

**HB**

**385**

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# Alaska Association of Chiefs of Police



February 28, 2000

Representative Andrew Halcro  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Dear Representative Halcro:

On behalf of the Alaska Association of Chiefs of Police, I am writing in support of HB 385, an Act relating to search warrants.

For many years, law enforcement officers have been able to obtain search warrants for property used in the commission of violations. The recent ruling by a magistrate which prohibits the use of a warrant in cases that are not clearly distinguished as "crimes" will seriously hamper the enforcement of many laws currently classified as violations. These include minors consuming alcohol, certain fish and game violations, and others which often require investigation beyond a mere citation or summons.

Search warrants are an effective and necessary tool critical to the job that police officers are mandated to accomplish. I encourage your support of this important legislation.

Sincerely,

A handwritten signature in cursive script that reads "Duane S. Udland".

Duane S. Udland  
President

**TESTIMONY PRESENTED TO THE HOUSE JUDICIARY COMMITTEE  
MONDAY, FEBRUARY 28, 2000**

**HB 385 – A BILL TO ALLOW SEARCH WARRANTS TO APPLY TO ANY  
VIOLATION OF THE LAW.**

**PRESENTED BY PAULETTE SIMPSON  
402 ALASKA BELLE COURT, DOUGLAS, ALASKA.**

**Thank you for the opportunity to testify today. I speak in support of  
HB 385 to allow search warrants to apply to any violation of the law.**

To me, this is a simple public safety issue - not a problem of constitutional law. And as the mother of three - ages 21, 19 and 16 - I am acutely aware of situations that make this legislation necessary. Young people are remarkably adept at identifying which of their peers have parents who leave their homes unsupervised. If kids know that there is no legal way the police can enter a house where minors are drinking, they are more likely to organize the party in the first place. This will lead to a greater number of underage drinking parties, more kids participating in them, and a greater likelihood of young people with impaired judgment getting into their cars and attempting to drive home...at great risk to themselves and others.

If the police have probable cause to believe that minors are drinking, they should be allowed to obtain a warrant and enter the premises. This bill discourages underage drinking and drug use and thus has the potential to save lives and it does so without whittling away at anyone's constitutional rights. Please support this legislation. Thank you.

**Rule 4. Warrant or Summons Upon Complaint.****(a) Issuance.**

(1) *Probable Cause.* A warrant or summons shall be issued by a judge or magistrate only if it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed and that the defendant has committed it.

(2) *Summons.* A summons shall be issued in all cases unless the judge or magistrate has reason to believe that the defendant will not appear in response to a summons or that the defendant poses a danger to other persons and the community.

No warrant shall issue where bail has previously been established in that case except upon a showing that conditions of release have been violated, that a warrant is necessary to assure the presence of the defendant in court, or that the defendant poses a danger to other persons and the community. In any case in which it is lawful for an officer to arrest a person without a warrant, the officer may give the person a summons instead of arresting the person.

(3) *Failure of Defendant to Appear After Summons.* If a defendant who has been duly summoned fails to appear or if there is reasonable cause to believe that the defendant will fail to appear, a warrant of arrest shall issue; provided that in the case of a defendant charged with a minor offense as defined in Rule 8, District Court Rules of Criminal Procedure, additional summons may issue in lieu of a warrant of arrest. If a defendant corporation fails to appear after having been duly summoned, a plea of not guilty shall be entered by the court if the court is empowered to try the offense for which the summons was issued and the court may proceed to trial and judgment without further process. If the court is not so empowered it shall proceed as though the defendant has appeared.

(4) *Additional Warrants or Summonses.* More than one warrant or summons may issue on the same complaint.

**(b) Form and Contents.**

(1) *Warrant.* The warrant shall be signed by the judge or magistrate, or by a clerk directed to do so on the record. The warrant shall contain the name of the defendant or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty, and shall describe the offense charged in the complaint. The warrant shall be directed to any peace officer or other person authorized by law to execute the warrant and shall command that the defendant be arrested and brought before the nearest available judge or magistrate without unnecessary delay. The

judge or magistrate shall endorse the amount of bail upon the warrant.

