

HB

4

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 5, 2001

FURTHER REFERRALS:

Date of Committee Action: 4/28/01

The FINANCE Committee considered:

HB 4

HOUSE BILL NO. 4

OMNIBUS DRUNK DRIVING AMENDMENTS

"An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage or controlled substance; relating to implied consent to take a chemical test; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date."

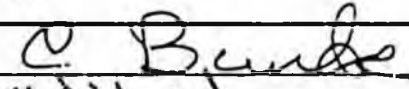

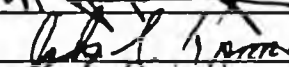
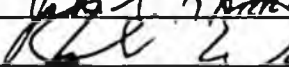
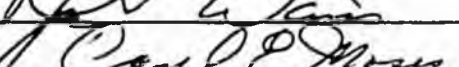

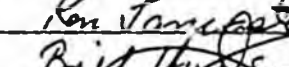

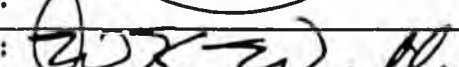
Recommends it be replaced with CS HB 4 (FIN) [] Same Title [] New Title
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev. For Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LAA
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
FN#	List by Dept(s):	Fiscal	Indet.	Zero
	ADM	✓		
	ADM	✓		
	COR	✓		
	LAW	✓		
	DPS	✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN #	Fiscal	Indet.	Zero
HSS	11			✓
HSS	12			✓
HSS	5			
HSS	6			
Court	16			

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Bunde	✓			
	Whitaker				✓
	Harris			✓	
	Davis			X	
	MOSES			X	
	Landaster	✓			
	Hudson	✓			
	FOSTER	X			
Chair: 	Williams			✓	

NO/OBJ

22-LS0046R.3
Ford
4/27/01

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 4(JUD)

- 1 Page 1, lines 1 - 9:
- 2 Delete all material.
- 3 Insert **""An Act relating to motor vehicles and to operating a motor vehicle,**
- 4 **aircraft, or watercraft; and providing for an effective date.""**

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 4 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to offenses involving operating a BRU Criminal Division; Civil Division
motor vehicle, . . . under the influence . . ." Component 3rd-4th Judicial Districts;
Sponsor Representative Rokeberg Collections & Support
Requester House Finance Committee Component No. 2201:61:79:10

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	591.8	712.9	712.9	834.0	834.0	834.0
Travel	1.6	2.0	2.0	2.4	2.4	2.4
Contractual	93.2	111.9	111.9	130.6	130.6	130.6
Supplies	8.6	10.2	10.2	11.8	11.8	11.8
Equipment	58.5	6.5	0.0	6.5	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	753.7	843.5	837.0	985.3	978.8	978.8

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	704.4	800.7	794.2	942.5	936.0	936.0
1005 GF/Program Receipts	49.3	42.8	42.8	42.8	42.8	42.8
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	753.7	843.5	837.0	985.3	978.8	978.8

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	9	10	10	11	11	11
Part-time	0	0	0	0	0	0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 4 (JUD) makes numerous changes to the state's laws relating to driving under the influence of alcoholic beverages or controlled substances. These changes include renaming driving while intoxicated (DWI) as driving while under the influence (DUI), lowering the blood alcohol threshold for DUI to .08 from 0.10; increasing administrative and criminal penalties for DUI offenses; requiring vehicle forfeiture for repeat offenders; and requiring treatment costs be reimbursed to the state.

The changes in the bill which will have a fiscal impact on the Department of Law are: reducing the blood alcohol threshold for DUI to 0.08; the phasing in of a 10-year "look back" for felony DUI in place of the current 5-year "look back"; collection of treatment costs; and requiring vehicle forfeiture for second and subsequent convictions for DUI or refusal to submit to a chemical test. Each issue is addressed separately below. The department also anticipates an increase in the number of driving with a suspended or

Prepared by: Joan M. Kasson Phone 465-5370
Division: Attorney General's Office Date/Time 4/13/01 2:25 PM
Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date 4/13/01
Agency: Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (JUD)

ANALYSIS CONTINUATION

revoked driver's license misdemeanor charges will occur as a result of the increased fines and license revocation penalties; however, the impact is too speculative to quantify.

