go

away once the alcoholic stops drinking. But the alcoholic is probably not responsible for all your problems. Whether or not the alcoholic seeks help, you owe it to yourself to begin seeking solutions. It's important to do what you can to improve your own life.

Even if both you and your partner do get help, alcoholism still can destroy relationships. If this happens, remember that your life is not over. Don't blame yourself for the breakup.

Encourage any interest in treatment.

Take the alcoholic's intentions seriously, but don't push, even if the drinker is slow to act. Like any adult, the alcoholic needs the freedom to choose. Look into treatment options and costs together and express your belief that treatment will work. If the drinker is a mother of dependent children, you can help her plan for child care during treatment.

Consider family intervention.

In intervention, family and close friends come together to review lovingly but firmly the alcoholic's drinking. They describe to the alcoholic how the disease has affected each of them.

By breaking through the alcoholic's denial and stopping the behaviors in close relationships that perpetuate drinking, intervention may help the drinker decide to seek treatment. Because intervention is a complicated and sensitive process, friends and family members should not try it on their own. Contact your local NCADD Affiliate or treatment center for referral to trained intervention specialists.

Let the experts take over.

You may feel that the alcoholic's regard for you—or for your children—should have been enough incentive to stop drinking. You may feel left out when outsiders replace you as a source of help; you may feel jealous. Consider that if the disease were diabetes, you wouldn't be the sick person's only support or means of recovery and you wouldn't feel jealous of the doctor. Alcoholics who recover for their own sakes have the best chance of staying sober.

Be patient with the recovery process.

As with all illnesses, the alcoholic needs time to recover and regain health. There may be relapses, breaks in treatment or periods when the alcoholic behaves drunkenly even when sober. Old tensions and resentments will flare up occasionally. Accept these as part of the illness and concentrate on your own recovery.

Respect the recovering alcoholic's choices for avoiding alcohol.

Some recovering alcoholics may feel at ease around people who are drinking, while others avoid these situations. During the initial months of recovery, many alcoholics keep alcohol out of their homes. In time, most alcoholics become comfortable when alcohol is served in social settings and they develop ways of graciously refusing alcohol. Similarly, some alcoholics speak freely about their past drinking, others do so only with trusted friends and loved ones. There's no right or wrong.

Encourage new interests and activities.

Many people who join Alcoholics Anonymous spend a lot of time with the friends they've made there. If you have an open invitation, feel free to participate in your partner's new activities. Continue with your own self-help program and develop or renew interests of your own, too. Above all, find ways to enjoy life together, ways that don't rely on alcohol.

Focus on your successes.

Try not to be discouraged if you make a mistake or if sobriety doesn't come quickly to the alcoholic. His or her drinking patterns and your ways of reacting are probably long established. The important thing is not to stop trying and to take credit for your positive efforts.

Pass on your knowledge.

If you know people affected by alcoholism, you can help them understand the problems and needs of alcoholics and those close to them. Your insight will help alleviate their suffering and by helping others, you will help yourself.

What is NCADD?

NCADD is a national nonprofit organization combating alcoholism, other drug addictions and related problems through its National Office, 200 state and local Affiliates, and thousands of volunteers in communities throughout America. Founded in 1944, NCADD's primary mission is education, prevention and public policy advocacy.

NCADD provides education about alcoholism and other drug addictions as treatable diseases; offers prevention programs for schools, organizations and communities; dispenses medical/scientific information; answers questions from the public, legislative bodies, and the media; and distributes a variety of publications. NCADD also offers information and referral services to children, teenagers, and adults seeking help with alcoholism, other drug dependencies and related problems.

NCADD conducts, as it has every year since 1952, a prestigious national conference where leaders in the field convene to report their latest findings and to discuss emerging trends and issues of concern. NCADD also sponsors Alcohol Awareness Month in April and Alcohol- and Other Drug-Related Birth Defects Awareness Week beginning on Mother's Day each year.

People seeking more information and/or referral can contact an NCADD Affiliate in their area or use NCADD's national toll free helpline: 1-800-475-HOPE.



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WHAT CAN YOU DO ABOUT SOMEONE ELSE'S DRINKING?

NATIONAL COUNCIL ON ALCOHOLISM
AND DRUG DEPENDENCE, INC.

Effects of Alcohol on Driving Performance

HERBERT MOSKOWITZ, PH.D., AND MARCELLINE BURNS, PH.D.

Alcohol impairs driving. That fact, established by epidemiological data together with many controlled studies of alcohol and driving skills, is well known and generally accepted. What is less well understood is that impairment of the most important skills can occur at a very low blood alcohol concentration (BAC). The skills involved in driving a motor vehicle include psychomotor skills, vision, perception, tracking (steering), information processing, and attention. Data from laboratory experiments indicate that all of these functions are impaired by alcohol, although they differ in the extent of their impairment at any given BAC. The following discussion highlights recent research on the effects of alcohol on those brain functions involved in driving a motor vehicle.

PSYCHOMOTOR SKILLS

Although alcohol affects coordination and balance, these abilities do not become obviously or significantly impaired unless alcohol levels are high. (This does not hold true for occasional or moderate drinkers.) In a study of field sobriety tests, Burns and Moskowitz (1977) found that some chronic heavy drinkers were

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able to perform traditional roadside tests, such as walking and balancing, even at very high BACs.

VISION

The brain's control of the eyes is highly vulnerable to alcohol. Both the frequency of eye movements and the duration of each fixation, or "look," show significant changes with increasing BACs. Buikhuizen and Jongman (1972) examined the effects of alcohol on eye movement while subjects viewed a film of traffic events. They found that the proportion of looks directed to the center of the driving scene increased under the influence of alcohol. As a result, subjects failed to see important peripheral events. Similar findings were reported from an on-the-road study (Belt and Krenek 1969). Again, subjects narrowed their visual field and directed fewer looks to the periphery. On the other hand, data from laboratory experiments indicate that simple visual functions, such as motor control of the eyes and visual acuity, are not sufficiently degraded by alcohol to account for crashes. Although these functions are negatively affected by increasing BACs, the rate of decline is so slow that these functions cannot be the primary source of visual performance deficits. Thus, it is not vision per se, but the brain's control of the eyes, that is more susceptible to alcohol.

PERCEPTION

The process of interpreting complex sensory information can be adversely affected by alcohol. Such perceptual complexity occurs if the total amount of sensory information increases, if it is presented at a rapid rate, or if it arrives from

Alcohol-impaired drivers require more time to read a street sign or to recognize and respond to a traffic signal than those who are not impaired. Consequently, they look at fewer sources of information and

INFORMATION PROCESSING

Alcohol slows the rate of information processing by the brain. This effect has been noted on many different kinds of tasks even at the lowest BACs (Kobayashi 1975; Moskowitz and Burns 1971; Moskowitz and Murray 1976; Attwood 1978). For example, a moderate alcohol dose (0.52 g alcohol/kg body weight) slowed subjects whose only task was to respond with the names of familiar, visually displayed objects (Moskowitz and Boltz 1971).

If there are two or more stimuli and if several responses are possible, response times lengthen significantly (Hood et al. 1962; Evans et al. 1974; Morimer and Sturges 1975; Linnola et al. 1980; Palva et al. 1982; Anselmi 1982). More complex tasks are even more severely degraded by alcohol.

several sources simultaneously. For example, an alcohol-impaired driver who performs adequately on a country road where there is little traffic might be unable to negotiate a congested intersection in the city safely (Buikhuizen and Jongman 1972; Adams and Brown 1975; MacArthur and Sekuler 1962; Kostandov et al. 1962).

TRACKING

Tracking, or steering, is a relatively difficult psychomotor task. The driver must maintain the vehicle within the lane limits and in the correct direction while monitoring the driving environment for other important information. Unlike simpler psychomotor skills, the ability to steer a vehicle is impaired at low BACs (Drew et al. 1959; Hamilton and Copeman 1970; Linnola et al. 1980).

they restrict their looks to the center of the driving environment, and they may fail to see critical events occurring elsewhere.

ATTENTION

The ability to divide attention between two or more sources of visual information is a basic requirement of safe driving. Drivers must perform two major tasks: (1) maintain their vehicles in the proper lane and direction (a tracking task), and (2) monitor the driving environment for vital information, such as vehicles, traffic signals, pedestrians, and other important events (a search and recognition task). Because these tasks must be performed concurrently, they require the division of attention.

The process of interpreting complex sensory information can be adversely affected by alcohol.

acquire less total information per unit of time. Because they must cope with the ongoing requirement to steer the vehicle

Alcohol-impaired subjects who are required to divide their attention between two tasks tend to favor one task, resulting in larger performance decrements on the nonpreferred task (Chiles and Jennings 1969). Since maintaining the vehicle's correct position is a continuous demand, drivers tend to focus on steering whenever the ability to divide attention is limited.

As reported from eye movement studies (Belt and Krenek 1969; Buikhuisen and Jongman 1972), alcohol-impaired drivers are more likely to restrict their looks to the center of the visual field. The consequence may be failure to observe significant environmental conditions and events.

Data from numerous studies demonstrate that divided attention deficits occur in the 0.02- to 0.10-percent BAC range

With these kinds of central deficits, sooner or later a driver will fail to see something that is in the path of the vehicle—a car, a pedestrian, a fixed object—and an accident occurs.

It is important to understand that crashes are not limited to drivers with high BACs. Rather, there is a significant risk that extends to low and moderate BACs. Drivers need to know that they are impaired and are at increased risk of crash when they have consumed even small amounts of alcohol. The safety-minded consumer will restrict alcohol use to times and places that do not include driving. ■

Alcohol-impaired drivers are more likely to restrict their looks to the center of the visual field.

(Hamilton and Copeman 1970; Moskowitz and DePry 1968; Moskowitz and Burns 1971; Huntley 1973; Brewer and Sandow 1980). In a more recent study, Moskowitz et al. (1985) also showed divided attention impairment at lower BACs (0.015, 0.03, 0.045, and 0.06 percent).

SUMMARY

The behaviors involved in driving a motor vehicle are impaired by alcohol in varying degrees. However, investigators have not found an absolute threshold below which there is no impairment of any kind. Certain skills important for driving are impaired at 0.01 to 0.02 percent BAC or, in other words, at the lowest levels that can be measured reliably.

The area most critical to driving—that is, the brain's ability to observe, interpret, and process information from the eyes and other senses—is also impaired by alcohol. A driver cannot operate a vehicle safely if:

- information processing is slowed
- visual perception is degraded
- ability to allocate attention to multiple sources of information is limited.

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What Are the Signs of Alcoholism?

Here is a self test to help you review the role alcohol is playing in your life. These questions incorporate many of the common symptoms of alcoholism. This test is intended to help you determine if you or someone you know needs to find out more about alcoholism.

YES NO

- 1. Do you occasionally drink heavily after a disappointment, a quarrel, or when the boss gives you a hard time?
- 2. When you have trouble or feel under pressure, do you drink more heavily than usual?
- 3. Have you noticed that you are able to handle more alcohol than you did when you were first drinking?
- 4. Did you ever wake up on the "morning after" and discover that you could not remember part of the evening before, even though your friends tell you that you did not "pass out"?
- 5. When drinking with other people, do you try to have a few extra drinks when others will not know it?
- 6. Are there certain occasions when you feel uncomfortable if alcohol is not available?
- 7. Have you recently noticed that when you begin drinking you are in more of a hurry to get the first drink than you used to be?
- 8. Do you sometimes feel a little guilty about your drinking?
- 9. Are you secretly irritated when your family or friends discuss your drinking?
- 10. Have you recently noticed an increase in the frequency of your memory "blackouts"?

