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0-LS0123\K
Chenoweth
3/15/97

CS FOR SENATE BILL NO. 58()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR TAYLOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the penalty for the consumption or possession of alcoholic
2 beverages by persons under 21 years of age, to the issuance, suspension,
3 limitation, revocation, and reinstatement of drivers' licenses, permits, or privileges
4 to drive concerning alcohol-related offenses, to youth assessment and referral
5 programs for minor drivers, and to alcohol information courses for driver
6 improvement and for reduction of points assessed for violation of traffic laws;
7 and relating to the use of money collected from fines imposed for the offenses
8 of possession, control, or consumption of alcoholic beverages by persons under
9 21 years of age that are punishable as violations."

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

11 * Section 1. AS 04.16.050(b) is amended to read:

12 (b) A person who violates (a) of this section is guilty of

1 (1) a violation, and, upon [. UPON] conviction of the violation in the
2 district court, the court shall [MAY] impose a fine of \$250;

3 (2) a class B misdemeanor if, during the preceding two years, the
4 person was convicted of a violation of (a) of this section or of a municipal
5 ordinance with substantially similar elements [NOT LESS THAN \$100].

6 * Sec. 2. AS 04.16.050 is amended by adding a new subsection to read:

7 (c) Money collected from fines imposed under (b)(1) of this section shall be
8 deposited in the general fund. The legislature may use the money collected from fines
9 imposed under (b)(1) of this section to make appropriations for assessment and referral
10 programs that provide substance abuse screening services to and monitor compliance
11 for a minor required to participate in an alcoholism or drug education or rehabilitation
12 treatment program under AS 28.15.183(g) or before the minor's driver's license may
13 be reinstated under AS 28.15.211(d).

14 * Sec. 3. AS 28.15.183(f) is amended to read:

15 (f) A revocation imposed under this section shall be consecutive to a
16 revocation imposed under another provision of law, except that a revocation imposed
17 under this section for an offense for which a revocation is required under
18 AS 28.15.185 shall be concurrent with a revocation imposed under AS 28.15.185 that
19 is based on the same incident. A department hearing officer may grant limited license
20 privileges in accordance with the standards set out in AS 28.15.201 to a person whose
21 driver's license, permit, or privilege was revoked under this section.

22 * Sec. 4. AS 28.15.183(g) is amended to read:

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

27 (1) an alcoholism education or rehabilitation treatment program
28 approved under AS 47.37, if the revocation resulted from possession or consumption
29 of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially
30 similar elements, from operating a vehicle after consuming alcohol in violation of
31 AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of

1 AS 28.35.285; or

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

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

6 (a) A person who is at least 13 years of age but not older than 17 years of age
7 is subject to revocation, under (b) of this section, of the person's driver's license,
8 privilege to drive, or privilege to obtain a license if the person [WHO] is convicted
9 of or [WHO] is adjudicated a delinquent minor by a [JUVENILE] court for [OF]

10 (1) misconduct involving a controlled substance under AS 11.71 or a
11 municipal ordinance with substantially similar elements; or

12 (2) [POSSESSION OR CONSUMPTION OF ALCOHOL UNDER
13 AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY
14 SIMILAR ELEMENTS; OR

15 (3)] an offense involving the illegal use or possession of a firearm that
16 is punishable under AS 11 or a municipal ordinance with substantially similar elements
17 [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE,
18 PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE UNDER (b) OF
19 THIS SECTION].

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

21 (c) When a person described in (a) of this section has been convicted of
22 or adjudicated a delinquent minor for [UPON CONVICTION OR ADJUDICATION
23 OF] an offense listed in (a) of this section, the court may, upon petition of the person,
24 review the revocation and may restore the driver's license, except a court may not
25 restore the driver's license until

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

28 (2) the person has taken and successfully completed a state approved
29 program of drug education or rehabilitation if convicted or adjudicated of misconduct
30 involving a controlled substance under AS 11.71 or a municipal ordinance with
31 substantially similar elements [, OR ALCOHOL EDUCATION OR

1 REHABILITATION IF CONVICTED OR ADJUDICATED OF POSSESSION OR
2 CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL
3 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS]; however, this
4 paragraph does not apply to a person who resides in an area that does not offer a state
5 approved drug [OR ALCOHOL] education or rehabilitation program or a person that
6 the court determines does not need [ALCOHOL OR] drug education or rehabilitation.

7 * Sec. 7. AS 28.15.211(d) is amended to read:

8 (d) At the end of a period of revocation or limitation following a revocation,
9 a person whose driver's license has been revoked may apply to the department for the
10 issuance of a new license, but shall submit to reexamination, pay all required fees
11 including a reinstatement fee, and, if the license was revoked under AS 28.15.181(a)(5)
12 or (8), submit proof of

13 (1) enrollment in and compliance with or completion of an alcoholism
14 education and rehabilitation treatment program approved under AS 47.37 if the
15 person was sentenced under AS 28.15.181(c)(1); or

16 (2) completion of and payment for an alcoholism education and
17 rehabilitation treatment program approved under AS 47.37 if the person was
18 convicted under AS 28.15.181(c)(2) - (4).

19 * Sec. 8. AS 28.15.241(b) is amended to read:

20 (b) In addition to (a) of this section, two points shall be deducted from the
21 assessed total upon the driver's furnishing to the department adequate proof of
22 successful completion, within 12 months of the date of the driver's last violation, of
23 a driver improvement course approved by the department or an alcohol information
24 course approved by the Department of Health and Social Services. No more than
25 one driver improvement or one alcohol information course may be used to obtain
26 a reduction in points in any 12-month period.