Reduce blood alcohol threshold for DUI from 1.0 to 0.08 percent by weight.

In FY00, the Criminal Division accepted for prosecution 3,218 misdemeanor and 213 felony DUI referrals by law enforcement throughout the state. Recently received statistics from the Anchorage Police Department indicate there would be about a 6 percent increase in DUI referrals due to the lowering of the blood alcohol threshold to 0.08. Experience has varied in other states that have reduced from 0.10 to 0.08 the limit for driving while intoxicated (California, Maine, Oregon, and Utah). Some states have experienced a 20 to 40 percent increase in DUI cases. We believe a conservative estimate for the increase is about 10 percent. This would result in 322 additional misdemeanor and 21 felony DUI cases, which are much more time-consuming to prosecute than misdemeanors. The Department of Law assumes that municipalities which presently prosecute misdemeanor DUI will amend their ordinances to mirror the change in state law. If this does not occur, the estimated number of misdemeanor prosecutions is understated.

Much of the anticipated increase in prosecutions will occur in southcentral Alaska. Because Anchorage is the hub from which prosecutors are sent to assist other offices in times of overload, it will be necessary to add one new full-time attorney position to the Criminal Division's Anchorage District Attorney's Office.

The Collections unit in the Civil Division's Collections and Support section collects judgments for criminal fines, cost of incarceration for DUI offenders, and cost of court appointed counsel. The change to 0.08 as the threshold for DUI offenses will increase the number of judgments the unit is required to collect annually. Assuming an 80-85 percent conviction rate, the unit anticipates receiving 280 judgments for criminal fines as a result of this change, and 280 judgments for the cost of incarceration. In addition, approximately 80 percent of the offenders are expected to have judgments for the cost of court appointed counsel, 220 in all.

In order to process and collect the estimated 780 new judgments each year, Collections unit personnel must enter the judgment data into the collections data base, post payments received, prepare PFD attachment packets for the court system and Department of Revenue, enter adjustments and process refunds when necessary, respond to phone calls from defendants, court personnel, prosecutors, and other state agencies, prepare satisfactions of judgments, and prepare quarterly or annual reporting of collections data. Much of this work can be handled by existing staff. However, the additional data entry and phone calls will require an additional half-time Administrative Clerk II.

Collection of the cost of treatment

The bill requires the state to seek reimbursement from a person's permanent fund dividend if they do not pay the cost of alcohol or substance abuse treatment required under CSHB 4 (JUD) themselves. Corrections anticipates 240 felons will require treatment in the first year, with the number increasing by 38 each year as the increased look back period for felony DUI is phased in, reaching a total of 390 after 5-years. The addition of these treatment judgments to the Collections unit caseload, when combined with the 780 new judgments discussed in the 0.08 BAC section, will require the Administrative Clerk II position be full-time, rather than half-time.

Increase "look back" for felony DUI from 5-years to 10-years

Under current law, for the purposes of charging an offender with felony DUI, the state can only "look back" 5-years for the first two offenses. If any of the prior offenses are older than 5-years, the charge remains a misdemeanor. This section will phase in a 10-year look back period for felony DUI, one year at a time, over the next five years.

Based on Division of Motor Vehicle (DMV) data, it is estimated that increasing the limit to 10-years for how old prior convictions must be in order for the third offense to be charged as felony DUI will result in approximately 240 new felony DUI referrals per year when fully phased in. The Criminal Division estimates approximately 95 percent of these will be accepted for prosecution, based on acceptance rates for current felony DWI prosecutions. This would mean approximately 225 new felony prosecutions in all. For the purposes of this fiscal note, the Department of Law assumes the new felonies will phase in evenly over the 5-year phase in period: 45 new felony prosecutions in FY02, 90 in FY03, 135 in FY04, 180 in FY05, and 225 in FY06.

Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need two new FTE attorney positions to handle these new felony cases, to both screen the referrals and prosecute those that are accepted. These positions would phase in as the number of new felony referrals increase. We anticipate that one new FTE attorney for the Anchorage DAO would be necessary in FY03, and one new FTE attorney for the Fairbanks DAO in FY 05.

ANALYSIS CONTINUATION

Vehicle forfeiture

Upon conviction of a second or subsequent DUI or refusal to take a chemical test, this section would require the court to order forfeiture of the motor vehicle or aircraft used in the commission of the offense. Forfeiture proceedings require a motion for forfeiture be filed with the court, and a hearing date set by the court upon receipt of the motion. Once the hearing date is set, the state must notify anyone who might have an ascertainable ownership or security interest in the vehicle or aircraft about the proceeding. A person claiming an ownership or security interest may then intervene and appear at the hearing in order to prove to the court they should be paid for their interest.

The Criminal Division estimates there will be 800 forfeiture hearings per year as a result of enactment of this section: approximately 100 to 150 per year in Kenai, in Palmer, and in Fairbanks, and approximately 100 per year in Anchorage. (Although the Municipality of Anchorage prosecutes misdemeanor DUI, the Department of Law prosecutes all felonies.) The remaining hearings would be spread throughout the rest of the state. Preparation for these hearings will involve research on ownership interests and paperwork. The Criminal Division estimates it will need to add four new FTE paraprofessional positions, one each in Anchorage, Kenai, Fairbanks, and Palmer, and 1 new FTE attorney position in Fairbanks to handle these cases. In addition, 2 new legal secretary positions will be necessary, one each in Anchorage and Kenai.

All position costs except the Collections unit position are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Collections unit positions are specialized, and are not recovered through the cost allocation plan. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard attorney and paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and the two FTE legal secretary positions discussed in the vehicle forfeiture section above are requested, along with \$6,500 for one-time equipment costs for each position. The remaining clerical support funding embedded in the rate will be used to reduce clerical support vacancy so that the other new attorneys' clerical burdens can be handled. A summary of line-item costs by position for each section of CSHB 4 (JUD) narrated above follows:

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
0.08 BAC (10 percent caseload increase)							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney	121.1	121.1	121.1	121.1	121.1	121.1
	200	0.4	0.4	0.4	0.4	0.4	0.4
	300	18.7	18.7	18.7	18.7	18.7	18.7
	400	1.6	1.6	1.6	1.6	1.6	1.6
	500	6.5					
	Total 1004 General Fund	148.3	141.8	141.8	141.8	141.8	141.8
Civil Division: Collections & Support (2210)							
	100 1 PFT Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200 (1/2 cost shown in 300)	0.0	0.0	0.0	0.0	0.0	0.0
	300 Treatment Cost section)	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
	500	6.5					
	Total 1005 GF/Program Receipts	31.9	25.4	25.4	25.4	25.4	25.4
0.08 BAC Total		180.2	167.2	167.2	167.2	167.2	167.2
Collection of Treatment Costs							
Civil Division: Collections & Support (2210)							
	100 1/2 cost Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200 shown in 0.08 section						
	300						
	400						
	500						
	Total 1005 GF/Program Receipts	17.4	17.4	17.4	17.4	17.4	17.4

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (JUD)