YES NO

- 11. Do you often find that you wish to continue drinking after your friends say they have had enough?
- 12. Do you usually have a reason for the occasions when you drink heavily?
- 13. When you are sober, do you often regret things you have done or said while drinking?
- 14. Have you tried switching brands or following different plans for controlling your drinking?
- 15. Have you often failed to keep the promises you have made to yourself about controlling or cutting down on your drinking?
- 16. Have you ever tried to control your drinking by making a change in jobs, or moving to a new location?
- 17. Do you try to avoid family or close friends while you are drinking?
- 18. Are you having an increasing number of financial and work problems?
- 19. Do more people seem to be treating you unfairly without good reason?
- 20. Do you eat very little or irregularly when you are drinking?
- 21. Do you sometimes have the "shakes" in the morning and find that it helps to have a little drink?
- 22. Have you recently noticed that you cannot think as much as you once did?
- 23. Do you sometimes stay drunk for several days at a time?
- 24. Do you sometimes feel very depressed and wonder whether life is worth living?

- 25. Sometimes after periods of drinking, do you see or hear things that aren't there?
- 26. Do you get terribly frightened after you have been drinking heavily?

Any "yes" answer indicates a probable symptom of alcoholism.

More than one "yes" answer indicates its presence.

To find out more, contact the National Council on Alcoholism in your area.

What Kind of Disease Is Alcoholism?

Alcoholism is a chronic, progressive and potentially fatal disease characterized by tolerance and psychological and/or physical dependence. Generally, alcoholism is repeated drinking that causes trouble in the drinker's personal, professional or family life. When they drink, alcoholics can't always predict when they'll stop, how much they'll drink, or what the consequences of their drinking will be. Denial of the negative effects of alcohol in their lives is common in alcoholics and those close to them.

Like other diseases, alcoholism is an interaction between the host (the person who gets the disease and his/her genetic and biological makeup), the agent alcohol or other mood altering chemicals and the environment.

There is no known cure for alcoholism. The disease can be arrested through complete abstinence from alcohol and other addictive drugs. Once abstinent, most alcoholics recover from the damage caused by their drinking. As many as a million Americans are currently in recovery from their own alcoholism.

DRINKING CATEGORIES

Drinking Level

Fewer than 4 drinks per year
Less than 1 drink per week
Up to 3 drinks per week
More than 3 and up to 13 drinks per week
More than 13 drinks per week

Description

Abstainer
Occasional drinker
Light drinker
Moderate drinker
Heavy drinker

Blood Alcohol Level

0 mg alcohol per 100 ml (0 percent)
20 mg alcohol per 100 ml (0.02)
50 mg alcohol per 100 ml (0.05 percent)
100 mg alcohol per 100 ml (0.10 percent)
150 mg alcohol per 100 ml (0.15 percent)

Description

Normal
Amount found one-half hour after
consuming 1 drink
Legally impaired (some
countries)
Under the influence
Very intoxicated

The average intake of alcohol per person, per day in the United States is 1 drink = 16 grams = 112 Calories = 5.6 percent of total caloric intake. Considering only drinkers, the average intake of alcohol per person, per day in the United States is 2 drinks = 29 grams = 200 Calories = 10 percent of total caloric intake.

There are about 15 grams of alcohol in these medium-sized drinks:

- 12 ounces of beer (4-percent alcohol)
- 4 ounces of wine (12-percent alcohol)
- 1 ounce of liquor (45-percent alcohol)

STATE OF ALASKA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
MINIMUM STANDARDS
FOR
DRIVER IMPROVEMENT COURSES

- I. Curriculum Content: Minimum subjects required to be included in the curriculum of alcohol information courses.
 - A. Orientation
 - B. Definition of the drinking and driving problem
 - C. Judicial role
 - D. Law enforcement role
 - E. License Sanctions
 - F. Physical effects of alcohol/drugs on the body and driving performance
 - G. Psychological effects of alcohol/drugs on the body and driving performance
 - H. Sociological effects (problems associated with family life, friends, work)
 - I. Causative factors of alcoholism
 - J. Community alcoholism recourse availability
 - K. Review - final evaluations

AIS GOALS

TO LEARN SOMETHING NEW ABOUT ALCOHOLISM

*Sweder's tolerance level @ .02 -
America's message*

TO REFLECT ON MY OWN DRINKING BEHAVIOR

TO KNOW WHERE TO GO FOR HELP

HANDOUT: FACT SHEET ON DRUGS AND DEPENDENCE

Drugs cause physical and emotional dependence.

- Regular users of drugs develop *tolerance*, a need to take larger doses to get the same initial effect.
- Certain drugs, such as opiates and barbiturates, create *physical dependence*. When a regular user stops taking the drug, the body experiences a painful *withdrawal*.
- *Psychological dependence* occurs when drug taking becomes the center of the user's life. Some people go from taking drugs in order to feel good, to taking them to keep from feeling bad.
- More than half of all adolescent suicides are drug-related.
- Drugs and their harmful side effects can remain in the body long after use has stopped.
- Thirty-nine percent (39%) of 1986 graduating seniors will have alcohol problems.
- Eighty percent (80%) of all Americans admit to drinking and driving.
- Sixty-eight (68) people die every day from alcohol related accidents.
- One drinking fatality occurs every 21 to 23 minutes.
- One out of every two Americans will be involved in an alcohol related accident in their life time.
- Drunk driving is the leading cause of death of young people 16 to 24 years of age.

Source: Schools Without Drugs. U.S. Department of Education, 1987.

ALCOHOL PROBLEMS

NON-DRINKER

Doesn't Drink

Abstinence

SOCIAL DRINKER

No problems related to drinking when:
 *Socializing
 *Celebrating
 *Eating meals
 *Can take it or leave it
 *Controlled drinking

Social drinking

IRRESPONSIBLE DRINKER/ALCOHOL ABUSE

*Legal problems
 *DWI/DUI
 *Jail violence
 *Injuries
 *HIV Infection
 *Family Problems
 *Child Abuse
 *Financial
 *Occupational/Work problems
 *Psychological Issues

Light Drinking-
 Moderate Drinking
 Heavy Drinking

ALCOHOLIC: Some or all the characteristics of abuse plus:

*Tolerance
 *Blackouts
 *Multiple DWI
 *Continue use in spite of negative consequences
 *Loss of control
 *Withdrawal Symptoms
 *Craving
 *Physical Damage
 *Preoccupation in getting & using drugs
 *Organic Mental Synd.
 *Denial
 *Lies to minimize impact

Addiction to alcohol

3 drinks per week
 3-13 drinks per week
 2 drinks per day or 14+ drinks per week

ABSTINENCE ALCOHOLIC: "Dry Drunk"

*"Dry"/Old Life Style
 *No alcohol or drugs
 *Doesn't care
 *Isolates
 *Miserable
 *Aimless/goalless
 *"Poor Me" victim
 *Self centeredness
 *Over confidence
 *Poor Nutrition
 *Feels "deprived" because can't use
 *No spiritual 12 step program

"White Knuckle" abstinence

RECOVERING ALCOHOLIC Post Acute Withdrawal Syndrome (P.A.W.S.) up to 48 months.

*Hope
 *Honesty
 *Healing
 *Health
 *Happiness/Serenity
 *Humility
 *New friends/Activities
 *Continued growth & service to others
 *Promises of recovery become reality over time
 *Grateful- not drinking is gift to self

Abstinence/Sobriety

DENIAL → - GRATITUDE

What does DWI mean?

Driving while Intoxicated, more commonly referred to as DWI, means operating a motor vehicle, aircraft, or watercraft with a breath alcohol content of .10 or higher, or operating any of the above vehicles when the driver's ability is impaired by alcohol or by a depressant, hallucinogenic, stimulant or narcotic drug.

How is the amount of alcohol in your system measured?

If you are suspected of drunk driving, you may be required to take two separate breath tests. A preliminary breath examination is conducted on-the-spot with a small, battery-operated, portable device. The breath alcohol test is conducted at the police station with an Intoximeter. These testing devices measure the alcohol concentration in your breath.

You are subject to arrest and prosecution if you drive while *under the influence* of alcohol and/or drugs regardless of your breath alcohol content. However, you may be charged with an additional offense if your breath alcohol content is .10 percent or higher.

What does a DWI conviction mean in Alaska?

Driving while Intoxicated and refusal to take a breath test are **misdemeanors** and carry the same penalties. The *first conviction* for either of these offenses is punishable by a minimum of 72 consecutive hours in jail, a fine of \$250 and your license will be revoked for 90 days.

If you are convicted of DWI or refusal to take a breath test and you have a *previous conviction* for either DWI or a refusal within the past 10 years, you will be sentenced to a minimum 20 consecutive days in jail, a fine of \$500 and a loss of license for one year.

If you are convicted of DWI or refusal to take a breath test and you have *two prior convictions* for either DWI or refusal within the past 10 years you will be sentenced to a minimum of 30 consecutive days in jail, a fine of \$1,000, a loss of license for 10 years, *and* your motor vehicle may be permanently forfeited to the state.

Refusal to take an on-the-spot examination is an **infraction**, punishable by a fine of up to \$300. Refusal to take the second test on an Intoximeter is a **misdemeanor** which carries the same penalties as a drunk driving conviction.

If you are driving while Intoxicated and you

cause an accident which results in injury to another, you may be charged with assault in the first, second, or third degree. *If someone is killed, you may be charged with negligent homicide, manslaughter, or second degree murder. These offenses are all felonies* and a conviction can result in a lengthy prison sentence.

If you are a driver who has been involved in an accident which resulted in injury to another person, a chemical test may be administered without your consent for alcohol and drug analysis.

It's your decision: Is driving drunk worth. . .

- . . . spending at least 3 days in jail?
- . . . losing your license for a minimum of 3 months?
- . . . paying a fine of at least \$250?
- . . . risking your life and everyone else's traveling with you or in your path?
- . . . living with the guilt of having killed another person?

Penalties for Driving While Intoxicated and Refusal to Take a Breath Test AS 28.35.030 and AS 28.35.032 - Class A Misdemeanor

	Fines		Imprisonment		Driver's License Revocation	Possible Loss of Motor Vehicle
	Minimum	Maximum	Minimum	Maximum	Minimum	
1st Offense	\$250	\$5,000	72 hours	1 year	90 days	No
2nd Offense*	\$500	\$5,000	20 days	1 year	1 year	No
3rd Offense*	\$1,000	\$5,000	30 days	1 year	10 years	Yes

* For purposes of 2nd or 3rd offenses, prior convictions for either DWI or refusal will be considered. Prior convictions in Alaska as well as anywhere else in the United States will be considered as long as the conviction occurred within the previous 10 years. A conviction for both DWI and refusal arising out of the same incident will be considered a single prior conviction.

This new law, effective July 1, 1994, takes a strong stance against underage drinkers. Alaska youth between the ages of 14-21 that use or carry alcohol or illegal drugs will face the "USE IT, LOSE IT" penalty. Not only can they be charged with minor consumption or possession, a criminal misdemeanor, but under the provisions of the "USE IT, LOSE IT" law they will also temporarily lose their driver's license.

What is the "USE IT, LOSE IT" law?

Enacted by the 18th Alaska Legislature, the "USE IT, LOSE IT" law allows a peace officer to seize the driver's license of an underage person who is 14 years of age but not yet 21 years of age if probable cause exists that they possessed or used alcohol or a controlled substance.

If my license is seized, what are the consequences?

- First offense:**
- 90 day revocation
 - Alcohol education or drug treatment
 - \$100 reinstatement fee
 - Court fines & fees
- Second offense:**
- One year revocation
 - Alcohol education or drug treatment
 - \$250 reinstatement fee
 - Court fines & fees
- Third offense:**
Penalties are the same as second offense but revocation is for three years.

Must I be convicted in a court of law for minor possession or consumption of drugs or alcohol for the revocation to occur?

No. This action is an administrative action and is automatic once a revocation notice is issued by an officer. It is in addition to any action taken by the court system.

Do I have to be driving?

No. The "USE IT, LOSE IT" law addresses minors who use or carry drugs or alcohol under any circumstances.

Will this law affect me even if I do not have a driver's license?

Yes. The revocation can be issued for any alcohol or drug violation by a minor and affects not only licensed drivers but permit drivers as well. Also, any person with a revocation issued against them has forfeited their privilege to obtain an instructional permit or driver's license until the revocation period has expired.