(2) *Summons.* The summons shall be signed by the judge or magistrate or by a clerk directed to do so on the record. The summons shall be in the same form as the warrant, except that it shall summon the defendant to appear before a judge or magistrate at the time and place stated therein, and shall inform the defendant that if the defendant fails to appear a warrant will issue for the defendant's arrest.

**(c) Execution or Service and Return.**

(1) *By Whom.* The warrant shall be executed by any peace officer or other officer authorized by law. The summons may be served by any peace officer or by any other person authorized to serve a summons in a civil action.

(2) *Territorial Limits.* The warrant may be executed or the summons may be served at any place within the jurisdiction of the State of Alaska.

(3) *Manner.* The warrant shall be executed by the arrest of the defendant. The officer need not possess the warrant at the time of the arrest, but upon request shall show the warrant to the defendant as soon as possible. If the officer does not possess the warrant at the time of the arrest, the officer shall then inform the defendant of the offense charged and of the fact that a warrant has been issued. The summons shall be served upon the defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or in any other manner provided for service of process in civil actions.

(4) *Return.* The officer executing the warrant shall make return thereof to the judge or magistrate before whom the defendant is brought pursuant to Rule 5. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the judge or magistrate by whom it was issued and shall be canceled by the judge or magistrate. On or before the return day, the person who served the summons shall make return thereof to the judge or magistrate before whom the summons is returnable. At any time while the complaint is pending and upon the request of the prosecuting attorney, any unexecuted and uncanceled warrant or unserved original or duplicate summons shall be re-executed or re-served.

(Adopted by SCO 4 October 4, 1959; amended by SCO 98 effective September 16, 1968; by SCO 127 effective April 29, 1971; by SCO 157 effective February 15, 1973; by SCO 224 effective December 15, 1975; by SCO 517 effective October 1, 1982; by SCO 650 effective July 1, 1985; by SCO 904 effective January 15, 1989; by SCO 1100 effective January 15, 1993; and by SCO 1153 effective July 15, 1994)

(iii) shall command the officer to search the person or place named for the property specified within a reasonable period not to exceed 10 days of the issuance of the warrant, and

(iv) shall direct that it be served between 7:00 a.m. and 10:00 p.m., unless the issuing authority by appropriate provision in the warrant, and for reasonable cause shown, authorizes its execution at other than this time, and

(v) shall designate the judge or the magistrate to whom it shall be returned.

(b) **Execution and Return with Inventory.** The warrant shall be executed and returned within 10 days after its date. However, upon sworn application made before the expiration of the initial 10 day period or any subsequent extension, the court may for good cause extend the execution period for a reasonable time not to exceed 10 days. The officer taking property under the warrant

(1) shall give to the person from whom or from whose premises the property was taken a copy of the warrant, a copy of the supporting affidavits, and receipt for the property taken, or

(2) shall leave the copies and the receipt at the place from which the property was taken.

The return shall be made promptly and shall be accompanied by a written inventory of any property taken as a result of the search pursuant to or in conjunction with the warrant. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be signed by the officer under the penalty of perjury pursuant to AS 09.63.020 or sworn to in front of a magistrate or judge, or a notary public. The magistrate or judge or the court to which the return is made shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(c) **Motion for Return of Property and to Suppress Evidence.** A person aggrieved by an unlawful search and seizure may move the court in the judicial district in which the property was seized or the court in which the property may be used for the return of the property and to suppress for use as evidence anything so obtained on the ground that the property was illegally seized.

(d) **In Camera Hearing.** A person who challenges the validity of a search and seizure predicated on information gained from an informant used either in

(1) support of an application for a warrant, or

#### PART VIII. SPECIAL PROCEEDINGS

#### Rule 37. Search and Seizure.

##### (a) Search Warrant Issuance and Contents.

(1) A search warrant authorized by law shall issue only on

(i) (aa) affidavit sworn to before a judge or magistrate or any person authorized to take oaths under the law of the state, or

(bb) sworn testimony taken on the record, and

(ii) establishing the grounds for issuing the warrant.