ANALYSIS CONTINUATION

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<u>Phase in 10-year Look Back</u>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney		121.1	121.1	121.1	121.1	121.1
	200		0.4	0.4	0.4	0.4	0.4
	300		18.7	18.7	18.7	18.7	18.7
	400		1.6	1.6	1.6	1.6	1.6
	500		6.5				
	Total 1004 General Fund	0.0	148.3	141.8	141.8	141.8	141.8
Criminal Division: 4rd Judicial District (2201)							
	100 1 FTE Attorney				121.1	121.1	121.1
	200				0.4	0.4	0.4
	300				18.7	18.7	18.7
	400				1.6	1.6	1.6
	500				6.5		
	Total 1004 General Fund	0.0	0.0	0.0	148.3	141.8	141.8
Felony Look Back Total		0.0	148.3	141.8	290.1	283.6	283.6
<u>Vehicle Forfeitures</u>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Paraprofessional	78.7	78.7	78.7	78.7	78.7	78.7
	200 1 PFT Legal Secy	0.2	0.2	0.2	0.2	0.2	0.2
	300	12.2	12.2	12.2	12.2	12.2	12.2
	400	1.1	1.1	1.1	1.1	1.1	1.1
	500	13.0					
	Total 1004 General Fund	105.2	92.2	92.2	92.2	92.2	92.2
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 2 FTE Paraprofessional	157.4	157.4	157.4	157.4	157.4	157.4
	200 1 PFT Legal Secy	0.4	0.4	0.4	0.4	0.4	0.4
	300	24.4	24.4	24.4	24.4	24.4	24.4
	400	2.2	2.2	2.2	2.2	2.2	2.2
	500	19.5					
	Total 1004 General Fund	203.9	184.4	184.4	184.4	184.4	184.4
Criminal Division: 4rd Judicial District (2201)							
	100 1 FTE Attorney	199.8	199.8	199.8	199.8	199.8	199.8
	200 1 FTE Paraprofessional	0.6	0.6	0.6	0.6	0.6	0.6
	300	30.9	30.9	30.9	30.9	30.9	30.9
	400	2.7	2.7	2.7	2.7	2.7	2.7
	500	13.0					
	Total 1004 General Fund	247.0	234.0	234.0	234.0	234.0	234.0
Forfeiture Total		556.1	510.6	510.6	510.6	510.6	510.6

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

BILL NO. CSHB 4 (JUD)

ANALYSIS CONTINUATION

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<u>CSHB 4 (JUD) by component</u>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
100		199.8	320.9	320.9	320.9	320.9	320.9
200		0.6	1.0	1.0	1.0	1.0	1.0
300		30.9	49.6	49.6	49.6	49.6	49.6
400		2.7	4.3	4.3	4.3	4.3	4.3
500		19.5	6.5	0.0	0.0	0.0	0.0
Total 1004 General Fund		253.5	382.3	375.8	375.8	375.8	375.8
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
100		157.4	157.4	157.4	157.4	157.4	157.4
200		0.4	0.4	0.4	0.4	0.4	0.4
300		24.4	24.4	24.4	24.4	24.4	24.4
400		2.2	2.2	2.2	2.2	2.2	2.2
500		19.5	0.0	0.0	0.0	0.0	0.0
Total 1004 General Fund		203.9	184.4	184.4	184.4	184.4	184.4
Criminal Division: 4rd Judicial District (2201)							
100		199.8	199.8	199.8	320.9	320.9	320.9
200		0.6	0.6	0.6	1.0	1.0	1.0
300		30.9	30.9	30.9	49.6	49.6	49.6
400		2.7	2.7	2.7	4.3	4.3	4.3
500		13.0	0.0	0.0	6.5	0.0	0.0
Total 1004 General Fund		247.0	234.0	234.0	382.3	375.8	375.8
CRIMINAL DIVISION TOTAL		704.4	800.7	794.2	942.5	936.0	936.0
Civil Division: Collections & Support (2210)							
100		34.8	34.8	34.8	34.8	34.8	34.8
200		0.0	0.0	0.0	0.0	0.0	0.0
300		7.0	7.0	7.0	7.0	7.0	7.0
400		1.0	1.0	1.0	1.0	1.0	1.0
500		6.5					
Total 1005 GF/Program Receipts		49.3	42.8	42.8	42.8	42.8	42.8
CIVIL DIVISION TOTAL		49.3	42.8	42.8	42.8	42.8	42.8
<u>CSHB 4 (JUD) SUMMARY</u>							
100		591.8	712.9	712.9	834.0	834.0	834.0
200		1.6	2.0	2.0	2.4	2.4	2.4
300		93.2	111.9	111.9	130.6	130.6	130.6
400		8.6	10.2	10.2	11.8	11.3	11.8
500		58.5	6.5	0.0	6.5	0.0	0.0
DEPARTMENT TOTAL		753.7	843.5	837.0	985.3	978.8	978.8
1004 GF		704.4	800.7	794.2	942.5	936.0	936.0
1005 GF/Prgm		49.3	42.8	42.8	42.8	42.8	42.8
PFT		9	10	10	11	11	11
PPT		0	0	0	0	0	0