27 * Sec. 9. AS 28.15.253 is amended to read:

28 Sec. 28.15.253. Driver improvement or alcohol information courses
29 [COURSE]. Upon conviction of a violation of a traffic law that results in a driver's
30 [DRIVER] accumulating six or more points from offenses committed during any
31 consecutive 12-month period or nine or more points from offenses committed during

1 any 24-month period, on request of the department, the court may, in addition to any
2 other penalty authorized by law, require the driver to successfully complete a driver
3 improvement course approved by the department or an alcohol information course
4 approved by the Department of Health and Social Services within a period of time
5 prescribed by the court. The department may suspend, revoke, or deny the driver's
6 license of a person who fails to successfully complete the driver improvement course
7 or the alcohol information course required by the court under this section within the
8 prescribed time period.

9 * Sec. 10. AS 47.37.040(14) is amended to read:

10 (14) cooperate with the Department of Public Safety and the
11 Department of Transportation and Public Facilities in establishing and conducting
12 programs designed to deal with the problem of persons operating motor vehicles while
13 intoxicated or under the influence of drugs, and develop and approve alcohol
14 information courses required to be taken by drivers under AS 28.15 or made
15 available to drivers to reduce points assessed for violation of traffic laws;

16 * Sec. 11. AS 47.37.045(c) is amended to read:

17 (c) Community action against substance abuse grant funds awarded under this
18 section may be used for

19 (1) Police-In-School Liaison programs staffed by officers that are
20 certified by the Alaska Police Standards Council;

21 (2) technical assistance for neighborhood based substance abuse
22 prevention or treatment programs;

23 (3) coordinators for court ordered community service;

24 (4) preventative or educational programs for youth that involve the
25 community, parents, youth, and local schools;

26 (5) programs or projects that the division determines are effective in
27 preventing or treating substance abuse at the community level; [OR]

28 (6) supervised youth recreation programs that focus on preventing or
29 treating substance abuse; or

30 (7) youth assessment and referral programs that provide substance
31 abuse screening services to and monitor compliance for a minor required to

1 participate in an alcoholism or drug education or rehabilitation treatment
2 program under AS 28.15.183 or before the minor's driver's license may be
3 reinstated under AS 28.15.211.

4 * Sec. 12. APPLICABILITY. Sections 1 - 3, 5, and 6 of this Act apply to offenses
5 committed on or after the effective date of this Act. However, references to previous
6 convictions include violations and offenses committed on, before, or after the effective date
7 of this Act.

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

March 17, 1997

SUBJECT: Draft CS for Senate Bill 58 () (Work Order No. 20-LS0123\B)

TO: Senator Robin Taylor
ATTN: Joe Ambrose

FROM: Jack Chenoweth
Legislative Counsel

Just a word of caution in the event CSSB 58 () attracts interest in adding further amendments:

With the addition of material taken from the Governor's Senate Bill 71, the single subject of the draft committee substitute has become "alcohol and drugs" or, more generally, "substance abuse." It is no longer a measure that is confined to minors or to persons under 21 years of age and is not now in a form where it can admit amendments dealing with penalties imposed on minors or with persons under 21 years of age for driving motor vehicles that do not relate to alcohol and drugs.

JBC:glc
97-182.glc

Enclosure

LEGAL SERVICES

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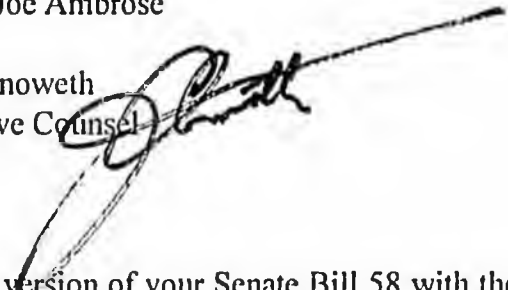
130 Seward Street, Suite 403
Juneau, Alaska 99801-2105

MEMORANDUM

March 17, 1997

SUBJECT: Draft CSSB 58(), amending various laws relating to alcohol and drugs -- sectional analysis (Work Order No. 20-LS0123\K)

TO: Senator Robin Taylor
ATTN: Joe Ambrose

FROM: Jack Chenoweth
Legislative Counsel 

The draft combines a modified version of your Senate Bill 58 with the greater portion of Governor Knowles' Senate Bill 71.

At the outset, I should note a key recent court decision, State of Alaska v. District Court, 927 P.2d 1295 (Alaska App. 1996), wherein the Alaska Court of Appeals concluded that, in conjunction with the conviction of a person under 18 years of age for consuming or possessing alcoholic beverages, because the court must revoke the minor's driver's license, minors are entitled to a jury trial and court-appointed counsel in the disposition of the offense.^{1/}

Sections dealing with possession, control, or consumption of alcoholic beverages by persons under 21 years of age:

Bill section 1: AS 04.16.050(a) defines the offense of possession, control, or consumption of alcoholic beverages by persons under 21 years of age. AS 04.16.050(b), amended by this bill section, prescribes the penalty for the offense. Current law treats the offense as a "violation," and instructs the court to levy a fine of "not less than \$100." The amendment proposed by this bill section keeps the offense of possession, control, or consumption of alcoholic beverages by a person under 21 years of age as a violation, but mandates a fine of \$250. Persons under 21 years of age possessing, controlling, or consuming alcoholic

^{1/} Under AS 47.12.030(b)(5), charges against a minor--a person under 18 years of age--involving an offense under AS 04.16.050 are to be tried in the district court and are not handled as matters that are addressed under procedures set out in the provisions of the juvenile delinquency chapter, AS 47.12.