Can the revocation be appealed?

Yes. You have the right to ask for an administrative hearing to contest the revocation of your driver's license. If you make a timely request for a hearing, the Department of Public Safety will issue you a temporary license, valid until the date of the hearing. The hearing is limited to the issues of 1) whether the officer had probable cause based on personal observation that the person possessed or consumed alcohol or a controlled substance; 2) that a revocation notice was provided to the person.

How do I request a hearing?

The Department of Public Safety will review your revocation only upon written request. The request for a hearing must be physically submitted or postmarked within seven days of the "date issued" on the front side of your revocation notice.

Can I drive if my parents are in the car with me?

No. If your license is revoked, you may not drive in Alaska under any circumstances, including using a driver's license from another jurisdiction, until you have complied with all of Alaska's requirements and been issued a new license.

Is there anything I can do to reduce the amount of time of the revocation?

No.



Seminar focuses on attorneys and clients with drug-addictions

By Marcia H. Bissell
For the Journal of Commerce

DWI defendants usually hire criminal defense attorneys to resolve their cases as painlessly as possible so defendants can return to their families, their jobs, and their lifestyles.

Attorneys familiar with addiction often face a tough dilemma under these circumstances, says attorney John Abbott, chairman of the Alaska Bar Association's Substance Abuse Committee and himself a recovering alcoholic.

"If you successfully meet these expectations, you may be returning addicted clients to destructive, enabling life

styles. If these clients refuse to consider alternative treatment resolutions which may require them to drastically change their lifestyles, however, you have no other ethical choice than to meet their original expectations."

Abbott spoke at a seminar June 17 on substance abuse and its treatment organized by Palmer District Court Judge Peter Ashman.

Concerned about the increasing recidivism among young DWI defendants, Ashman planned the seminar to give attorneys and others an opportunity to meet Obed Nelson, director of the Providence Hospital Break-

Continued on Page 4B

Attorneys should hold addicts accountable for their behavior

Continued from Page 1B

through program, and discuss substance abuse and its treatment with recovering alcoholics.

Nelson described addiction, particularly alcoholism, as a disease of denial. Because addicts often don't remember what happened while they were under the influence of drugs or alcohol, and because acknowledging addiction is a terrifying prospect, addicts minimize the degree of their impairment.

Their community, their family, and their profession may enable this denial — especially if they are successful. This is particularly true in Alaska, said Nelson, where significant alcohol use is considered acceptable.

"I was an elected official," said one attorney on the panel, "and a very successful professional. How could I

be an alcoholic? I didn't confront my disease until my family made me realize how much they were suffering and pushed me into treatment."

Recovery cannot begin, said Nelson, until addicts are held accountable. "The disease of denial does not negate responsibility," he said. Attorneys hired to defend defendants charged with alcohol or drug-related crimes can really help their clients take responsibility.

If the attorneys resist the temptation to buy into denial systems and confront the addicts, holding them accountable for their behavior, they may help addicts become available for treatment, Nelson said.

However, becoming available for treatment does not mean that actual recovery has begun, Nelson said. During the assessment and the detox

phase (the initial physical adjustment to life without alcohol or drugs), addicts may be angry and belligerent, a fact affirmed by the attorney, shaking his head in disbelief.

"I couldn't accept the fact that drinking a fifth of scotch a day meant I was an alcoholic," he said.

Recovery doesn't really begin until addicts confront their denial and begin to accept the reality of their disease.

As successful treatment progresses, addicts come to recognize that they will always be in recovery, and that total abstinence is essential to their good health, Abbott said.

In the process, however, substance abuse counselors have begun to recognize that many addicts experience "Post Acute Withdrawal Syndrome."

Because recovery has been a pro-

cess of such significant physical, spiritual, and social change (which may involve the loss of friends, family, a job), addicts sometimes experience shock symptoms months after treatment has begun.

It is therefore very important that the addicts' families and the criminal justice system recognize that true recovery is a lifelong process requiring a meaningful continuum of care, he added.

Attorneys and judges who understand the nature of addiction and the process of recovery may be better able to deal realistically and effectively with addicted defendants, seminar participants said.

If this understanding facilitates recovery, addicts will be less likely to return to the criminal courtroom, and society will be healthier, they said.

DWI: Stupid, dangerous, very costly

By ANNABEL LUND

THE JUNEAU EMPIRE

December driving can be deadly. And very expensive.

Icy highways and poor weather, coupled with an increase in the number of drunken and drugged drivers on the road, traditionally make this month one of the most hazardous for motorists, police say.

Not only is driving impaired dangerous and irresponsible, it can be extremely expensive, said Juneau Police Officer Russell Haight.

"There are some very high

costs, costs most people don't take into account when they get behind the wheel drunk," Haight said.

After consulting local representatives of national insurance companies, Haight has estimated that a Juneau resident who has a clean driving record and who pleads no contest to a first-time arrest for drunken driving — if no accident is involved — can expect the conviction to cost a minimum of \$6,625 in fines, fees, attorney bills and increased insurance rates.

Haight said his research indicated a Juneau man over 30 years old, driving a 1994 Subaru and con-

victed of a first-time drunken driving charge, may see his insurance rates jump from \$1,059 annually to \$4,383 a year. An unmarried male under the age of 21, driving a 1994 Toyota pickup truck, could expect his rates to rise from \$2,511 annually to \$11,905 annually, Haight said.

"And those higher rates are going to be there for five years. By law, you have to file a special form for at least three of those years proving you do have that insurance," Haight said. "These figures are for a first-time offender, where no accident or injury occurred. I

can't afford this, can you?"

Parties and other social gatherings of the Christmas and New Year's holidays typically mean more people drive while impaired by alcohol and other drugs.

Nationally, nearly 40,000 Americans died in alcohol-related traffic accidents in 1993; another 5 million were injured, Haight said. A study published by the Alaska Department of Transportation and Public Facilities said alcohol was a factor in 982 accidents statewide in 1993. In the same year, 49 Alaskans died in 37 alcohol or drug-related acci-

Please see Driving, back page

Driving...

Continued from Page 1

dents.

Haight said there were 917 traffic accidents in Juneau in 1993, 51 of them were alcohol-related. As of Nov. 29, Juneau police have arrested 219 people this year for drunken driving; the Alaska State Troopers have arrested 26, Haight said.

Haight said police are anxious to deflate current myths about drinking and driving:

"People should know that beer has the same effect as scotch. Driving slow does not make a drunk driver safer on the roads. Neither coffee nor fresh air sobers up a drunk; there's no good way to sober up except time. Driving drunk is always dangerous."

A Juneau man over 30 years old, driving a 1994 Subaru and convicted of a first-time drunken driving charge, may see his insurance rates jump from \$1,059 annually to \$4,383 a year.

Haight said.

Haight said police have a few time-tested suggestions to cut down on the incidence of drunken and drugged driving.

"If you give a party, make sure no one drives home drunk or drugged; friends don't let friends drive drunk. When you go out yourself, take a cab home or designate a sober driver for your group. Remember to wear your seat belt and, if you're on a motorcycle, a helmet. Don't allow underage

drinking in your home. Don't speed and drive defensively at all times."

The Alcohol Beverage Retailers Association in the Juneau area also advises people to eat food at gatherings when they may be also drinking and to consume no more than two alcoholic beverages an hour. If a friend or guest becomes inebriated, they should not be blamed or embarrassed; instead transportation or lodging should be made available.

DRIVER LICENSE REINSTATEMENTS

You must pay a reinstatement fee of \$100 and show proof of financial responsibility for the future before being eligible for a new driver's license. Proof of future financial responsibility may be in the form of a Certificate of Insurance (SR-22), obtained from your insurance company or agent. An SR-22 Insurance policy differs from a standard insurance policy and may take several weeks to obtain. However, a binder from your insurance agent will satisfy the requirement until the actual SR-22 is received from the insurance company.

If you prefer not to purchase the SR-22 insurance, you may file a \$125,000 surety bond as an alternative way of showing proof of future financial responsibility.

Proof of financial responsibility for the future must be maintained for a period of three years following any license action is over.

ANY REVOCATION OR SUSPENSION IMPOSED WILL CONTINUE BEYOND THE PERIOD SPECIFIED BY THE COURT OR THE DEPARTMENT OF PUBLIC SAFETY UNTIL PROOF OF FUTURE FINANCIAL RESPONSIBILITY IS PROVIDED. A PERIOD OF LIMITATION WILL TERMINATE ON THE LAST DAY OF THE SPECIFIED PERIOD OF LIMITATION. REVOCATION WILL COMMENCE UNTIL FUTURE PROOF IS PROVIDED.

To legally drive following an action taken against your driving privileges you must apply for and be issued a driver's license by meeting the following requirements:

- (1) If your driving privileges were canceled, you must correct the cause for the cancellation.
- (2) You must show proof of financial responsibility for the future. It must be maintained for three years following the ending date of this action. You may show proof by:
 - (a) Filing a Certification of Insurance (SR-22) from your insurance company; or
 - (b) Filing a \$125,000 surety bond;
- (3) You must pay a \$100 reinstatement fee if your driving privileges were revoked, suspended, or annulled.
- (4) You must pass any required test i.e. written, vision, and road. The test you will be required to pass will be determined by the length and type of action. Road test fee is \$15 or \$25.
- (5) You must pay a license issuance fee of \$10 or \$15 or \$100. This fee will be determined by the length and type of action, and the class license to be issued.
- (6) You must meet any other requirements of the Division of Motor Vehicles i.e. clearance letter, medical clearance, statement from doctor, etc.

NO SURRENDERED LICENSE WILL BE RETURNED TO YOU.

If you have any question regarding your license status, contact: Division of Motor Vehicles, P.O. Box 21000, Anchorage, Alaska 99802-0020. (Phone Number: 455-4361)

WARNING: SHOULD YOU BE CONVICTED OF DRIVING WHILE YOUR LICENSE IS SUSPENDED, REVOKED OR DRIVING IN VIOLATION OF A LIMITATION IMPOSED ON YOUR DRIVING PRIVILEGES, YOU WILL BE SUBJECT TO A MANDATORY JAIL SENTENCE. THE MINIMUM SENTENCE IS 30 DAYS.

If your license was revoked by the court for first offense DWI or refusal to take the breath test: 20 days suspended on condition that you complete 80 hours of community work service and a \$500 fine.

If your license was revoked for second or subsequent DWI offense or refusal to take the breath test: 90 days and a \$1000 fine.

In all other cases: For first offense, 10 days with 10 days suspended on condition that you complete 40 hours of community work service. For second or subsequent offense: 10 days.

In addition, Alaska law requires that your driver's license be revoked for an additional period of 90 days (plus any prior violations). No limited license may be issued during that period.

ALCOHOL INFORMATION SCHOOL: NOVA VIDEO ON ALCOHOLISM

1. How many people do drunk drivers kill every year?
2. Alcohol is involved in _____% of suicides?
Alcohol is involved in _____% of murders?
Alcohol is involved in _____% of physical assaults and family violence?
3. Who is susceptible to alcoholism?
4. Alcoholism is a disease? true or false
5. Define constant compulsion:

6. 1 in 10 adults develop _____ problems.
7. America's number 1 health problem is _____.
8. Three early warning signs of alcoholism are:
 1. Drinking before the party.
 2. _____
 3. _____
9. What is a "binge drinker"?
10. What are the D.T.'s in alcohol withdrawal?
11. Identify three historical events relating to alcohol since the 17th century:
 1. _____
 2. _____
 3. _____
12. Fill the blanks: "Alcoholics are _____
because they drink; they _____ drink
because the are _____"

13. Identical twins are genetically alike? true or false
14. The Goodwin study showed that children of alcoholics have _____ times the chance of becoming an alcoholic.
15. The Stockholm Adoption study showed that children of alcoholics had _____ to _____ times the chance of becoming an alcoholic.
16. These studies tried to separate _____ factors from genetic factors.
17. Deficits in brain wave patterns of alcoholics appear in the P3 component dealing with memory and emotion. true or false.
18. When you think of an alcoholic what stereotype in personality do you see?
19. _____ plus false stereotypes make treatment and identification of the alcoholic difficult for the physician.
20. Name three researchers involved in a biochemical definition of alcoholism and related research:
 1. _____
 2. _____
 3. _____
21. Cirrosis of the liver effects mostly the twenty-five to forty-five year age group. true or false
22. The liver burns alcohol as a preferred fuel instead of _____
23. Describe "hitting bottom":
24. Treatment consists of 2 to 5 days of detox, and at least 2 to 4 weeks of education and group sessions, plus aftercare. true or false
25. Describe what is meant by alcoholism being a progressive disease:
26. AA was started in 1935 by _____ and _____
27. What is AA? Please explain

28. Should alcoholics use alcohol experimentally or socially? Why?
29. What is the flush reaction in Oriental people?
30. What does "caspar" do?
31. What do alcoholics have to gain from treatment and recovery?
32. What is the difference between relapse after treatment and drinking prior to treatment?