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 4 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: Registration of Motor Vehicle, Operating Motor BRU: AST Detachment
Vehicle, Aircraft, Watercraft while Intoxicated & Drivers License Component: AST Detachment
 Sponsor: Representative Rokeberg
 Requester: House Transportation Committee Component Number: 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	47.6	47.6	47.6	47.6	47.6	47.6
Travel	7.5	7.5	7.5	7.5	7.5	7.5
Contractual	97.9	97.9	97.9	97.9	97.9	97.9
Supplies	162.5	162.5	162.5	162.5	162.5	162.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	315.5	315.5	315.5	315.5	315.5	315.5

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	315.5	315.5	315.5	315.5	315.5	315.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	315.5	315.5	315.5	315.5	315.5	315.5

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Forfeiture Program/ Immobilization for 2nd DWI Offense

This legislation will require one full-time Procurement Specialist I, range 14 position to manage the forfeiture inventory (100 vehicles and 50 snow-machines). Included in this analysis are the transportation costs, storage costs, immobilization device costs and I/M Test Fees. The transportation costs include twenty-five percent of the vehicles would require long-distance transportation (vehicle transport contractor - \$900 per vehicle) and seventy-five percent by short-distance (towing companies - \$50 per vehicle). The storage of vehicle (\$450 annually), snow-machine (\$350 average) would be contracted out, and the purchase of 400 immobilization devices (\$400 each). The following costs are not included in this fiscal note: the administrative fee charged for the sale of vehicles (5% - 10% of sale proceeds); loan payoff of vehicles forfeited; and secure arrangements for vehicle storage. See attached sheets for additional detail.

Also included is a cost estimate if forfeiture was based on 3rd offense instead of 2nd offense.

Prepared by: Lt. Steve Dunnagan Phone 269-4532
 Division: Division of Alaska State Troopers Date/Time 4/20/01 1:00 PM
 Approved by: Commissioner Glenn G. Godfrey Date 4/20/01
 Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office

CSHB 4 (JUD) - Vehicles Forfeited or Immobilization on 2nd DWI Offense

		Procurement Specialist I, Range 14, Anchorage			47,600
		Travel for Auctions			7,500
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	25	\$ 22,500
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	75	\$ 3,750
I/M Test	Fbx/Anc - 30% of 100	Xpress Lube	\$ 55	8	\$ 413
Snowmachine Transp	Anch, Palmer, Fbx	Transp	\$ 350	50	\$ 17,500
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	100	\$ 45,000
Contractual Cost for One Position (phones, computer, postage, DP Svc)					\$ 8,700
Total Contractual Costs					\$ 97,863
Immobilization Devices (400 x \$400 each)					\$ 160,000
Office and DP Supplies for One Position					\$ 2,500
Total Supplies Costs					\$ 162,500
TOTAL					\$ 315,463

Assumption: 1,000 convictions, 55% forfeited or court ordered immobilized (450 vehicles and 50 snowmachines). Of the 500, we assume that 80% or 400 vehicles will be ordered immobilized and only 100 will be forfeited.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