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beverages within two years of being convicted of an earlier offense would be charged with a class B misdemeanor, facing a possible penalty of 90 days in jail (AS 12.55.135(b)) and a maximum fine of \$1000 (AS 12.55.035(b)(4)).

Bill section 2: The bill section adds a new subsection to AS 04.16.050 directing that money collected as fines from the punishment of AS 04.16.050 as a violation be deposited into the state general fund for use by the legislature to make appropriations "for assessment and referral programs that provide substance abuse screening services to and monitor compliance for a minor required to participate in an alcoholism or drug education or rehabilitation program" as a condition of eligibility for reinstatement of the minor's driver's license.

Sections relating to sanctions imposed on a minor's license to drive in the event the minor is charged with and convicted of consumption or possession of alcoholic beverages:

Bill section 3: AS 28.15.183 generally addresses the administrative revocation of a minor's license to drive. Later in the bill, amendments are proposed to change provisions of law relating to court disposition of a matter affecting a minor's license to drive based on the minor's possession, control, or consumption of alcohol. The amendment made in this bill section is intended to underscore that administrative revocations based on incidents that lead to court-ordered revocations of a minor's license to drive under the companion provision, AS 28.15.185, are to run concurrently. Given that later amendments to AS 28.15.185 propose to delete authority for court-ordered license revocations for a minor convicted of possession, control or consumption of alcohol, administrative revocation of the license of a minor based on the minor's possession, control, or consumption of alcohol may be made independently.

Bill section 5: Court-ordered revocations of the license to drive of "[a] person who is at least 13 years of age but not older than 17 years of age"--in other words, of a minor--may be ordered under AS 28.15.185. The principal amendment made in this bill section to AS 28.15.185(a) removes possession or consumption of alcohol under AS 04.16.050 from the purview of the court. In addition, the order of the language in the subsection is revised without intent to change the subsection's meaning, and reference to "adjudication by a juvenile court" is altered to "adjudicated a delinquent minor by a court" to specify the nature of the adjudication and to remove a reference to a court that does not exist.

Bill section 6: The amendments to AS 28.15.185(c) serve a similar purpose. The substantive change removes reference to restoration of a minor's license to drive where restoration is connected to successful completion of an alcohol education or rehabilitation program. Since, in (a), the court is relieved of entering an order revoking the driver's license of a minor for possession or consumption of alcohol, the court is here, in (c), being relieved of the prerogative of providing a minor with a partial license restoration.

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The net effect of the amendments made by bill sections 3, 5, and 6 is to shift revocation of a minor's license to drive based on the minor's alleged possession, control, or consumption of alcohol from the purview of the courts to the administrative revocation process.

Sections relating to the education and rehabilitation treatment programs:

The remaining provisions of the draft CS are drawn directly from SB 71. These provisions, according to Governor Knowles' transmittal letter, "[ensure] that minors whose drivers' licenses have been revoked for alcohol-related offenses are properly screened and monitored for compliance with education and treatment programs before their licenses are reinstated." However, a number of the proposed changes go beyond attention given to minors or to persons under the age of 21.

Bill section 10: This amendment to the duties of the Division of Alcoholism and Drug Abuse in the Department of Health & Social Services would extend the division's responsibilities to add the development and approval of alcohol information courses required to be taken by drivers that are required by the drivers' license issuance and reinstatement chapter, AS 28.15, and also to drivers who want to take courses to reduce points assessed for their violations of traffic laws.

Bill section 11: There is in law a "community action against substance abuse grant fund," AS 47.37.045, managed by the Division of Alcoholism and Drug Abuse. This bill section amends the authorized uses of the grant fund to add youth assessment and referral programs providing substance abuse screening services and monitoring compliance with treatment programs covering alcoholism or drug education or rehabilitation treatment in conjunction with complying with requirements for drivers' license reinstatement.

Bill section 4: Current law requires that, as a condition of restoration of a minor's license to drive based on possession or consumption of alcohol, the minor shall have first completed an alcoholism education or rehabilitation program. The amendment proposed in this bill section further qualifies the alcoholism education or rehabilitation program as one that is "approved under AS 47.37."

Bill section 7: The requirements of AS 28.15.211 prescribe the periods of time during which a driver's license may be suspended or revoked. Current law requires that, for a license revoked by a court for operating a motor vehicle while intoxicated or for refusing to submit to a chemical test of breath in conjunction with an arrest for operating a motor vehicle while intoxicated, an applicant for reinstatement of license must present certain proof concerning involvement or completion of an alcoholism education and rehabilitation treatment program. The amendments proposed in this bill section further qualify the alcoholism education or rehabilitation program as one that is "approved under AS 47.37."

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Bill section 8: The state maintains a point system "[f]or the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws." As an offset to points assessed, a driver may provide "adequate proof of successful completion . . . of a driver improvement course approved by [the Department of Public Safety]." The amendments proposed in this bill section extend that option to cover successful completion of "an alcohol information course approved by the Department of Health and Social Services"--I take this to be a reference to what is being proposed in the last clause of the amended material being added in bill section 10--and appear to limit the driver's claim to one driver improvement course or alcohol information course in order to reduce points under the point system within a one-year period. ^{2/}

Bill section 9: In conjunction with the point system mentioned in the discussion of bill section 8, under current law, at a certain point--accumulating at least six points within a 12-month period, or accumulating at least nine points in a 24-month period--as part of a criminal sentence, a court may compel a driver to successfully complete a driver improvement course, failing which the Department of Public Safety may suspend, revoke, or deny reinstatement of a driver's license. The amendment made to AS 28.15.283 by bill section 9 expands the court's options to add the driver's successful completion of an "alcohol information course approved by the Department of Health and Social Services," again a reference to the approved program is being proposed in the last clause of the amended material being added in bill section 10.