*Posing
for a portrait:*



*The
Drinking Driver*

Each year more people in America are arrested for drunk driving than for any other offense. The fact that 1.6 million drivers are being booked every year for drinking/driving offenses tells us how seriously our society views this high-risk behavior.

What that number doesn't tell us, however, is who these drinking drivers are.

Are most of them old or young, male or female? Are they alcoholics or problem drinkers, or careless "social" drinkers? Where did they do their drinking before they got behind the wheel? What distinguishes those who become repeat offenders?

Studies are accumulating which offer a profile of defendants in cases of driving while intoxicated (DWI) or its counterpart driving under the influence (DUI).

According to the Bureau of Justice Statistics, Americans arrested for drunk driving are most likely to be white males in the 20-24 age group. They are probably holding a job, and there is a strong possibility they are divorced or separated from a wife. Slightly more than half have finished high school or have college degrees.

M.W. Bud Perrino, PhD, director of the Vermont Alcohol Research Center at Burlington, VT, reports

• that drivers convicted of DUI tend to be very heavy drinkers compared to the general driving population. His findings in a study for the National Institute on Alcohol Abuse and Alcoholism were published in the NIAAA quarterly *Alcohol Health & Research World* (Vol. 14, No. 1, 1990).

People who ordinarily drink five or more drinks at a sitting are considered heavy drinkers in this research, and 10 percent of males in the general driving population fit the heavy-drinker description. But 40 percent of first DUI offenders and 60 percent of multiple DUI offenders are heavy drinkers measured by the same yardstick.

His study, based on interviews with a sampling of convicted DUI offenders and drivers who had never had trouble with drinking and driving, also found that DUI offenders are more likely than other drivers to get behind the wheel within an hour of their last drink. They also report more often that they have driven a car when they felt they were probably over the legal alcohol limit.

Femine also found that beer-drinking figures heavily in DUI cases and in fatal auto crashes involving intoxicated drivers. More than twice as many fatally injured drivers with high blood alcohol levels were reported to be daily beer drinkers compared to drivers in fatal crashes without alcohol involvement. Other surveys have shown that beer is the beverage which a majority of convicted DUI offenders were drinking before their arrest.

Statistical studies often point to problems in focusing drunk driving enforcement on high-risk driving. According to the Insurance Institute for Highway Safety, drivers under 30 years of age account for more than half of all drinking drivers who are fatally injured in crashes. But the younger age groups comprise far less than half of those arrested for driving while intoxicated.

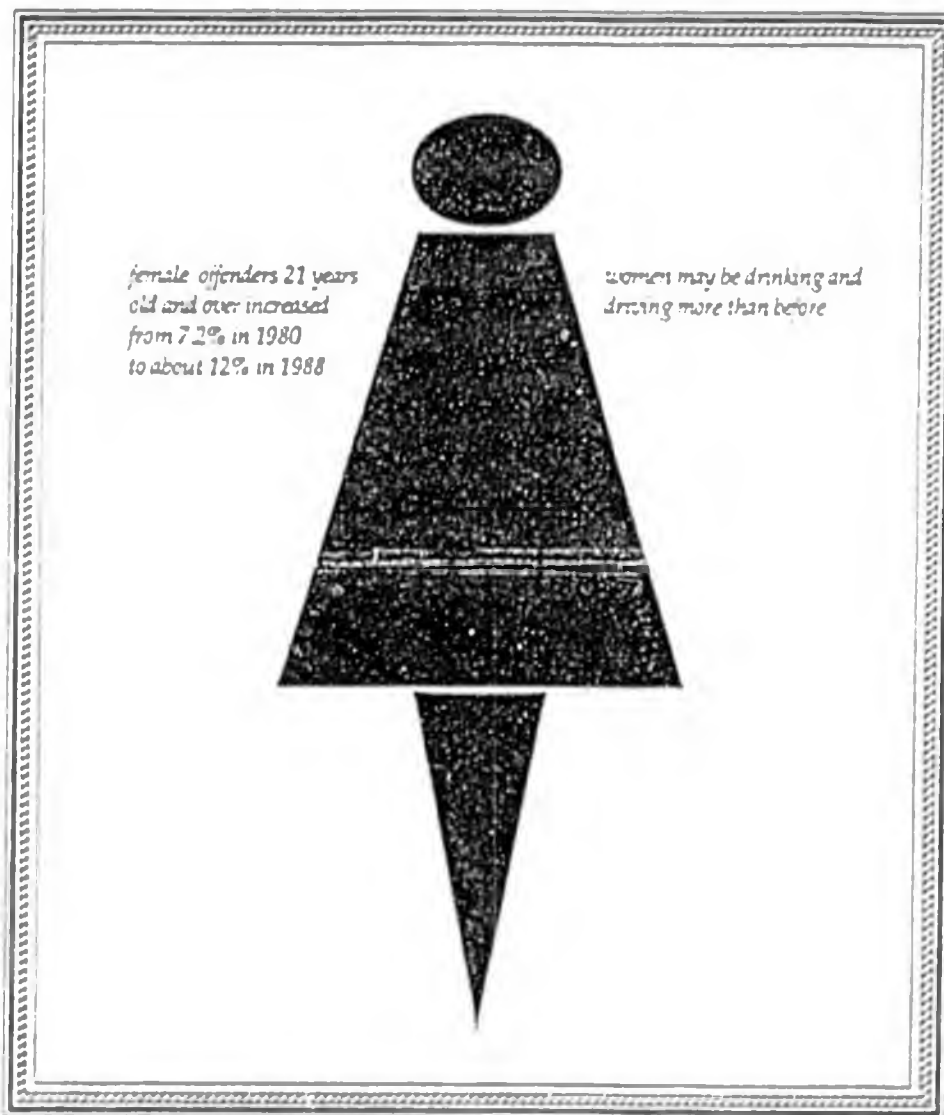
New York State's Division of Alcoholism and Alcohol Abuse has published a series of monographs reporting the findings from an in-depth study of DUI offenders in that state. While there are differences from state to state in drinking patterns, DUI laws and penalties and levels of enforcement,

the New York data may shed light on the characteristics of offenders everywhere.

New York found that males heavily outnumber females among DUI offenders — as national statistics indicate — but the proportion of females is increasing. A study based on the records of 15,032 drivers who were convicted for DUI in New York between 1978 and 1988 showed that the proportion of female offenders 21 years old and over

The study leaves that issue to further research.

Another New York study looked at 461 drivers who were referred to the Drinking Driver Evaluation and Treatment Program in Erie County between 1983 and 1985. Since these drivers had been referred for evaluation, it can be assumed that their initial screening revealed evidence of problem drinking, such as a high score on the



increased steadily through the years, from 7.2 percent in 1980 to about 12 percent in 1988.

The study cautions that the rise in the proportion of female offenders might be misleading. Two questions arise: Does the increasing proportion of female offenders mean that women are drinking more alcohol and driving more often than before? Or is it a result of a decrease in the number of DWIs among males? Is it women who have changed, or men?

Michigan Alcoholism Screening Test (MAST).

For the "problem drinker" study, the drivers were divided into three age groups: 25 years and younger, 26 through 35, and over 36. Those in the youngest age group tended to be heavier drinkers than those in the oldest group, reporting a higher number of drinks per drinking session in the 30 days prior to their arrest. On the other hand, drivers in all three age groups

reported drinking about the same number of drinks at the time of their arrest. This suggests to the New York researchers that regardless of usual drinking habits, there appears to be some threshold (around 10 drinks) which puts drinking drivers at greater risk for arrest.

"Also, the number of drinks on the night of the arrest reflects the fact that all individuals, regardless of their age,

DWI than the young first-time offenders."

The study also showed a contrast in education. First-time offenders were more than twice as likely as repeat offenders to have some college education, while the repeat offenders were twice as likely as the first-time offenders to have less than a high school education. For the older age groups, there were no differences between repeat and first-time offenders on any of these variables.

the 461 drinking drivers in New York showed that a substantial majority — 69 percent — had been drinking in bars before they were arrested. About 20 percent said they had been drinking at someone else's home. Other locations mentioned included their own home, their worksite, or a business meeting.

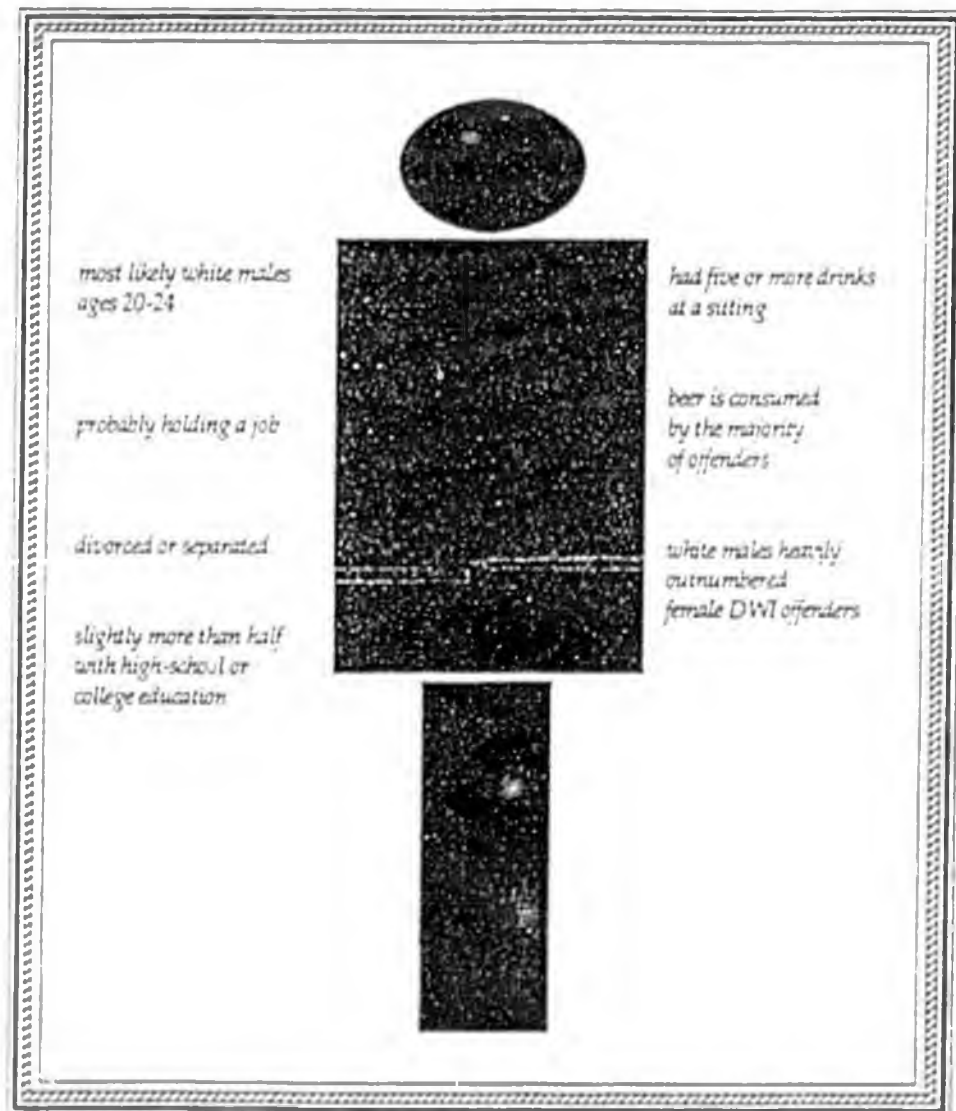
The study found a relationship between how much the offenders had to drink at the time of their arrest, and whether they had done their drinking at one location or more than one. The analysis indicates that "bar-hopping" is associated with heavier drinking.