CSHB 4 - Vehicle Forfeited on 3rd Offense Only

		Procurement Specialist I, Range 14, Anchorage			47,600
		Travel for Auctions			5,000
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Snowmachine	Bethel/Nome - Anc	NAC	\$ 210	13	\$ 2,625
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	13	\$ 11,250
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	38	\$ 1,875
I/M Test	Fbx/Anc - 30% of 200	Xpress Lube	\$ 55	15	\$ 825
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	13	\$ 1,375
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	50	\$ 22,500
Contractual Cost for Position (phones, computer, postage, DP Svc)					\$ 8,700
Total Contractual Costs					\$ 52,150
Office and DP Supplies for Position					Total Supply Costs \$ 2,500
TOTAL					\$ 107,250

Assumption: 500 convictions, 60% forfeited (250 vehicles and 50 snowmachines), 75% of forfeitures disposed to Charity, Non-Profit Corporations and/or Local Governments. 25% disposed to AST for their use or storage for public auction.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 4 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to offenses involving operating BRU: Motor Vehicles
a motor vehicle, aircraft, or watercraft while under the..." Component: _____
 Sponsor: Representative Rokeberg
 Requester: H (FIN) Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	153.8	153.8	153.8	153.8	153.8	153.8
Travel						
Contractual	24.4	22.2	22.2	22.2	22.2	22.2
Supplies	6.8	1.4	1.4	1.4	1.4	1.4
Equipment	21.6	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	206.6	177.4	177.4	177.4	177.4	177.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1005)	347.5	347.5	347.5	347.5	347.5	347.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	206.6	177.4	177.4	177.4	177.4	177.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	206.6	177.4	177.4	177.4	177.4	177.4

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	3	3	3	3	3	3
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See Page 2 for detailed analysis.

Prepared by: Charles R. Hosack Phone 269-5559
 Division: Motor Vehicles Date/Time April 6, 2001
 Approved by: Jim Duncan, Commissioner Date 4/6/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

CSHB 4 (JUD) DMV Fiscal Note Continuation

This bill will have a fiscal impact in two separate areas of the division.

1. Administrative Hearings

Before DMV can take any action on a driver license or vehicle registration, it must offer the person affected an opportunity to contest the action in an administrative hearing. There are four sections in this bill that will increase the number of hearings conducted.

Section 7 of the bill requires DMV to revoke the registration of any vehicle operated in a DUI offense (5400 arrests in 2000). Offenders, owners, and co-owners may request a hearing on this revocation. First time offenders may request limited registration privileges in the last 60 days of the registration revocation. Sections 35 and 48 require the surrender of license plates for all vehicles owned by the offender. Co-owners may request a hearing to contest this action. Section 28 of the bill lowers the BAC threshold to .08. The state estimates that this will increase DUI arrests by 5-15% and many of those offenders will request a hearing and then appeal the new .08 BAC to superior court.

Cases are now scheduled for hearing 30 – 45 days out. The division's 2 hearing officers are fully occupied with the current caseload. Adding cases without additional staffing will push hearing dates out 60 days or more. The timeliness of the hearings is a critical factor since the offender is allowed to continue to drive while awaiting a hearing. These hearings are a quasi-judicial process and will require one additional hearing officer and one support person. All correspondence related to the hearing must be sent by registered mail and this will increase postage costs.

	First Year	On-going Years
1 PFT Hearing Officer, range 16	\$55.1	\$55.1
1 PFT position for admin support, range 10	\$39.5	\$39.5
Equipment and associated costs	\$17.4	\$ 2.8
Postage (5000 letters @ 3.60)	\$18.0	\$18.0
Total Cost	\$130.0	\$115.4

2. Sections 33 and 47 Registration Revocation on All Vehicles Owned by Felony Offenders
Sections 35 and 48 Surrender of License Plates for Repeat Offenders

These four sections are grouped together because the work actions are the same. DMV must either revoke registrations or require the surrender of license plates. Each action requires researching the vehicle records, making multiple entries in the record, and, in the case of revocations, sending notice to the vehicle owners and issuing a new registration. Additional work will be required to reinstate the registrations after the revocation period.