*

Bill section 12: The provisions of SB 58 covering offenses involving possession, control, or consumption of alcoholic beverages by persons under 21 were drafted partially in response to the appellate court decision noted. An "applicability" provision was included to give clear indication as to offenses to be dealt with under the amendments proposed in the original measure. This bill section adapts the "applicability" provision of the original bill to limit its application to the appropriate sections that have been carried forward into this draft committee substitute from the original measure.

JBC:glc:pl

97-184.glc

Enclosure

^{2/} The amendment made to the last sentence of AS 28.15.241(b) in bill section 8 of the draft CS seems to me to introduce a measure of needless ambiguity about whether the licensee may claim one driver improvement course or one alcohol information course to reduce the points outstanding, but may not claim both. To eliminate the ambiguity, the committee could eliminate the words "driver improvement or one alcohol information" that appear as amending language in that sentence, so that the sentence reads, as it does now: "No more than one course may be used to obtain a reduction in points in any 12-month period."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 58

1 Page 1, line 3, following "age":

2 Insert "; and relating to the use of money collected from fines imposed for the
3 offenses of possession, control, or consumption of alcoholic beverages by persons under
4 21 years of age that are punishable as violations"

5 Page 1, line 9:

6 Delete "a class A misdemeanor if the person was previously convicted"

7 Insert "a class B misdemeanor if, during the preceding two years, the person was
8 convicted"

9 Page 1, line 12, through page 2, line 2:

10 Delete all material and insert:

11 "* Sec. 2. AS 04.16.050 is amended by adding a new subsection to read:

12 (c) Money collected from fines imposed under (b)(1) of this section shall be
13 deposited in the general fund and accounted for under AS 37.05.142. The legislature
14 may use the money collected from fines imposed under (b)(1) of this section to make
15 appropriations for assessment and referral programs that provide substance abuse
16 screening services to and monitor compliance for a minor required to participate in
17 an alcoholism or drug education or rehabilitation treatment program under
18 AS 28.15.183(g) or before the minor's driver's license may be reinstated under
19 AS 28.15.211(d)."

Alaska State Legislature

Chairman,
Judiciary Committee

Member,
Resources Committee
Rules Committee
Committee on Committees



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Senator Robin L. Taylor

Sponsor Statement

Senate Bill 58

In 1995, the Legislature passed and the Governor signed Senate Bill 46. This bill moved underage drinking offenses out of the juvenile justice system and into adult court. The new law also changed minor consuming from Class A Misdemeanor status to that of a violation with a fine of not less than \$100.

SB 46 was intended to toughen enforcement of underage drinking laws by getting the offenders and their parents or guardians into adult court. Two problems have arisen since that passage of SB 46 which require that this issue be revisited.

Parents in several communities have complained that the young offenders are laughing at the new law. The \$100 fine seems to have little impact on young people who receive \$1000+ in the form of Permanent Fund Dividend payments each year.

And, District Court Judge Patricia Collins has ruled that minors charged under the MCA statute are entitled to a jury trial and a public defender, if they qualify, because their drivers' licenses are subject to revocation upon conviction. The Court of Appeals upheld that ruling on December 6, 1996.

Senate Bill 58 seeks to restore legislative intent to the process. It would make minor consuming a violation, subject to a fine of \$250, on the first offense. The offense would revert to Class A Misdemeanor status for the second and subsequent offenses.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Sponsor Statement - SB 58
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Senate Bill 58 would also divorce minor consuming from penalties against drivers' licenses, at least as far as the courts are concerned. Minors who consume alcohol would still lose their licenses through administrative action under the "Use It and Lose It" law, but it would no longer be a court action.

In Baker v. Fairbanks, the State Supreme Court held that a "criminal" prosecution included any offense which carries a direct penalty which may result in the loss of a valuable license. Persons prosecuted for "criminal" offenses are entitled to a jury trial and court-appointed counsel.

By passing SB 58 the Legislature would effectively restore the intent of the 1995 law by eliminating the court-ordered loss of a drivers' license as a penalty for underage drinking.

The \$250 fine imposed by SB 58 would also strengthen the message that underage drinking is against the law, while falling below the threshold of fines which establish a "criminal" prosecution.

After further consideration and contacts with interested parties, including the Department of Law and the Advisory Board on Alcoholism and Drug Abuse, I am recommending an amendment to SB 58.

Sponsor Statement - SB 58
Page Three

This amendment would reduce the second and subsequent offenses to class E misdemeanor status if they occur within two years of the first offense. That two year window will give ample opportunity to target problem drinkers. It should also serve to reduce the fiscal impact projected by the Public Defender Agency.

The second provision of the amendment would incorporate the "junior" Alcohol Safety Action Program suggested in Senate Bill 71. It would allow the legislature to appropriate the \$250 fines imposed by SB 58 to pay for this screening and referral program.

Adult offenders already pay for the ASAP program and should not be subject to increased drivers license reinstatement fees. Letting the kids pay for their own "junior" ASAP program through the \$250 fine will add some accountability to this effort to address minor consuming.

5346 1995

NOTICE: This opinion is subject to formal correction before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

STATE OF ALASKA,)	
)	Court of Appeals No. A-6022
Petitioner,)	Trial Court Nos. 1KE-95-6437 Cr
)	and others
v.)	
)	<u>OPINION</u>
DISTRICT COURT,)	
)	
Respondent.)	[No. 1504 - December 6, 1996]

Original Application for Relief from the District Court in various locations within the First and Third Judicial Districts; Patricia A. Collins, Judge, and Deborah Burlinski, Lynn Christensen, Anna Moran, and Ethan Windahl, Magistrates.