This part of the study divided the drivers into two groups: those who had been drinking at a single location, and those who had been drinking at multiple locations. About 60 percent had been drinking in one location, and 40 percent in two or more locations. The multi-location drinkers reported consuming more drinks prior to their arrest, and the mean blood alcohol content for their group at the time of arrest was higher. Their drinking histories also revealed more evidence of problem-drinking than those of the single-location drinkers.

"Multi-location drinkers reported significantly more incidents of self-reported drunk driving in the 30 days preceding arrest than single location drinkers," says the New York study. "They also have a worse driving record than the single location group as marked by more bad driving incidents. Corresponding to their poor driving records and frequent drunk driving, the multi-location drinkers believe that it is safe to drive after a larger number of drinks."

Not surprising, the multi-location drinkers had driven a greater total number of miles during the drinking event that led up to their arrest.

Finally, the New York study found that drunk drivers with a record of previous arrests for crimes other than DWI were more likely to be repeat offenders for drinking and driving. Those with a criminal history also were more likely to have symptoms of problem drinking. As a group they appear to be higher risk drivers than those without a criminal history, and the researchers suggested they might warrant a specialized intervention and treatment.



reported drinking heavier than usual on that occasion," the researchers reported.

Is there a difference between repeat offenders and drivers caught driving drunk for the first time? Indeed there is, based on an analysis of the 25-and-under age group. "Young repeat offenders were almost twice as likely as young first-time offenders to have a family member with alcohol problems...Young repeat offenders were more likely to have a relative with a

The New York researchers pointed out that some of the first-time offenders also had a family history of alcohol problems and also had dropped out of high school, so those circumstances alone might not be a good predictor of a repeat offense. Still, these variables and others might contribute to a more effective evaluation process for identifying young drivers who are at risk for more serious alcohol problems.

Another analysis of the records of

Lowering BAC Levels = Saving Lives

The year after California lowered its legal Blood Alcohol Content (BAC) from .10 to .08, and approved revoking the licenses of drivers who exceeded that level, there was a 15 percent drop in alcohol-related traffic deaths and a 9 percent drop in traffic injuries.

It is estimated that if even half of that reduction is due to the lower BAC, enacting it in all 50 states could save the lives of more than 1,300 Americans a year.

A total of 10 states have enacted lower BAC levels, including California, Florida, Kansas, Maine, New Hampshire, New Mexico, North Carolina, Oregon, Utah and Vermont. Alaska is currently reviewing legislature to lower its BAC content.

A lower BAC is not the total solution to drinking and driving, because a driver with a .08 BAC is still **three times** more likely to have a crash than a nondrinking driver.

Even at BACs as low as .02 percent, alcohol affects driving ability and crash likelihood. The probability of a crash begins to increase significantly at .05 percent BAC and climbs rapidly after about .08 percent.

A typical 150-pound person reaches a .08 BAC after having three or four drinks (beer, wine or whiskey) in an hour.

As of June 1993, all but four states (Maryland, Massachusetts, South Carolina and Tennessee) had laws defining it a crime to drive with a BAC at or above a proscribed level, usually .10. Thirteen states, including Alaska, mandate jail or community service after a first conviction for alcohol-impaired driving.

A first offense in Alaska will net: a minimum of 72 consecutive hours in jail or up to one year, a \$250 to \$5,000 fine, revocation of drivers license for 90 days and required attendance at an alcohol program. The court may also order completion of a driver-improvement course, restitution payment and/or probation.

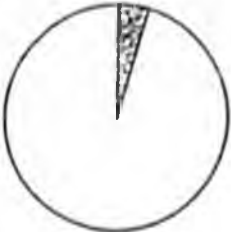


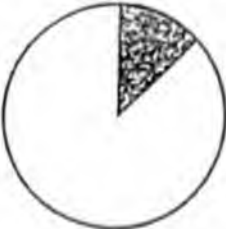














Even though the United States is attempting to lower BAC levels, other countries around the world have already done so.

Sources: *Insurance Institute for Highway Safety, July, 1993 and MADD, Irving, Texas.*

BAC Limits Around The World

Sweden	.02
Australia	.05
England	.08
France	.08

DRINKING AND BEHAVIOR

Number of Drinks Consumed	Blood Alcohol Concentration	Drinking Time	Brain Area Affected	Behavior Affected
1	0.02%	 ½ Hour		 DAMP AND DOUBTFUL Judgment Inhibitions
3	0.06%	 1½ Hours		 DELIGHTED AND DEVILISH Reaction Time Coordination
5	0.10%	 2½ Hours		 DIZZY AND DELERIOUS Vision Speech Balance
8	0.18%	 4 Hours		 DAZED AND DEJECTED Walking Standing
20	0.40%	 10 Hours		 DEAD DRUNK Consciousness
25	0.50%	 12½ Hours		 DEAD Life

BLOOD ALCOHOL CONTENT

To find your BAC:

First Find your weight in the left hand column. (For weights not shown, use the closest figures and then average.)

Second Select the column showing how many drinks you have had.

Note: One drink equals 12 ounces of beer, one shot of hard liquor (80 proof), or five ounces of wine.

Third Using the number of hours in which you consumed those drinks, find your BAC.

BAC CHART

After Hours	1 Drink				2 Drinks				3 Drinks				4 Drinks			
	4	3	2	1	4	3	2	1	4	3	2	1	4	3	2	1
Weight (lbs.) 80				.02			.05	.08	.07	.10	.10	.10	.12	.12	.15	.15
100				.02			.04	.06	.05	.07	.08	.09	.09	.10	.12	.13
120				.02			.03	.04	.03	.04	.06	.08	.06	.08	.09	.11
140				.01			.02	.04	.02	.03	.05	.06	.04	.06	.08	.09
160				.01			.02	.03	.01	.02	.04	.05	.03	.04	.06	.08
180				.01			.01	.03		.02	.03	.04	.02	.04	.05	.07
200							.01	.02		.01	.03	.04	.01	.03	.04	.06

After Hours	5 Drinks				6 Drinks				7 Drinks				8 Drinks			
	4	3	2	1	4	3	2	1	4	3	2	1	4	3	2	1
Weight (lbs.) 80	.17	.17	.19	.20	.19	.22	.22	.25	.25	.27	.27	.30	.29	.30	.32	.33
100	.13	.14	.16	.17	.16	.18	.19	.21	.20	.22	.23	.25	.24	.25	.27	.28
120	.09	.11	.13	.14	.13	.14	.16	.17	.15	.17	.19	.20	.19	.20	.22	.23
140	.07	.09	.10	.12	.10	.12	.13	.15	.13	.14	.16	.17	.15	.17	.18	.20
160	.06	.07	.09	.10	.08	.09	.11	.13	.10	.12	.13	.15	.13	.14	.16	.17
180	.04	.06	.07	.09	.06	.08	.09	.11	.09	.10	.12	.13	.11	.12	.14	.15
200	.03	.04	.06	.08	.05	.07	.08	.09	.07	.09	.10	.12	.09	.10	.12	.13

Examples: A) A 180 pound person who drank 5 drinks in 3 hours would have a BAC of .06.
 B) A 95 pound person who drank 3 drinks in 2 hours would have a BAC of .08 - .10.

REMEMBER: Your reaction to alcohol is affected by factors, such as:

- | | |
|----------------------|-----------------------------|
| 1) What you've eaten | 4) Your drinking experience |
| 2) Your mood | 5) Your personal chemistry |
| 3) The setting | 6) Other drugs you've taken |



FYI

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IMPAIRED DRIVING FACTS

Overview

- Almost half of all traffic fatalities are alcohol-related.¹
- Traffic crashes are the leading cause of death for people ages 5 to 34.²
- Alcohol-involved crashes cost the economy \$46 billion annually in lost productivity, medical costs and property damage.³
- There were 19,900 alcohol-related traffic fatalities (ARTFs) in 1991, representing a 10% decline since 1990.⁴
- More than 1.8 million drivers -- almost 10% of the licensed driving population -- were arrested in 1991 for driving under the influence of alcohol.⁵
- The greater the blood alcohol concentration (BAC) level among fatally injured drivers, the less likely they were to have been wearing seat belts.⁶
- Studies have found that marijuana severely impairs driving ability by affecting the drivers' perceptual motor functions.⁷

Youth

- The highest intoxication rate in fatal crashes in 1991 was recorded for drivers 21 to 24 years old (33.7%).⁸
- 6,441 youths died in ARTFs in 1990, despite a 35% decrease in the number of deaths associated with young drinking drivers (16- to 24-year-olds) since 1980.⁹
- Factors that may have contributed to the recent reduction in the number of ARTFs and alcohol-involved drivers aged 15-20 years include the enactment and increased enforcement of minimum drinking age laws; increased emphasis on zero-tolerance and use-lose laws for youth; and the implementation of education and prevention activities to prevent underage drinking.¹⁰
- Higher alcohol taxes will save lives; they lead to less alcohol consumption among underaged youth, and fewer impaired driving crashes.¹¹

(over)

- The National Highway Traffic Safety Administration estimates that minimum drinking age laws have saved almost 12,360 lives since 1975.¹²

Trends

- From 1979 to 1990, ARTFs declined 12% for males but increased 21% for females.¹³
- About 1 in 6 persons jailed for impaired driving had served at least 3 prior sentences for the same offense.¹⁴
- Of convicted DWI offenders, 61% reported drinking beer only, while 2% reported drinking wine only, 18% liquor only and 20% had been drinking more than one type of alcoholic beverage.¹⁵
- Intoxication rates in 1991 were highest for motorcycle drivers (38.6%) and lowest for drivers of large trucks (2%).¹⁶