(2) If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the judge or magistrate shall issue a warrant

(i) identifying the property, and

(ii) naming or describing the person or place to be searched.

(3) The warrant

(i) shall be directed to a peace officer of the state authorized to enforce or assist in enforcing any law thereof, and

(ii) shall state the ground or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof, and

(2) as the basis of a search without warrant may move the court for disclosure of the identity of the informant pursuant to Rule 16. In the event the court determines that disclosure of the identity of the informant is not required under Rule 16, the court shall conduct an in camera recorded hearing in which it shall investigate and take evidence so as to determine whether or not a search based on the informant's information was justified. Following the in camera hearing, the court shall grant or deny the motion to suppress on the record, and shall make written findings concerning the validity of the search based on the informer's information. The written findings, together with the record of the hearing, shall be sealed, and if the validity of the search is upheld the sealed testimony and findings shall, on appeal of a conviction in which evidence of the search was admitted, be transmitted to the court of appeals and the supreme court for automatic review of the motion to suppress.

(e) **Confidentiality of Warrant Information.**

(1) The record of proceedings under this rule and all documents related to these proceedings, including search warrants, affidavits, receipts and inventories, are confidential and must be kept sealed before a criminal proceeding is formally initiated. However, the court may order release of these documents for good cause shown.

(2) After charges are filed, the record of proceedings under this rule and all related documents are open to public inspection unless the court, for good cause shown, orders a further period in which the documents will be kept under seal.

(3) The initial charging document in all prosecutions must be accompanied by a listing of the numbers of all warrants issued in relation to the case unless the court waives this requirements for good cause shown.

(Adopted by SCO 4 October 4, 1959; amended by SCO 49 effective January 1, 1963; by Chapter 17 SLA 1969 effective June 25, 1969; by SCO 157 effective February 15, 1973; by SCO 505 effective April 16, 1982; and by SCO 645 effective September 15, 1985; by SCO 784 effective March 15, 1987; and by SCO 882 effective July 15, 1988; by SCO 968 effective July 15, 1989; by SCO 1149 effective July 15, 1994; and by SCO 1153 effective July 15, 1994)

**Cross References**

(a) **CROSS REFERENCES:** AS 12.35.010; AS 12.35.020; AS 12.35.030

(b) **CROSS REFERENCES:** AS 12.35.050; AS 12.35.080; AS 12.35.090; AS 12.35.100; AS 12.35.110

**EDITOR'S NOTE:** Section 43, Chapter 143, Session Laws of Alaska 1982, provides that "AS 12.35.015, added by sec. 18 of this Act [Chapter 143, Session Laws of Alaska 1982], has the effect of changing Rule 37, Rules of Criminal Procedure,

by allowing search warrants to be issued upon sworn oral testimony communicated by telephone or other appropriate means."

**Annotations**

**Cases**

Where defendant failed to move for return of property under Criminal Rule 37(c), the admission of such property taken from defendant was not error. *Goss v. State*, Op. No. 76, 368 P2d 884 (Alaska 1962).

Right to attack search of suitcase and seizure of gun as illegal was waived by pleading guilty to a charge of illegal possession of firearm. *Rivett v. State*, Op. No. 249, 395 P2d 264 (Alaska 1964).

Denial of motion to suppress evidence sustained where probable cause existed for arresting appellant without warrant and evidence was taken from him as an incident to such arrest. *Maze v. State*, Op. No. 400, 425 P2d 235 (Alaska 1967); *Merrill v. State*, Op. No. 392, 423 P2d 686 (Alaska 1967).