Appearances: Kenneth M. Rosenstein, Assistant Attorney General, Office of Special Prosecutions and Appeals, Anchorage, and Bruce M. Botelho, Attorney General, Juneau, for Petitioner. Nancy Shaw, Anchorage, for Respondent.

Before: Bryner, Chief Judge, and Coats and Mannheim, Judges.

MANNHEIMER, Judge.

With a few exceptions not relevant here, Alaska law forbids people under the age of 21 from drinking or possessing alcoholic beverages. AS 4.16.050(a). If a person between the ages

The other trial court file numbers are: 3KO-95-587 Cr, 3KO-95-588 Cr, 3KO-95-589 Cr., USO 4590, R 836-956, R 836-957, and

of 13 and 17 is convicted of this offense, the sentencing court ~~must~~ revoke their driver's license (or revoke their privilege to obtain a license, if they do not yet have one). AS 28.15.185(a)-(b). The question presented in this appeal is whether, because the offense carries this penalty, minors charged with under-age drinking or possession of alcohol are entitled to a jury trial and to court-appointed counsel if they are indigent. Based on our supreme court's decision in Baker v. Fairbanks, 471 P.2d 386 (Alaska 1970), we hold that minors charged with this offense are entitled to a jury trial and to court-appointed counsel.

In Baker, the supreme court defined the categories of cases that qualify as "criminal prosecutions" for purposes of applying the right to jury trial under Article I, Section 11 of the Alaska Constitution.¹ The court stated, in pertinent part:

In extending the right to jury trial, we define the category of "criminal" prosecutions as including any offense [which carries] a direct penalty [of] incarceration in a jail or penal institution. [This category] also includes offenses which may result in the loss of a valuable license, such as a driver's license or a license to pursue a common calling, occupation, or business.

Baker, 471 P.2d at 402. Thus, Baker apparently requires a jury trial in any criminal case in which the defendant could lose their driver's license.

¹ Article I, Section 11 provides: "In all criminal prosecutions, the accused shall have the right to ... trial ... by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record." (That is, in the district court.)

The State argues that Baker should not be interpreted literally. The State points out that the supreme court has repeatedly held that there is no right to a jury trial in administrative hearings which might result in loss of a valuable license. See Alaska Board of Fish and Game v. Loesche, 537 P.2d 1122, 1125 (Alaska 1975) (loss of license to guide hunts); In re Cornelius, 520 P.2d 76, 83 (Alaska 1974) (loss of license to practice law). However, Loesche and Cornelius dealt with administrative proceedings conducted by regulatory bodies. The task of those regulatory bodies is to oversee and police a particular business or occupation, not to enforce the criminal law. Even when a regulatory agency takes administrative action based on a licensee's commission of a crime, this is not a "prosecution". The licensee can still be criminally prosecuted in the courts for the same conduct. State v. Zerkel, 900 P.2d 744 (Alaska App. 1995).

We note that the Alaska statutes require the Department of Public Safety to take administrative action against the driver's license of a minor found drinking or possessing liquor. See AS 28.15.183-184. These provisions are, on their face, remedial measures. However, in the present appeal we are dealing with a different statute, AS 28.15.185. This statute is clearly a punitive measure: it specifies a particular punishment that a sentencing court must impose when, in court proceedings, a person is found guilty of a particular criminal offense.

The State argues that it makes essentially no difference whether a person's driver's license is taken by a sentencing court or by an administrative agency. According to the State, the

rationale for imposing this sanction is the same: the minor has demonstrated unfitness to drive. Thus, the State contends, the act of revoking the minor's driver's license is "remedial", not "punitive", regardless of whether the revocation is imposed by a sentencing court or by the Department of Public Safety.

We reject the State's argument because the supreme court's holding in Baker is explicitly based on the distinction between loss of a driver's license in an administrative proceeding and loss of a license as part of a criminal sentence. The court expressly stated that the right to a jury trial would apply only to criminal prosecutions, not to administrative proceedings, even though both might result in the loss of a driver's license. The court distinguished administrative proceedings from criminal prosecutions because an agency's action against a license is based on "criteria other than criminality", on "considerations [apart from] guilt or innocence of crime". Baker, 471 P.2d at 402 n.28.

In the present appeal, we deal with a statute that comes into play only when, and solely because, a person has been found guilty of violating a criminal statute. Baker holds that a person facing the loss of a valuable license under such a statute is entitled to a jury trial.

We therefore AFFIRM the decisions of the district court extending the right of jury trial to minors accused of under-age drinking or possession of alcohol. And, based on the same analysis, we AFFIRM the decisions of the district court requiring court-appointed counsel for indigents accused of this crime. See Alexander v. Anchorage, 490 P.2d 910, 913 (Alaska 1971) (holding

that the right to counsel extends to all "criminal prosecutions" as defined in Baker).

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 58

Revision Date: _____ Dept. Affected: Department of Law
 Title: "... relating to the privilege to drive of BRU: Criminal Division
minors ... penalties for the consumption ... of alcoholic beverag Component: Criminal Division
 Sponsor: Senator Taylor
 Requester: Senate HESS Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	107.5	107.5	107.5	107.5	107.5	107.5
TRAVEL	1.4	1.4	1.4	1.4	1.4	1.4
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES	2.1	2.1	2.1	2.1	2.1	2.1
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	133.5	127.0	127.0	127.0	127.0	127.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	133.5	127.0	127.0	127.0	127.0	127.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	133.5	127.0	127.0	127.0	127.0	127.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

SB 58 provides that a minor convicted for the first time of minor consuming alcohol in violation of AS 04.16.050 must pay a fine of \$250. SB 58 also provides that it is a class A misdemeanor for the second and subsequent offenses of minor consuming alcohol in violation of AS 04.16.050. The bill repeals the provision for court revocation of a driver's license upon conviction of minor consuming alcoholic beverages under state or municipal law. Administrative revocation would remain unaffected.