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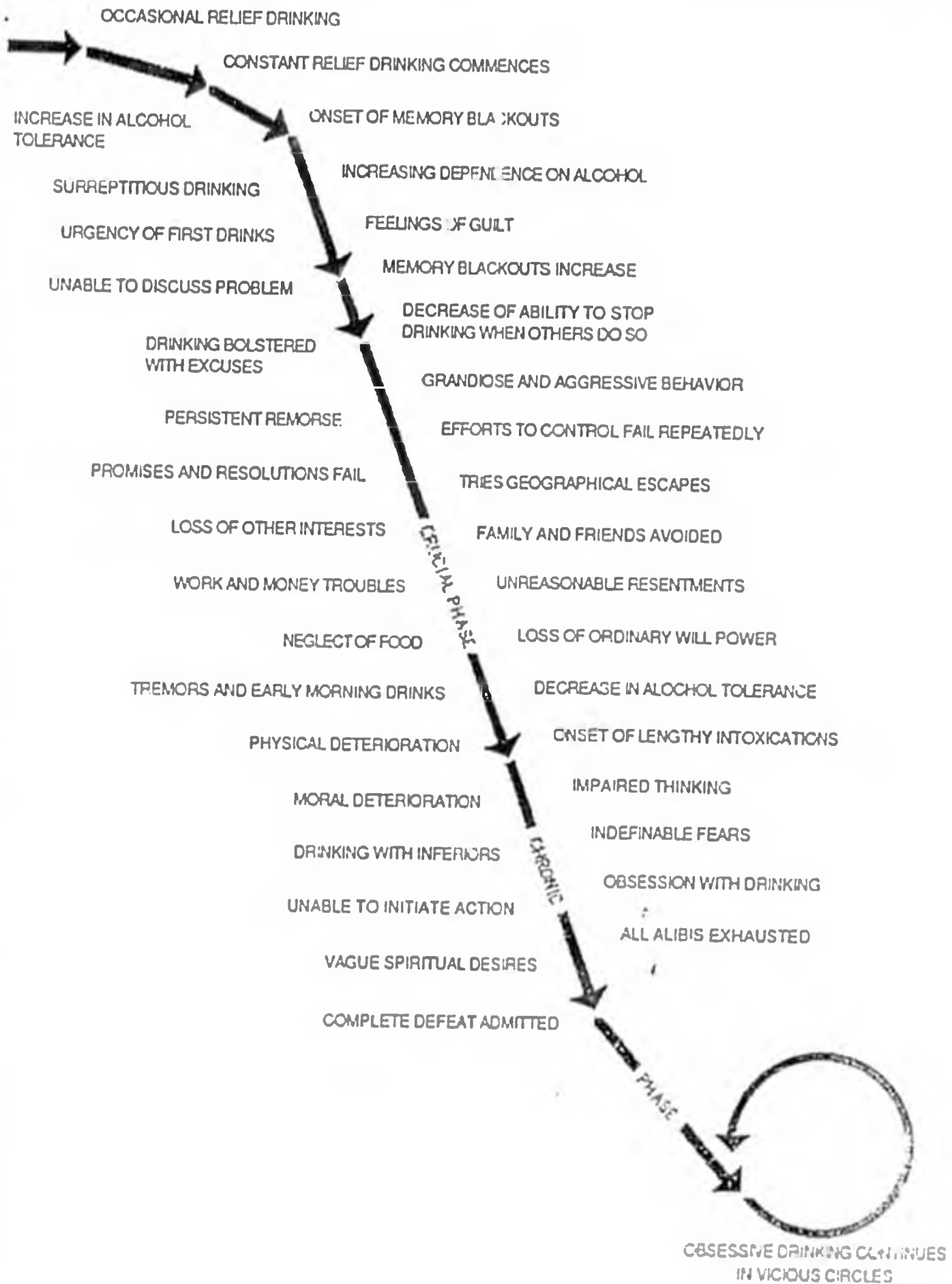
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What Kind of Disease Is Alcoholism?

Medically defined, alcoholism is a disease in which there is impaired control over drinking, preoccupation with alcohol, continued use of alcohol in the face of adverse consequences, and distorted thinking. Generally speaking, alcoholism is repeated drinking that causes trouble in the drinker's personal, professional, family or school life. When alcoholics drink, they can't always predict when they'll stop, how much they'll drink, or what the consequences of their drinking will be. Denial of the negative effects of alcohol in their lives is common in alcoholics and those close to them.

Like other diseases, alcoholism is an interaction between the host (the person who gets the disease and his/her genetic and biological makeup), the agent alcohol or other mood-

TO-BE-READ-FROM-LEFT-TO-RIGHT



APPENDIX B: ALCOHOL-RELATED DISORDERS

GASTROINTESTINAL

- Esophagitis
- Esophageal carcinoma
- Gastritis
- Malabsorption
- Chronic diarrhea
- Pancreatitis
- Fatty liver
- Alcoholic hepatitis
- Cirrhosis (may lead to cancer of liver)

CARDIOVASCULAR

- Hypertension
- Alcoholic cardiomyopathy
- Beriberi

PULMONARY

- Emphysema
- Carcinoma

SKIN

- Rosacea
- Telangiectasia
- Rhinophyma
- Cutaneous ulcers

NEUROLOGIC AND PSYCHIATRIC

- Peripheral neuropathy
- convulsive disorders
- Alcoholic hallucinosis
- Delirium tremens

NCADD FACT SHEET: ALCOHOL-RELATED BIRTH DEFECTS

DEFINITIONS

▣ **Fetal alcohol syndrome (FAS)** is one of the top three known causes of birth defects with accompanying mental retardation—and the only preventable cause among those three. FAS can be prevented by abstaining from alcohol consumption during pregnancy.¹

FAS is characterized by a cluster of congenital birth defects that develop in the infants of some women who drink heavily during pregnancy. These defects include prenatal and postnatal growth deficiency; facial malformations such as a small head circumference, flattened midface, sunken nasal bridge and flattened and elongated philtrum; central nervous system dysfunction; and varying degrees of major organ system malformations.²

▣ **Fetal alcohol effects (FAE)**, a less severe version of FAS, is characterized by milder or less frequent FAS signs. Low birthweight, subtle behavioral problems or a partial display of physical malformations, for example, may be seen in the newborns of women who consumed less alcohol during pregnancy than women with FAS newborns.³

INCIDENCE AND RISK FACTORS

▣ Nearly 5,000 babies—one in every 750—are born with FAS every year. (FAS prevalence rates range from one in 1,000 to one in 200.) Comparatively, FAE may affect 36,000 newborns each year.⁴

■ One in six women in the peak childbearing years of 18-34 may drink enough, either chronically or episodically, to present a hazard to an unborn infant.⁵

▣ **Alcoholic women are at highest risk of bearing children with FAS.**⁶ Alcoholism is a primary, chronic disease often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with alcohol, use of alcohol despite adverse consequences and distorted thinking (most notably denial).

■ FAS is prevalent in 9.8 of every 1,000 American Indians from a particular high-risk culture. Other American Indian populations have rates ranging from 1.3 to 10.3 for every 1,000.⁷

■ An average of one to two reported drinks daily is linked to decreased birthweight, growth abnormalities and behavioral problems in the newborn and infant. Increased risk of spontaneous abortion has been found at an even lower dose: one to two drinks twice weekly.⁸

■ The probability of having a child with FAS or FAE increases with the amount and frequency of alcohol consumed. Whenever a pregnant woman stops drinking, she reduces the risks of FAE and the consequences of alcohol exposure.⁹

■ There is no known safe dose of alcohol during pregnancy, nor does there appear to be a safe time to drink during pregnancy. Although 90 percent of the public is aware that drinking during pregnancy may damage the fetus, one study showed that one-third of women interviewed believed that drinking more than three drinks a day during pregnancy was safe.¹⁰

"GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. . . ."

--Warning label required by federal law on beer, wine, hard-liquor and wine-cooler containers, effective November 1989.

ECONOMIC FACTORS

- Assuming a conservative estimate of one FAS newborn for every 1,000 live births in 1980, it cost approximately \$14.8 million to treat them; \$670 million to treat the 68,000 FAS children under 18; and \$760 million to treat 160,000 FAS adults. Plus, indirect productivity losses were \$510.5 million.¹¹
- Women are now heavily targeted for marketing of alcoholic beverages. (Women will spend \$30 billion on alcoholic beverages in 1994, up from \$20 billion in 1984.)¹²

PUBLIC HEALTH RECOMMENDATIONS

- The best advice for pregnant women is to abstain from alcohol consumption during pregnancy. There is no evidence to establish an alcohol consumption level free of risks to the fetus.¹³
- Women who breastfeed should continue to abstain from drinking alcohol until their babies are weaned. Alcohol readily enters breast milk and heavy alcohol consumption has been shown to reduce lactation.¹⁴
- As of January 1990, nine states and 17 cities/counties require that signs warning of the dangers of drinking during pregnancy be posted wherever alcoholic beverages are served or sold.¹⁵

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WHAT IS NCADD?

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Revised 3/90

NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE, INC.

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NCADD FACT SHEET: YOUTH AND ALCOHOL

AN OVERVIEW

- Alcohol is America's #1 drug problem among youth. About 4.6 million 14- to 17-year-olds in 1985 experienced negative consequences (i.e., arrest, involvement in an accident, impaired health or job performance) from using alcohol.¹
- Use of alcohol, a "gateway" drug, usually precedes other drug use. A survey of 27,000 seventh to twelfth graders in New York State found little or no use of other drugs among teens who had not used alcohol first.²
- Children of alcoholics have a four times greater risk of developing alcoholism than children of non-alcoholics.³
- More than 800 children up to age 14 and more than 8,000 15- to 24-year-olds died in alcohol-related highway crashes in 1988.⁴
- More than half of the college students who confessed to committing violent crimes on or near campus said they were high on alcohol or drugs when they broke the law. Also, almost half of the victims of violent campus crimes said they were drinking or using other drugs when they were victimized.⁵

USAGE RATES AND PATTERNS

- Although the use of alcohol is illegal for anyone under 21, it remains more widespread among youth than use of tobacco or any illicit drug. Among college students alcohol is more than twice as popular as both tobacco and marijuana, and almost nine times as popular as cocaine (close to 90% of college students had used alcohol in a 12-month period).⁶
- Thirty-five percent of high school seniors have had five or more drinks in a row in the past two weeks. About 4% drink daily and nearly all (92%) have tried the drug.⁷
- In the '40s and '50s youths took their first drink at ages 13 and 14; today, they start at age 12.⁸
- Virtually no use of alcohol, tobacco or illicit drugs (except cocaine) begins after age 25, research shows.⁹
- Alcohol problems and bulimia nervosa (the binge-and-purge eating disorder) are linked in teenage girls, one survey found. High school girls who met four or more of the five criteria for bulimia had a significantly higher incidence of alcohol problems than girls who met less than four criteria.¹⁰

DRINKING AND DRIVING

- Drivers under 21 have the highest rates of alcohol-involved fatal crashes, says one study.¹¹
- The greatest number of fatal motor vehicle accidents for 16- to 19-year-olds occurred at a much lower level of BAC (blood alcohol concentration, or the amount by weight of alcohol in a volume of blood) than for those in older age groups.¹²
- Drivers 16-24 years old represent approximately 17% of all licensed drivers, but are involved in about 36% of all fatal alcohol-related crashes.¹³

ATTITUDES AND PERCEPTIONS

- Before turning 18, the average child will see 75,000 drinking scenes on television programs.¹⁴
Television may influence children's beliefs about alcohol. Eight- to eleven-year-old children who watched a show with drinking scenes were more likely to name alcohol than water as an appropriate adult beverage than were children who watched the same show without the drinking scenes.¹⁵
- Only half of the fourth graders in a 1987 study knew that beer, wine or liquor is a drug, compared to 87% who knew that marijuana is a drug.¹⁶
- Nearly a third of high school seniors believe there's no great risk in having four or five drinks almost every day.¹⁷
- Alcohol poses the greatest drug threat to high school athletes, said 88% of the 798 high school coaches in a nationwide telephone survey.¹⁸

PUBLIC POLICY RECOMMENDATIONS

- Increasing federal excise taxes on beer, young drinkers' favorite alcoholic beverage, would reduce alcohol-related motor vehicle deaths by 55% among 18- to 20-year-old men and by 45% among 18- to 20-year-old women.¹⁹
- About three-quarters (74%) of adults favor health warnings on ads for alcoholic beverages, according to a Gallup-Advertising Age poll. Almost half (42%) felt alcohol advertising should be banned.²⁰

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**NCADD FACT SHEET: ALCOHOLISM, OTHER DRUG ADDICTIONS
AND RELATED PROBLEMS AMONG WOMEN****CONSUMPTION PATTERNS AND PRACTICES**