Where in the investigation of a rape case the accused, his father and an accused accomplice were voluntarily present in the police station, and the police officer learned through a statement of the accomplice that a note written by victim was in the accused's possession, constitutional provisions proscribing unreasonable searches and seizures did not prohibit seizure of the note to prevent its destruction or removal and motion to suppress the note as illegally obtained evidence was properly denied. *Woltz, et al. v. State*, Op. No. 433, 431 P2d 502 (Alaska 1967).

Since order of trial court suppressing evidence obtained by search would likely result in terminating the prosecution and involved a controlling question of law, review was appropriate. *State v. Stump*, Op. No. 1250, 547 P2d 305 (Alaska 1976).

Search warrant need not set out contents of the affidavit on which it is issued. *Kirstlich v. State*, Op. No. 1264, 550 P2d 796 (Alaska 1976).

Valid service of a search warrant between the hours of 10:00 p.m. and 7:00 a.m. requires a determination by issuing judge that the warrant may be served at any time. *State v. Shelton*, Op. No. 1311, 554 P2d 404 (Alaska 1976).

That warrant was presented to judge in the middle of the night, with affidavit containing requisite showing for nighttime service under this rule and requesting an immediate search, clearly indicates that nighttime service was contemplated and authorized. *State v. Shelton*, Op. No. 1311, 554 P2d 404 (Alaska 1976).

A showing of probable credibility of a confidential informant is adequate where the affidavit alleges "that the informant has given accurate information in the past." *Johnson v. State*, Op. No. 2169, 617 P2d 1117 (Alaska 1980).

Fact that judge met police at parking lot and then issued a search warrant within just a few minutes after an affidavit was presented to him did not mean that he failed to act in a neutral and detached manner. *Johnson v. State*, Op. No. 2169, 617 P2d 1117 (Alaska 1980).

A description of the property to be searched is sufficient if there is no reasonable probability that the wrong premises will be searched. *Johnson v. State*, Op. No. 2169, 617 P2d 1117 (Alaska 1980).

A warrant for a nighttime search may be issued pursuant to an affidavit showing probable cause that at some future time

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To: Rep. Pete Kott  
Chairman  
House Judiciary Committee  
From: Rep. Andrew Halcro *AH*  
Re: HB 385, Search Warrants  
Date: February 22, 2000

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Attached are copies of HB 385, my sponsor statement for the bill, and supporting information. I would appreciate your scheduling this bill for consideration by the House Judiciary Committee at your earliest convenience.

# ALASKA STATE LEGISLATURE

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## **HB 385**

### **SPONSOR STATEMENT**

A Juneau Magistrate determined state law did not allow for the issuance of search warrants for property used to commit a violation. The Magistrate held that AS 12.35.020(3) only allows for a judicial officer to issue a search warrant if the property is being utilized to commit a crime.

Other areas of the Alaska Statutes distinguish between an "violation" and a "crime." AS 12.35.020 does not. This has resulted in confusion and needs to be clarified. For the history of the State of Alaska, judicial officers have issued search warrants for property utilized in an offense. This new interpretation would prohibit the issuance of a search warrant in violation cases.

HB 385 would clarify current statute and would permit judicial officers to issue warrants to search for property utilized in the commission of a violation.

This clarification is particularly important. Minor consumption of alcohol is a serious problem in Alaska and search warrants are a needed tool for law enforcement officers to use to combat this problem. HB 385 returns this tool to police officers.

**Sec. 12.35.020. Grounds for issuance.**

A search warrant may be issued if the judicial officer reasonably believes any of the following:

- (1) that the property was stolen or embezzled;
- (2) that the property was used as a means of committing a crime;
- (3) that the property is in the possession of a person who intends to use it as the means of committing a crime, or in possession of another to whom the person may have delivered it for the purpose of concealing it or preventing its being discovered;
- (4) that the property constitutes evidence of a particular crime or tends to show that a certain person has committed a particular crime;
- (5) that either reasonable legislative or administrative standards for conducting a routine or area inspection with regard to air pollution are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.