Making it a class A misdemeanor for the second and subsequent offenses of minor consuming alcoholic beverages gives rise to the right to a jury trial and court appointed counsel. Information contained in the fiscal note to the bill which decriminalized minor consuming, indicates that in FY 94 there were 3,500 minors who lost their operator's license as a result of minor consuming of alcohol. We estimate that about 1,200 or one-third of those cases of minor consuming will be filed for second or subsequent offenses. We further estimate that about 5 percent of that number of cases will be tried. The resulting 60 jury trials will require one new Attorney III position, to be placed in the Anchorage District Attorney's

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 3/4/97
 Approved by Commissioner: Bruce M. Rotelho, Attorney General Date: 3/4/97
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 58

ANALYSIS CONTINUATION:

Office.

Using the department's standard attorney cost, the fiscal impact from this legislation would be \$127,000. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added for this purpose in FY 98. Please note that although no clerical support position is being added, proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 58

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to the privilege to drive of minors and to the penalty for the consumption or possession of alcoholic beverages by persons under 21 years of age."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Sen Taylor

Requestor: (S)HESS

COMPONENT SERIAL NO. 1631

EXPENDITURES / REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	201.2	201.2	201.2	201.2	201.2	201.2
TRAVEL	8.1	8.1	8.1	8.1	8.1	8.1
CONTRACTUAL	35.1	35.1	35.1	35.1	35.1	35.1
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	0.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	248.0.0	249.5	249.5	249.5	249.5	249.5

CAPITAL EXPENDITURES	15.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	263.0	249.5	249.5	249.5	249.5	249.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	263.0	249.5	249.5	249.5	249.5	249.5

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME	3.0	3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill would make a second or subsequent minor consuming alcohol a Class A Misdemeanor. This would result in an increased caseload for the Public Defender Agency. Currently, minor consuming alcohol is a violation, and the minor does not have a right to a public defender. (However, it should be noted that the Alaska Court of Appeals in State v. District Court, Opinion No. 1504 (December 6, 1996), decided that the drivers license revocation penalties for minor consuming made the offense "criminal," and the defendant had a right to court-appointed counsel.) Assuming 1200 new misdemeanor cases per year, 3 additional attorneys would be required as well as necessary travel, contractual, supplies, and equipment.

Prepared by: Barbara K Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Mark Boyer
Date: 3/5/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 58

Revision Date: _____ Dept. Affected: Public Safety
 Title: Minor Consuming BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Sen. Taylor
 Requestor: S. HESS COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill may cause some increase in the number of minor consuming cases that go to trial and may cause some additional paperwork to be required in some cases, however, it is not expected to a significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 03/05/97
 Approved by Commissioner: Ronald L. Otte *Doel Smith* Date: 3/5/97
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 58

Revision Date: _____ Dept. Affected: Public Safety
 Title: Minor Consuming BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Sen. Taylor
 Requestor: S. HESS COMPONENT SERIAL NO. 0500

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

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill is not expected to have any fiscal impact on DMV.

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 3/5/96
 Approved by Commissioner: Ronald L. Otte Date: 3/5/97
 Agency: Department of Public Safety

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Revision Date: 02/03/97
 Title: Relating to the privilege to drive of minors
and penalties for consuming alcohol
 Sponsor: Sen. Taylor
 Requestor: (S) HESS

Dept. Affected: Health and Social Services
 BRU: Alcohol and Drug Abuse Services
 Component: ASAP
 COMPONENT SERIAL NO. 305
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal cost to this bill.

Prepared by: Loren Jones
 Division: Alcoholism and Drug Abuse

Phone: 465-2071
 Date: 02/03/97

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

Date: 2/3/97

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1997 LEGISLATIVE SESSION

Revision Date: March 26, 1997

Dept. Affected: Public Safety

Title: Minor Consuming Alcohol: Penalty

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Senator Taylor

Requestor: S. HESS

COMPONENT SERIAL NO. 0523

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 3/26/97

Approved by Commissioner: *Ronald L. Otte*

Date: 3/26/97

Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS SC 58 (HES)

Revision Date: 03/17/97
 Title: Relating to issuance, suspension, limitation
revocation, and reinstatement of driver's license...
 Sponsor: Sen. Taylor
 Requestor: Senate HES

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

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	92.0	95.0	98.0	101.0	104.0	107.0
TRAVEL	4.0	4.0	4.0	4.0	4.0	4.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	100.0	103.0	106.0	109.0	112.0	115.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	100.0	103.0	106.0	109.0	112.0	115.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	100.0	103.0	106.0	109.0	112.0	115.0

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

See attached.

3/15/97

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

Approved by Commissioner: *Katherine Perdue*
 Agency: Department of Health & Social Services

Phone: 465-2071
 Date: 03/17/97

Date: 3/15/97

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ANALYSIS (cont.):

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The current curriculum being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last two calendar years.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself is not stopping repeat offenses. An age appropriate AIS will have an impact but we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

The Division of Alcoholism and Drug Abuse would establish a set of policy guidelines and outcomes for communities to use in developing a local approach to establishing the appropriate entry program for these minors. This would include policies on defining appropriate assessment, referral, defining compliance and completion of appropriate services, and evaluation standards for the program. Thus those who need only AIS would be sent in the correct direction and those who need additional services would also get those.