- Fifty-five percent of women aged 18 and over drink moderately, 5% drink heavily, and 40% do not drink at all. Moderate drinking is defined as less than 60 drinks per month and heavy drinking as more.¹
- Women make up nearly 35% of the Alcoholics Anonymous (AA) membership.²
- From 1975 to 1989, heavy drinking (five drinks in a row) during the prior two weeks declined more modestly among high school girls (26.4% to 24.9%) than among high school boys (49% to 41.2%).³
- Women frequently use other drugs in combination with alcohol, placing themselves at a higher risk of physical and psychological impairment. About 51% of women AA members, as compared to 41% of male members, reported addiction to another drug.⁴
- Nearly 26% of girls aged 12 through 17, compared to nearly 24% of boys, have used an illicit drug. In that same age group, 100,000 girls and 88,000 boys have tried crack.⁵
- Physicians prescribe two thirds of all legal psychoactive drugs to women. More than one million women are dependent on those drugs.⁶
- Eleven percent of pregnant women surveyed in one study use drugs, including heroin, methadone, cocaine, amphetamines, PCP and marijuana.⁷
- Hispanic and black women report higher abstinence rates than white women, but with acculturation, abstinence rates among Hispanic women drop significantly.⁸
- Women are now heavily targeted for marketing of alcoholic beverages. Women will spend \$30 billion on alcohol in 1994, compared to \$20 billion in 1984; they consumed almost 68% of all wine coolers.⁹

PHYSIOLOGICAL EFFECTS OF ALCOHOL

- If a man and a woman of similar weight drink the same amount of alcohol, 30% more alcohol will enter the woman's bloodstream because women have less of a certain stomach enzyme that digests alcohol. And alcoholic women may lack that enzyme altogether.¹⁰
- Even with less alcohol consumption, women are more likely to develop liver disease than men are. Women have a greater risk of dying once the liver has been injured.¹¹
- Alcohol use by pregnant women is the leading known cause of mental retardation in newborns. Fetal alcohol syndrome (FAS), marked by dysfunction of the central nervous system, prenatal and postnatal growth deficiency and facial malformations, strikes one to three out of every 1,000 newborns (or 3,600 to 10,000 babies a year). The incidence of the less severe fetal alcohol effects (FAE) is at least three times that of FAS. (For more information see NCADD's Fact Sheet on Alcohol-Related Birth Defects.)¹²
- Alcoholic women are more frequently disabled and for longer periods than alcoholic men, reflecting, in part, differences in the processes of identification that ultimately lead to diagnosis.¹³
- Among blacks who drink, twice as many women as men report health problems due to drinking.¹⁴
- Native American women between the ages of 15 and 34 are 36 times more likely (and black women six times more likely) than white women to have cirrhosis of the liver.¹⁵

TREATMENT ISSUES

- Up to 74% of alcohol- and drug-dependent women report sexual abuse, including rape and incest.¹⁶
- Women's drinking and drug problems are often viewed as less serious than men's, making proper diagnosis and early intervention and treatment more difficult.¹⁷
- Women continue to be underrepresented in treatment programs. Women make up less than 25% of all publicly funded alcohol treatment admissions and about 30% of drug treatment admissions although women make up a much larger percentage of the total alcohol- and drug-dependent population.¹⁸
- Pregnant and addicted women were refused service by 54% of 78 drug treatment programs surveyed in New York City. Sixty-seven percent of the programs denied treatment to pregnant addicts on Medicaid; 87% denied treatment to pregnant women on Medicaid and addicted specifically to crack.¹⁹
- Most treatment programs do not provide child care or adequate alternatives for women entering treatment. This is one of the most significant barriers for women who need help.²⁰

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NCADD is a national nonprofit organization combating alcoholism, other drug addictions and related problems through its National Office, 200 state and local Affiliates and thousands of volunteers in communities throughout America. Founded in 1944, NCADD's primary mission is education, prevention and public policy advocacy.

NCADD provides education about alcoholism and other drug addictions as treatable diseases; offers prevention programs for schools, organizations and communities; dispenses medical/scientific information; answers questions from the public, legislative bodies and the media; and distributes a variety of publications. NCADD also offers information and referral services to children, teenagers and adults seeking help with alcoholism, other drug dependencies and related problems.

NCADD conducts, as it has every year since 1952, a prestigious national conference where leaders in the field convene to report their latest findings and to discuss emerging trends and issues of concern. NCADD also sponsors Alcohol Awareness Month in April and Alcohol- and Other Drug-Related Birth Defects Awareness Week beginning on Mother's Day each year.

People seeking more information and/or referral can contact an NCADD Affiliate in their area or use NCADD's national toll-free help line: 1-800-475-HOPE.

Revised 6/90

NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE, INC.

12 West 21st Street, New York, NY 10010
1511 K Street NW, Washington, DC 20005

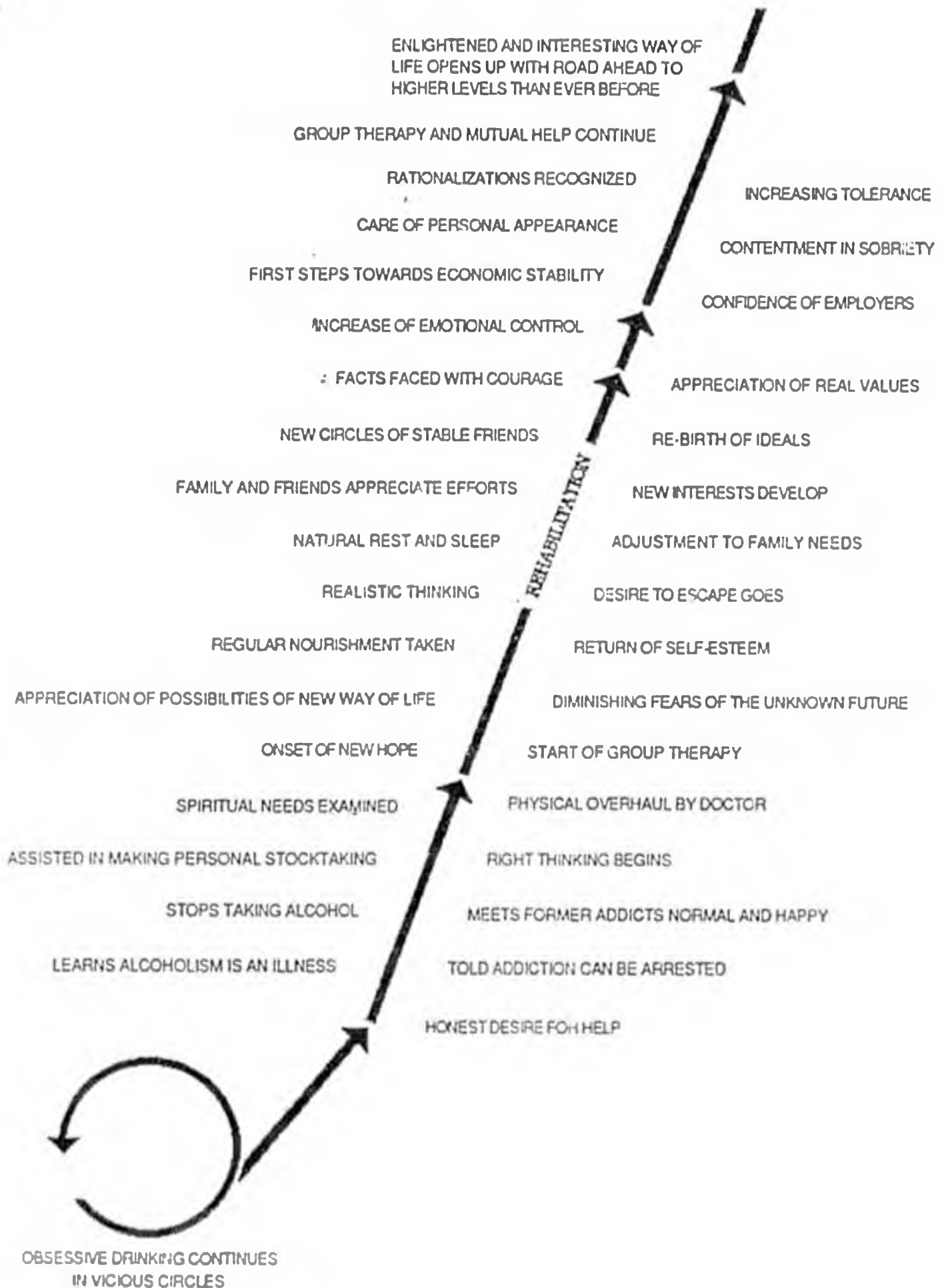
FAMILY ILLNESS IN CHILDREN

Designed by:
Linda Mix

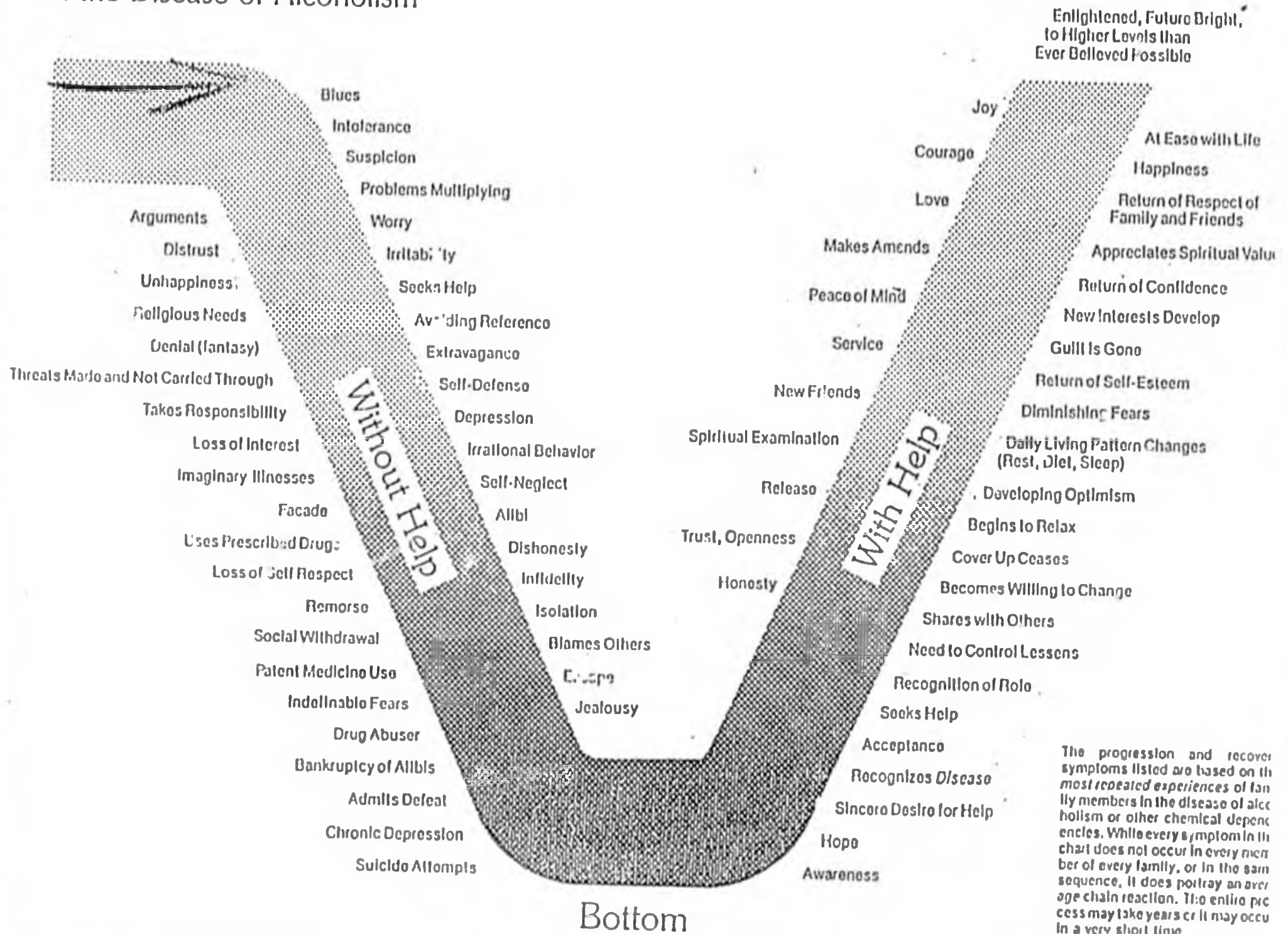
Information taken from:
"The Family Trap" by Sharon Wegscheider,
Johnson Institute, 1976

	Visible Qualities	Inner Feelings	Represents to Family	Characteristics	Possible Future Characteristics	
					Without Help	With Help
Family Hero	Visible success Does what's right	Inadequate	Self-worth (Family can be proud)	High achiever Grades Friends Sports	Workaholic Never wrong Responsible for everything Marry dependent	Accept failure Responsible for self not all Good executives
Scapegoat	Hostility Defiance Anger	Hurt Guilt	Takes focus off the Alcoholic	Negative attention Won't compete with "family hero"	Unplanned pregnancy Trouble-maker in school & later in office Prison	Accept responsibility Good counselors Courage Ability to see reality
Lost Child	Withdrawn Loner	Loneliness Unimportant	Relief: (One child not to worry about)	"Invisible" Quiet No friends Follower Trouble making decisions	Little zest for life Sexual identity problems Promiscuous or stays alone Often dies at early age	Independent Talented Creative Imaginative Self-actualized
Mascot	Fragile Immature Needs protection	Fear	Fun & humor (Comic relief)	Hyperactive Learning disabilities Short attention span	Ulcers, can't handle stress Compulsive clown Marry "hero" for care Remains immature	Take care of self No longer clown Fun to be with Good sense of humor

TO BE READ FROM LEFT TO RIGHT



and Recovery of the Family in the Disease of Alcoholism



The progression and recovery symptoms listed are based on the most repeated experiences of family members in the disease of alcoholism or other chemical dependencies. While every symptom in this chart does not occur in every member of every family, or in the same sequence, it does portray an average chain reaction. The entire process may take years or it may occur in a very short time.