(§ 4.02 ch 34 SLA 1962; am §§ 1, 2 ch 198 SLA 1968; am § 4 ch 86 SLA 1969; am § 14 ch 69 SLA 1970)

**NOTES TO DECISIONS**

**Anticipatory search warrants.** - An anticipatory search warrant, i.e., one which is based upon an affidavit showing probable cause that at some future time - but not presently - certain evidence will be at the location set forth in the warrant, are constitutionally permissible and not invalid for lack of present probable cause, and they are not precluded by the statutory authority of paragraph (3), which requires only reasonable belief of possession of the item for issuance of the warrant, without specifying that possession must be contemporaneous with the issuance, as distinct from the execution, of the warrant. *Johnson v. State*, 617 P.2d 1117 (Alaska 1980).

Paragraph (3) of this section encompasses possession at the time of execution of the warrant, thus permitting anticipatory searches. *Johnson v. State*, 617 P.2d 1117 (Alaska 1980).

Just as anticipatory warrants based on probable cause are constitutionally permissible as long as the evidence creates a substantial probability that the seizable property will be on the premises when searched, such a warrant may be issued where positivity as required by Cr. R. 37(a)(3)(iv) is the standard. *Johnson v. State*, 617 P.2d 1117 (Alaska 1980).

For an anticipatory warrant to be valid, there must be probable cause to believe that the items to be seized will be at the place to be searched at the time the warrant is executed, or in other words, that the warrant will not be prematurely executed. *Johnson v. State*, 617 P.2d 1117 (Alaska 1980).

In anticipatory warrant situations, the magistrate should insert a direction in the search warrant making execution contingent on the happening of an event which evidences probable cause that the item to be seized is in the place to be searched, rather than directing that the warrant be executed immediately or forthwith. *Johnson v. State*, 617 P.2d 1117 (Alaska 1980).

**Sec. 12.35.120. Definition of search warrant.**

A search warrant is an order in writing, signed by a judge or magistrate or signed at the direction of a judicial officer in accordance with AS 12.35.015, directed to a peace officer, commanding the peace officer to search for personal property and bring it before the judge or magistrate.

(§ 4.01 ch 34 SLA 1962; am § 14 ch 8 SLA 1971; am § 20 ch 143 SLA 1982)

**NOTES TO DECISIONS**

Quoted in *Johnson v. Johnson*, 849 P.2d 1361 (Alaska 1993).

**AS 11.81.090. Definitions.** (a) For purposes of this title, unless the context requires otherwise,

....

(9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

....

(36) "offense" means conduct for which a sentence of imprisonment or fine is authorized; an offense is either a crime or a violation;

....

(59) "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; person charged with a violation is not entitled

(A) to a trial by jury; or

(B) to have a public defender or other counsel appointed at public expense to represent the person;

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Web posted Friday, January 28, 2000

## Drinking party rules make searches harder

By ERIC FRY  
THE JUNEAU EMPIRE

Youths would enjoy more privacy, but police would be hamstrung in combating teen-age drinking under a new court ruling that blocks search warrants for evidence of underage drinking in homes.

"I'm not going to condone kids drinking, but I don't think it warrants the intervention that our society here in this town grants it," said attorney Patrick Conheady.

"It's not a mere technicality," said attorney David Mallet, who sought the new ruling for a client. "We're talking constitutional protections and what the Legislature has specifically authorized the courts to do."

Juneau Police Lt. Ron Forneris said teen-age drinking is a serious problem, leading to dangerous behavior such as drunken driving. But court decisions are making it harder for the police to deal with the issue, he said.

"We keep attempting to do what the courts tell us we have to do to deal with these cases. Most of our options are being rapidly foreclosed by these decisions," Forneris said.

Juneau Magistrate John Sivensen Jr. earlier this week threw out evidence against Matthew Futschner gained from a search warrant. The 20-year-old man was cited for underage drinking Oct. 31, 1999, at a house party near Gold and Fifth streets.

Sivensen agreed with defense attorney Mallet that state law doesn't include underage drinking in the types of offenses search warrants may be used for. And Sivensen agreed invited guests have a reasonable expectation of privacy.

