

HB

367

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION
March 9, 2000

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL
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JUNEAU, ALASKA 99811-0300
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OFFICE OF SPECIAL PROSECUTIONS
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310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501-2064
PHONE: (907) 269-6250
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The Hon. Pete Kott
Chair, House Judiciary Committee
Alaska State Legislature
State Capitol, Room 118
Juneau, Alaska 99801

Re: HB 367 (Revocation of Driving Privileges)

Dear Representative Kott:

House Bill 367, introduced February 11, 2000, was passed by the House State Affairs Committee and has been referred to your committee. I am writing to request that the bill be scheduled for a hearing at your earliest convenience.

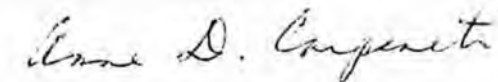
HB 367 provides that a court shall revoke the driving privileges of a driver who violates the traffic laws, and the violation contributes to an accident that results in a death. Drivers who violate traffic laws may not have committed a crime, but if their poor driving causes the death of another person, their driving privileges should be revoked. The bill provides for a one-year revocation under these circumstances. This period would be concurrent with any other revocation that might apply, and the court may grant a limited license if the court finds the limited license will not endanger the public.

If you have any questions about the bill or require further information, please feel free to call me at any time.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



Anne D. Carpeneti
Assistant Attorney General

HB367

TONY KNOWLES
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 10, 2000

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

Dear Speaker Porter:

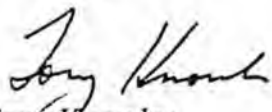
Many Alaskans are killed annually by drivers who are operating their vehicles in an unsafe way, but are not specifically violating any criminal laws. In 1998, approximately 20 deaths on our state highways may have fallen into this category. The extent of any punishment in these cases is merely a fine for a traffic violation of up to \$300.

Regardless of whether their conduct is criminal, drivers whose traffic violations contribute to an accident causing the death of another person pose a risk to people on the highways and cause much suffering to family and friends of their victims. This bill I transmit today addresses this unfortunate situation by requiring, under certain circumstances, revocation of driving privileges of a driver involved in a fatal traffic accident.

This bill requires the court to revoke driving privileges in cases where a person violated traffic laws and the violation contributed to an accident that resulted in a death. The license revocation would be for one year and applies to drivers of all vehicles, including those for commercial use. The court would be allowed to grant limited license privileges if it determines driving is critical to the person's livelihood and will not pose a danger to the public.

When people drive in an unsafe way and cause the death of another, their privilege to drive should be taken to protect other drivers and pedestrians on the roadways.

Sincerely,


Tony Knowles
Governor

FISCAL NOTE

No: 3

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Version: HB 367
(H) Publish Date: 2/11/00

Revision Date: February 8, 2000
Title: Providing for the revocation of driving privileges by a court
For a driver convicted of a violation of traffic laws...
Sponsor: Rules Committee
Requestor: Governor

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2 003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ()	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 00) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
This bill is likely to have some fiscal impact on the Public Defender Agency. We generally do not represent people in traffic cases. (In Alaska, a person only has the right to a court-appointed attorney if he or she is charged with a serious offense.) However, because this bill calls for a court revocation rather than an administrative revocation by the Division of Motor Vehicles, we may end up being involved. The Alaska Supreme Court has said that the potential for loss of a "valuable license" may make the offense serious enough to require a jury trial and a court-appointed attorney, if necessary.

The Public Defender Agency is submitting an indeterminate fiscal note because we may be required to represent defendants in jury trials if this bill becomes law.

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

Phone: (907) 264-4414
Date: February 8, 2000

Approved by Commissioner: Robert Poe, Jr.
Agency: Department of Administration

Date: February 8, 2000

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FISCAL NOTE

Bill Version: HB 367

(H) Publish Date: 2/11/00

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	Dept. Affected	Law
Title " ... revocation of driving privileges by a court for a driver convicted of a violation ... with a fatal ... accident."	BRU	Criminal Division
Sponsor Rules Committee	Component	1st-4th Judicial Districts; Criminal Appeals/Special Litigation
Requester Governor	Component No.	2198-99;2201/03/61/79

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would require the revocation of driving privileges of a person who drives a vehicle, including a commercial vehicle, that is involved in a fatal traffic accident if the person is convicted of a violation of traffic laws in connection with the accident, and the violation of the traffic laws contributed to the accident that resulted in the death of another person.

Because conviction of the traffic offense may result in loss of a valuable license, the person has a right to a jury trial. However, a jury trial on traffic matters is a relatively short time commitment. The Department of Law estimates no more than a dozen of these trials will occur statewide per year, and does not anticipate a measurable fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson
 Division: Attorney General's Office
 Approved by Commissioner: Bruce M. Sotello, Attorney General
 Agency: Department of Law

Phone: 465-5370
 Date/Time: 2/8/00, 3:18 PM
 Date: 2/8/00

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FISCAL NOTE

Bill Version: HB 367

(H) Publish Date: 2/11/00

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

Revision Date _____ Dept. Affected Public Safety
 Title An Act for the administrative revocation of driving BRU AST- Detachments
privileges ... in connection with a fatal vehicle accident. Component AST- Detachments
 Sponsor Rules Committee
 Requester Governor Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will not adversely impact the budget.

Prepared by: Royce Weller, Special Assistant Phone 465-4322
 Division _____ Date/Time 12/22/99 12:00:00 A
 Approved by Commissioner Ronald L. Otte Date 12/22/99
 Agency Department of Public Safety

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