Community Alcohol and Other Drug Resources

Juneau, Alaska

The National Council on Alcoholism/Juneau Affiliate

211 Fourth Street, Suite 102
463-3755

Services provided: Outreach, Referral, Public Information, Assessment,
Prevention & Education - Adults and Adolescents

The City and Borough of Juneau - Chemical Dependency Division

3406 Glacier Highway
586-1470

Services provided: Outpatient Counseling; and Inpatient Treatment at the
Juneau Recovery Unit - Adults Only

Gastineau Human Services

5597 Aisek Street
780-4338

Services provided: Intermediate Care (half-way house) - Adults Only

Tongass Community Counseling Center

222 Seward
586-3585

Services provided: Outpatient Counseling - Adults and Adolescents

Christian Counseling Center (private)

8719 North Loop Way
780-6555

Services provided: Outpatient Counseling - Adults and Adolescents

North Star Hospital - Outreach (private)

9097 Glacier Highway Suite 205
789-2922

Services provided: Outpatient counseling (locally), Inpatient care (Anchorage).
Adults and Adolescents

SELF HELP GROUPS

ALCOHOLICS ANONYMOUS.....586-1161

Your call will be returned

Services Provided: Group support for people who have a drinking problem or a desire to stop drinking.

AL-ANON.....586-2227

Your call will be returned

Services Provided: Group support for family and friends who are concerned about someone's drinking.

NARCOTICS ANONYMOUS.....789-2590

Contact Rick or Miriam for more info.

Services Provided: Group support for people who have a drug problem or a desire to stop using.

ADULT CHILDREN OF ALCOHOLICS.....586-2227

For more information call Robbie

Services Provided: Group support for adult children from alcoholic or other dysfunctional families.

CO-DEPENDENTS ANONYMOUS586-2227 or 789-0965

For more information call Robbie

Services Provided: Group support for men and women whose common problem is an inability to maintain functional relationships.

OVEREATERS ANONYMOUS789-2014 or 586-4938

For more information call

Services Provided: Group support for men and women whose purpose is to stop eating compulsively.

HB 61, HB 337

Rep. Jim Nordlund
(D - Anchorage)

HB 61 reduces the legal definition of driving while intoxicated from a .10% to a .08% blood alcohol content (BAC). Scientific evidence indicates that the risk of a driver being involved in a serious or fatal crash increases as the alcohol concentration in the body increases.



Studies show that impairment begins in most drivers at or below .05% BAC, and that all drivers are impaired at .08% BAC. Also, a study by the state of California showed that traffic fatalities were reduced by 12% after the implementation of .08% BAC laws.

HB 337 is designed to expand Drug-Free School Zones to include areas where children play. Drug-Free Recreation and Youth Center Zones would include the 500-foot area surrounding recreation centers, athletic fields and playgrounds. This legislation would make individuals found with drugs in these areas pay a stiffer penalty for their offense. Anchorage Police Chief Kevin O'Leary says recreation and youth center areas "are playgrounds for those who sell and promote drugs to our children." This bill would give law enforcement officials another weapon in the fight against drugs. If the legislature passes HB 337, Alaska will join Minnesota, Nevada, Utah and Wisconsin as states with stiffer penalties for people found with drugs in recreation areas. ■

HB 334

Rep. Fran Ulmer
(D - Juneau)

A recent judicial ruling held that police officers may arrest a juvenile for minor consuming only with a warrant or if the officer witnesses the juvenile drinking or in possession of the container. I believe that this ruling is an impediment to police in the intervention of teen drinking.



HB 344 will close the loophole identified by the court and modify current law to authorize an arrest for minor consuming without a warrant, if an officer has reasonable cause to believe that the juvenile has consumed alcohol. This bill was introduced at the request of the City and Borough of Juneau, Department of Health and Social Services, Division of Chemical Dependency and the Mayor's Task force.

Teen drinking is a major health threat in Alaska. We must take every step to address prevention, education and treatment. Consistently enforced laws which allow for intervention and treatment are imperative. ■

STATUS OF BILLS

This is the Second Session of the Eighteenth Legislature. Bills not passed during this session will be dead and have to be re-filed for consideration.

Status of bills at press date:

HB 52 — (H) STA, then JUD, then FIN

HB 53 — (H) CRA, then STA, then JUD, then FIN

HB 61 — (S) JUD, then STA, then TRA, then FIN

HB 136 — Passed into law

HB 289 — (H) CRA, then L&C, then STA, then FIN

HB 337 — (H) HES, then JUD

HB 344 — (H) HES, then JUD, then FIN

TERMS:

HB - House Bill;
(H) - House;
(S) - Senate;
STA - State Affairs;
JUD - Judiciary;
FIN - Finance;
CRA - Community & Regional Affairs;
RLS - Rules;
L&C - Labor & Commerce;
TRA - Transportation

☐ **Glennallen**
Community Library
822-3588

☐ **Homer**
Mills Bldg. #4
235-7878

☐ **Juneau**
130 Seward Street, #314
465-4648

☐ **Kenai**
34824 Kalifornsky Bch Rd, #A
262-9364

☐ **Ketchikan**
352 Front Street
225-9675

☐ **Kodiak**
Kodiak Plaza Bldg
486-8116

☐ **Kotzebue**
Eskimo Bldg
442-3880

☐ **Nome**
State Office Bldg
443-5555

☐ **Petersburg**
101 Cjoe Street
772-3741

☐ **Seward**
2001 Seward Highway
224-5066

☐ **Sitka**
210 Lake Street
747-6276

☐ **Tok**
AK Lands Information Office
883-5020

☐ **Valdez**
State Court & Office Bldg
835-2111

☐ **Wasilla**
Krenk Bldg. #106
376-3704

☐ **Wrangell**
Longshoremen's Hall
874-3013

HB 52, HB 53, HB 289

Rep. Kay Brown
(D - Anchorage)

There is an important role for state government to play in discouraging the abuse of alcohol. Higher taxes, or "user fees" have been proven to be effective in curbing the consumption of alcohol especially among our young people.



In the current Alaska legislature, I have introduced three bills that would use this strategy to slow the rise in alcohol abuse and make more revenue available for prevention and treatment programs.

HB 52 — would allow municipalities to tax alcohol whether they have any other kind of sales tax or not.

HB 53 — would significantly increase the state excise tax on alcohol. The tax rate would increase for the first time in over a decade. Twenty million new dollars would then be available to support local prevention and treatment programs.

HB 289 — would double the license fees on establishments where alcohol is sold. By state law, these revenues are shared with the local communities where they are collected. Under this bill, that money would then be spent on prevention, treatment and alternative youth activities. ■

AS 28.15.165 (d)

Rep. Eldon Mulder
(R - Anchorage)

Last year, I introduced **HB 136** to crack down on individuals convicted of driving while intoxicated by offering a more serious and immediate punishment while at the same time easing some of the financial burden on the State of Alaska. On July 1, 1993, **HB 136** passed into law.



Before this legislation was passed, DWI offenders were waiting 9 to 12 months before serving any jail time, due to a lack of space. When they finally did, it was often over a weekend. This hardly seemed like an adequate punishment. Under the new law, first and second time DWI offenders and those who refuse to submit to a breath test are now required to serve their time in a community residential center, whenever possible, and to perform community work service during their incarceration. In addition, all DWI offenders will pay for the cost of their imprisonment, up to a maximum of \$1,000. Unpaid costs are collected from offender's permanent fund dividend check.

This legislation should make individuals think twice before they get behind the wheel after drinking. ■



HOW TO DO MORE

If you want elected officials to know what you think, call or stop by your local Legislative Information Office (LIO). LIOs are invaluable when it comes to letting everyday citizens know what's going on in Juneau. A few of their services are to: (a) provide copies of bills currently pending or have passed the Legislature, (b) maintain legislative committee minutes and, (c) coordinate communications between legislators and the public.



Where to go to find LIO...

□ Anchorage
716 W. 4th, #200
258-8111

□ Barrow
Courthouse, #305
852-7111

□ Bethel
301 Willow Str
543-3541

□ Cordova
705 2nd Street
424-5461

□ Delta Jun
Jarvis Office Ce
895-4236

□ Dillingham
Kangliutaq O.
842-5319

□ Fairbank:
119 N. Cushman
452-4448

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSSB 4

Revision Date: _____
 Title: An Act classifying certain offenses . . . driving while intoxicated . . . failure to submit to chemical test . . .
 Sponsor: Senator Taylor
 Requestor: _____

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

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

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

CHANGE IN REVENUES ()						
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FUND SOURCE:

(Thousands of Dollars)

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

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

Phone: (907) 264-4412
 Date: _____

Approved by Commissioner: Mark Royer
 Agency: Department of Administration

Date: 3/3/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSSB 4

ANALYSIS: (continued)

This bill makes substantial changes in state law regarding alcoholic beverages, DWI, DWLS, and Refusal to Submit to a Chemical Test.

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

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

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

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

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

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

FISCAL ANALYSIS

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

03/02/95

Position Information Inquiry/Update

16:11:16

Position: 02-02#105	Project: 0	Salary Costs: 53,304.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 19,542.68
Scenario: 2 FY: 96	COLA % = 0.000	Total Costs: 72,846.58

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

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

Optional Override Salary Rates:

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

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

03/02/95

Position Information Inquiry/Update

16:10:08

Position: 02-02#106	Project: 0	Salary Costs: 55,260.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 20,072.55
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 75,332.55

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

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 0 Schedule: BB (actual:)
	Bargaining Unit: XE Range: 22 (actual:)
	Location Code: ECF Place: PALMER
	Job Class Code: 27144 Title: ATTORNEY III
	Seasonal Indic.: F Type:

Optional Override Salary Rates:

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

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 5=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0

03/02/95

Position Information Inquiry/Update

16:10:30

Position: 02-02#107	Project: 0	Salary Costs: 24,756.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 11,905.03
Scenario: 2 FY: 96	COLA % = 0.000	Total Costs: 36,661.03

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

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

Optional Override Salary Rates:

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

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

03/02/95

Position Information Inquiry/Update

16:13:45

Position: 02-02#108	Project: 0	Salary Costs: 24,756.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 11,905.03
Scenario: 2 FY: 96	COLA % = 0.000	Total Costs: 36,661.03

Actuals not available (Status: UNKNOWN) |

Retirement Code: A

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

Optional Override Salary Rates:

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

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