State law restricts use of warrants to looking for evidence of a crime, and the state defines crime as misdemeanor or felony offenses that may carry jail sentences.

The state's definition of crime doesn't include lesser offenses such as traffic

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vehicle infractions or underage drinking violations, which are subject only to fines.

The law's language is plain and unambiguous, Sivertsen wrote in his order suppressing the evidence against Euteneier. If legislators wanted search warrants to include lesser offenses, they could have written the law that way, he said.

When the Legislature wrote the search warrant law, underage drinking was a misdemeanor, said Assistant District Attorney David Brower. But even after lawmakers made it a lesser offense, in 1995, a 1980 law that applies most misdemeanor laws to lesser violations would allow search warrants, he said.

Brower said he will file a motion asking Sivertsen to reconsider his decision.

Sivertsen's ruling applies only to the one case. But if other Juneau judges, handling similar motions, were to agree with the reasoning, it would affect the way police deal with teen-agers' drinking parties in homes.

Conheady said he will file motions similar to Mallet's in two underage drinking cases - before District Court Judge Peter Froehlich and Superior Court Judge Patricia Collins - stemming from the same Oct. 31 party.

Juneau police just recently started to apply to judges for search warrants to enter homes where underage drinking was suspected.

Police previously had entered some homes without a warrant or the resident's permission. They based it on the doctrine that some emergencies justified exceptions to the Fourth Amendment's protections against unreasonable searches.

But in several recent decisions, Juneau judges ruled police generally may not enter homes without a warrant or the tenant's permission.

Police spokesman Fomeris said enforcement can effectively stop youths from drinking in the short term. The court cases stemming from it usually lead to counseling that can help in the long term, he said.

But if the police aren't allowed to respond to youth drinking parties, Fomeris predicts who will

Last Halloween, police responded to reports of a loud party and possible drunk drivers on Gold and Park streets, and found a 19-year-old girl holding a beer on the porch. Police saw other youths leaving the rear of the house.

The 31-year-old man who lived there wouldn't let police enter so they got a search warrant from Judge Froehlich to look for underage drinkers.

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Froehlich, at the hearing to grant a **warrant**, said there were adequate grounds to issue the **warrant** based on the dangerousness of minors drinking, the possible destruction of evidence and the possibility that someone 19 or older had furnished alcohol to minors. That was the case Sivertsen threw out this week.

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## Research on Youth

### Drinking, Driving and Other Drugs

- In 1997, 21 percent of the young drivers involved in fatal crashes had been drinking. (NHTSA, 1999)
- These young drivers make up 6.7 percent of the total driving population, but constitute 13 percent of the alcohol-involved drivers in fatal crashes. (NHTSA, 1999)
- Alcohol-related traffic deaths among youth between the ages of 15 and 20 decreased from 2,218 in 1997 to 2,210 in 1998. (NHTSA, 1999)
- Alcohol use is the number one drug problem among young people. (CSAP, 1996)
- About 10 million current drinkers were under age 21 in 1995. Of these, 4.4 million were binge drinkers, including 1.7 million heavy drinkers. (SAMHSA, 1996)
- 2.6 million teenagers don't know that a person can die from an alcohol overdose. (CSAP, 1996)
- Eight young people a day die in alcohol-related crashes. (CSAP, 1996)
- The younger an individual starts drinking, and the greater the intensity and frequency of alcohol consumption, the greater the risk of using other drugs. (CASA, 1994)
- Youth who drink alcohol are 7.5 times more likely to use any illicit drug, and 50 times more likely to use cocaine than young people who never drink alcohol. (CASA, 1994)
- Younger people (age 16-20) are most likely, of any age group, to use various strategies, when hosting a social occasion where alcohol is served, to try to prevent their guests from drinking and driving. (NHTSA, 1996)
- More than 35% of all 16-to-20 year-old deaths result from motor vehicle crashes. (NCHS, 1997) 37% were in alcohol-related crashes. Estimates are that 2,104 persons aged 16-20 died in alcohol-related crashes in 1998. (NHTSA, 1999)
- Between 1988 and 1998, the proportion of drivers 16-to-20 years of age who were involved in fatal crashes, and were intoxicated, dropped 33 percent. 21% in 1988 to 14% in 1990-the largest decrease of any age group during this time period. (NHTSA, 1999)