These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

The Division would require two new positions consisting of 1 probation officer and 1 clerical staff for program & policy development, quality assurance of the AIS classes and staff support. This staff would write the P&P, Regulations and monitor compliance of the AIS providers and the local agencies providing the services.

The Division would propose using the \$400,000 to fund local programs via a competitive process under AS 47.30.470 - AS 47.30.500, which is our grant-in-aid process. In the competitive process we would seek to reach three main objectives: award funds to communities that have a collaborative plan to address the specific needs in their community; assure that the agency receiving the grant will be able to achieve the stated goals; and assure that the funds went to communities with the greatest need.

Data from the Division of Motor Vehicles (CY 1995 and CY 96) show the large majority of minors losing their driver's license occurred in Anchorage, Fairbanks, Juneau, Soldotna, Ketchikan, Sitka and Mat-Su (Palmer and Wasilla). These would be areas in which we would target funding if the other two goals are met.

All Requests for Proposals for substance abuse services should require proposers to specifically discuss prevention strategies either available in the program or in the community. These strategies need to reflect a community-based, risk reduction model and incorporate "best practice" models as supported by the research.

ANALYSIS (cont.):

There needs to be a targeted prevention effort in rural areas of Alaska dealing with inhalant abuse. This would help us get a prevention message out about alcohol and drugs as inhalants tend to be used by youth at an age prior to first use of alcohol or drugs.

The revenue generated from the increase in the mandatory fines would provide the increase in funds to pay for this new service. In discussions with the Alaska Court System and the Department of Public Safety and Division of Motor Vehicles it is estimated that 2,000 youth would actually be convicted of minor consuming or minor in possession. This would generate the revenue needed to put in place programs that would reduce the number of offenders.

The data on the attached charts are taken from the the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS SB 58 (HES)

Revision Date: 03/17/97
 Title: Relating to issuance, suspension, limitation
 revocation, and reinstatement of driver's license...
 Sponsor: Sen. Taylor
 Requestor: Senate HES

Dept. Affected: Health and Social Services
 BRU: Alcohol and Drug Abuse Services
 Component: CAASA
 COMPONENT SERIAL NO. _____
 See also (SN#): #1413

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	400.0	400.0	400.0	400.0	400.0	400.0
MISCELLANEOUS						
TOTAL OPERATING	400.0	400.0	400.0	400.0	400.0	400.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	400.0	400.0	400.0	400.0	400.0	400.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	400.0	400.0	400.0	400.0	400.0	400.0



POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

See attached


 Prepared by: Loren A. Jones
 Division: Alcohol and Drug Abuse

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

Phone: 465-2071
 Date: 03/17/97
 Date: 3/18/97

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ANALYSIS (cont.):

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The current curriculum being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last two calendar years.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself is not stopping repeat offenses. An age appropriate AIS will have an impact but we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

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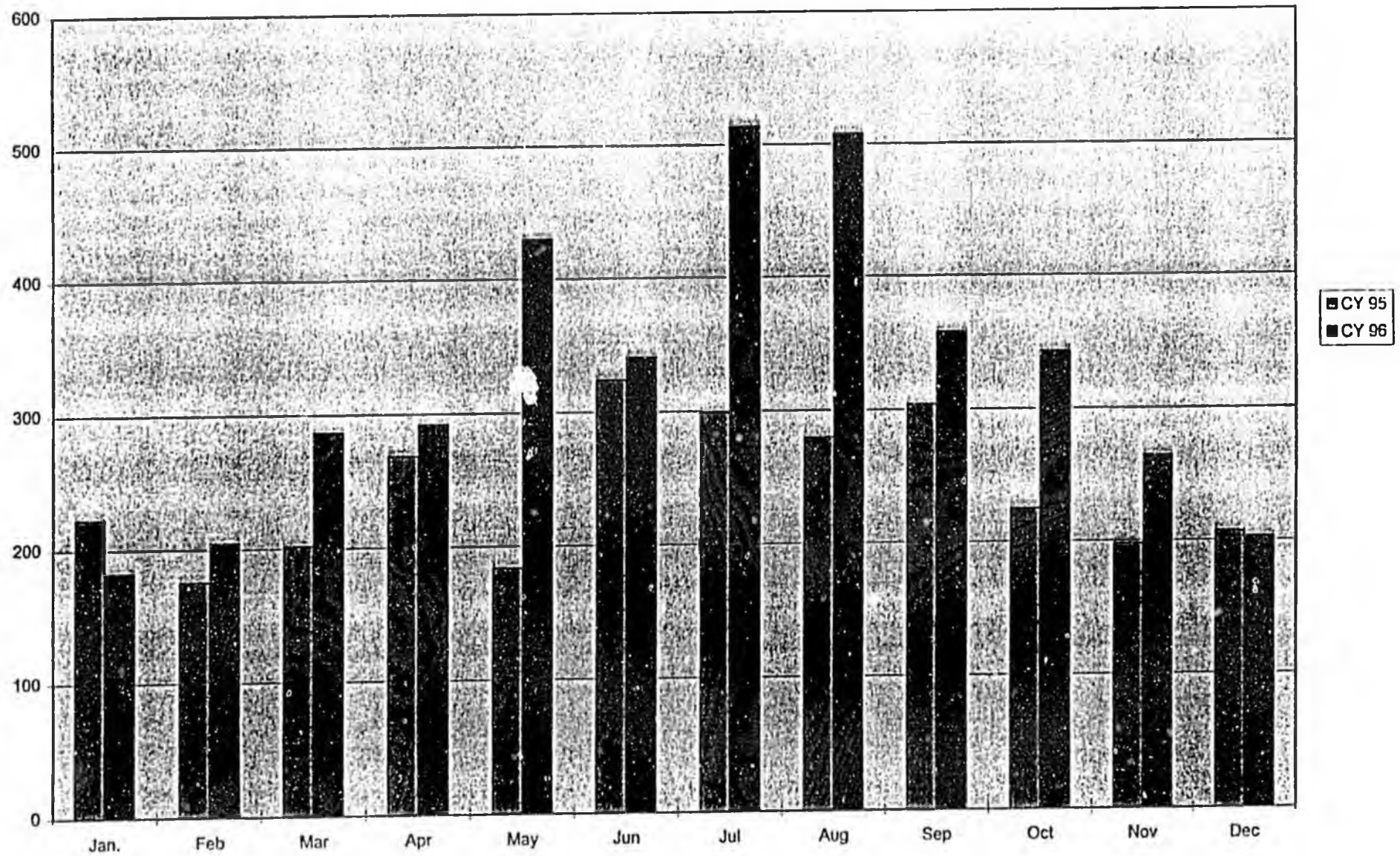
ANALYSIS (cont.):