- In single-vehicle fatal crashes occurring on weekend nights in 1994, 72.3% of the fatally injured drivers 25 years of age or older were intoxicated, as compared with 57.7% of drivers under the age of 25. (NHTSA, 1995)
- Of all persons arrested for DUI/DWI nationally in 1993, persons in the under 25 age group accounted for 23.4% of those in the cities, 23.7% of those in the suburban counties and 22.1% of those in the rural counties. (FBI, 1994)
- Approximately 240,000 to 360,000 of the nation's 12 million current undergraduates will ultimately die from alcohol-related causes---more than the number that will get MA's and PhD's combined. (Eigen, 1991)
- During a typical weekend, an average of one teenager dies each hour in a car crash. Nearly fifty percent of those crashes involved alcohol. (NHTSA, 1999)
- According to the National High School Senior Survey, seniors reporting any alcohol use in the prior month fell from a peak of 72% in 1980 to 51% in 1993. (University of Michigan, 1994)
- The proportion of seniors reporting having five or more drinks in a row on at least one occasion during the prior two weeks fell by 0.4 percentage points from 1993 to 27.5%---down from a high of 41% in 1980. (University of Michigan, 1994)
- White males drink far more than any other group, averaging more than 9 drinks per week. The next highest drinkers are Hispanic males (5.8), white females (4.1), and black males (3.6). Black females average only one drink per week. (Core Institute, 1993)
- Thirty-five percent of college women reported drinking to get drunk in 1993, more than triple the 10% in 1977. (Wechsler & Isaac, 1992)
- Each year, students spend \$5.5 billion on alcohol, more than they spend on soft drinks, tea, milk, juice, coffee or books combined. On a typical campus, per capita students spending for alcohol---\$446 per student---far exceeds the per capita budget of the college library. (Eigen, 1991)
- Poor grades are correlated with increased use of alcohol. Alcohol is implicated in more than 40% of all academic problems and 28% of all dropouts. (Anderson, 1992)
- College students who reported D and F grade point averages consumed an average of 10 alcoholic drinks per week, while those who earned mostly A's consumed slightly more than three drinks per week. (Core Institute, 1993)
- While more than one-third (35.6% ) of the college students surveyed reported to have driven under the influence, only 1.7% said they were arrested. (Core Institute, 1993)
- Sixty percent of college women diagnosed with a sexually transmitted disease were drunk at the time of infection. (Advocacy Institute, 1992)
- Nearly one-third of college students surveyed said they wished alcohol was not available at campus events, and nearly 90% wished that other drugs would disappear

from campuses. (Core Institute, 1993)

## Small Children

- It is estimated based upon 1992 data that one out of every 280 babies born today will die in a crash with an intoxicated driver. (NHTSA, 1996)
- Traffic crashes are the major cause of death for children in the age group 0-14. Almost one quarter (21.4%) of these deaths is alcohol related. (NHTSA, 1995)

Children younger than 5 have higher passenger vehicle occupant death rates than older children do. (IIHS, 1995)

- Children younger than 13 represented 19 percent of the U.S. population in 1994 and six percent of all motor vehicle deaths. Child deaths have represented about this percentage of vehicle deaths since the early 80's. (IIHS, 1995)

## Minimum Drinking Age Laws

- Minimum Drinking Age Laws reduce traffic fatalities involving drivers in 18 to 20 years old by 13%. These laws have saved an estimated 18,220 lives since 1975. (NHTSA, 1999)
- The overwhelming majority of surveyed respondents (90%) said that strictly enforcing age restrictions of the purchase of alcohol would be a good or excellent idea to reduce crashes. (IRC, 1993)