There needs to be a targeted prevention effort in rural areas of Alaska dealing with inhalant abuse. This would help us get a prevention message out about alcohol and drugs as inhalants tend to be used by youth at an age prior to first use of alcohol or drugs.

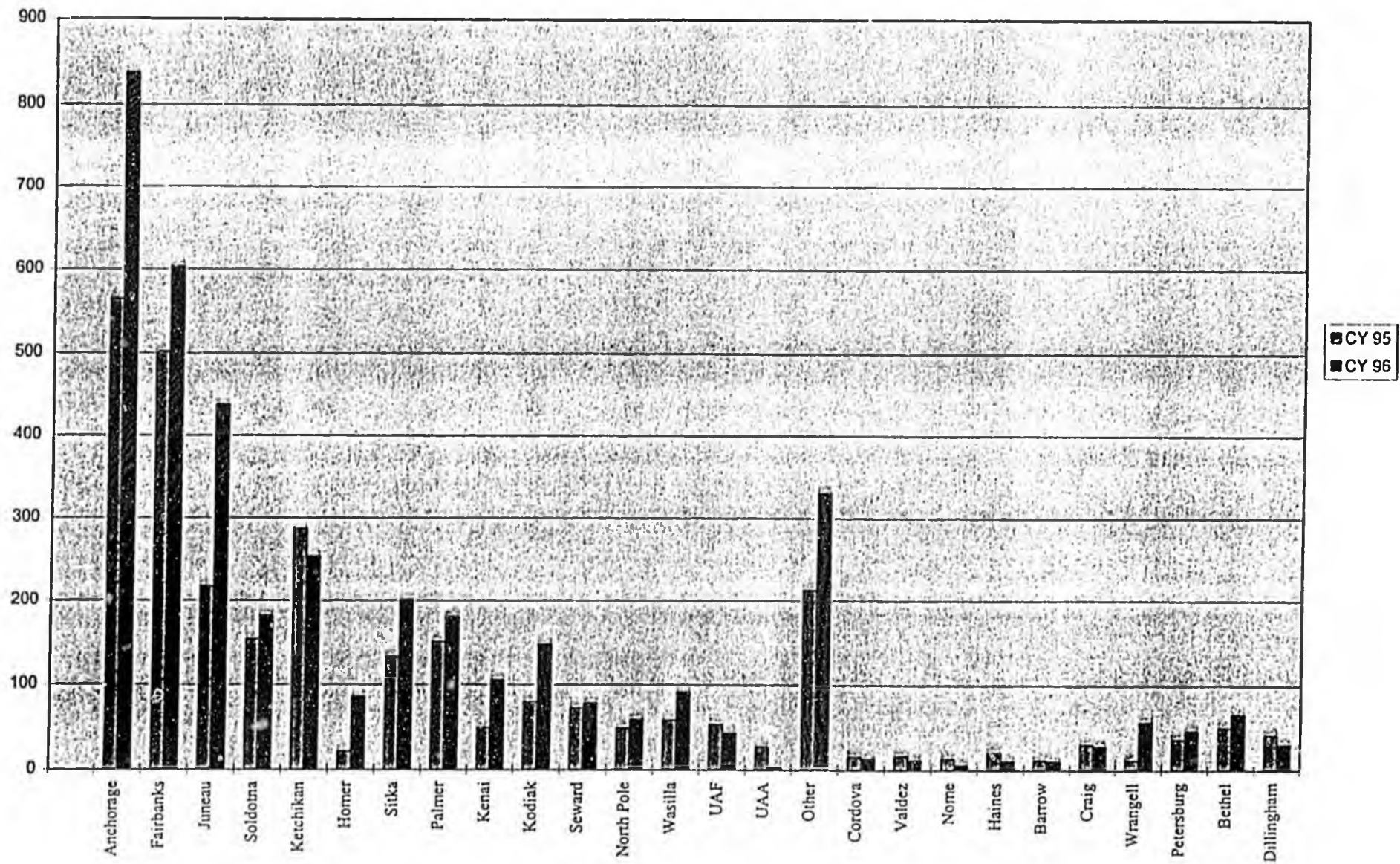
The revenue generated from the increase in the mandatory fines would provide the increase in funds to pay for this new service. In discussions with the Alaska Court System and the Department of Public Safety and Division of Motor Vehicles it is estimated that 2,000 youth would actually be convicted of minor consuming or minor in possession. This would generate the revenue needed to put in place programs that would reduce the number of offenders.

The data on the attached charts are taken from the the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

Number Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Month for CY 1995 and CY 1996



Number of Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Community for CY 1995 and CY 1996



Comparison of the Number of Repeat Offenses In CY 95 and CY 96