	First Year	On-going Years
1.5 PFT position for admin support, range 10	\$59.2	\$59.2
Equipment and associated costs	\$17.4	\$ 2.8
Total Cost (First Year)	\$76.6	\$62.0

3. Revenue

The license reinstatement fees for DWI offenders is increased by \$100 for first time offenders and by \$250 for repeat offenders. On average there are 3200 first time offenders and 1500 repeat offenders each year. Approximately 50% of these will reinstate the license. The remainder either leave the state or find the cost of the required insurance unaffordable. The combined revenue for those that do reinstate is estimated to be \$347,500 annually.

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: CS HB 4 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to offenses involving operating a motor vehicle..." BRU: Legal & Advocacy
 Sponsor: Representative Rokeberg Component: Public Defender Agency
 Requester: (H) FIN Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	337.8	381.1	422.9	470.5	470.5	470.5
Travel	11.9	13.7	15.4	17.2	17.2	17.2
Contractual	62.4	75.6	88.7	101.9	101.9	101.9
Supplies	7.1	8.1	9.0	10.0	10.0	10.0
Equipment	37.8	7.0	7.0	7.0	4.6	4.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	457.0	485.5	543.0	606.6	604.2	604.2

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	457.0	485.5	543.0	606.6	604.2	604.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	457.0	485.5	543.0	606.6	604.2	604.2

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	5.5	6.0	6.5	7.0	7.0	7.0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB4(JUD) is an omnibus bill making significant changes to driving while under the influence (DUI) laws.

The changes in the bill that will have the most fiscal impact on the Public Defender Agency are:

Sec. 28 (Reducing blood alcohol level to .08 from .10 for DUIs);

Secs. 33 & 47 (Phasing in a 10-year "look-back" period for prior convictions for felony DUI & refusal);

Secs. 29,33,42,47, & 52 (Mandating vehicle forfeiture for second and subsequent DUI's and Refusals);

and the various Sections that increase fines, penalties, license revocation periods.

(Analysis continued on Pages 2 through 4)

Prepared by: Barbara Brink, Director Phone (907) 334-4414
 Division: Public Defender Agency Date/Time 04/13/01
 Approved by: Jim Duncan, Commissioner Date 4/13/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

Sec. 28 - Reducing blood alcohol level to .08 from .10 for DUIs.

The Public Defender Agency accepts the Department of Law's estimate of a 10 percent increase in prosecutions as a result of reducing the blood alcohol level threshold for DUIs from .10 to .08. This is a conservative estimate. As the Department of Law points out, experience in other states varies. But in Maine, as state similar to Alaska in some respects (smaller population, Northern climate), there was about a 20 percent increase in prosecutions. The Public Defender Agency will be appointed in about 75% of the cases. Using Department of Law estimate of the number of prosecutions, the Agency will be appointed to an additional 242 misdemeanor cases and 16 felony cases. We will need one additional full-time attorney to handle this increased caseload. Because our Palmer office handles a significant number of DUI cases, we will place the attorney at that office. (See the spreadsheet below for the costs of this position.)

Secs. 33 & 47 - Phasing in a 10-year "look-back" period for prior convictions for felony DUI.

This section would phase in a 10-year "look-back" for prior convictions. Again, the Public Defender Agency accepts the Department of Law's estimate of the number of new cases that would result from this change in the law. As above, we estimate that we will be appointed in about 75% of these cases. The end result is that by FY06, the Public Defender Agency will have an increased caseload of 182 felony DUIs. We will eventually need two additional attorneys to handle this caseload. Because the effect of this provision will be felt beginning in FY02 and, we will add a half-time attorney in Anchorage in FY02, add a half-time attorney in Palmer in FY03, make the half-time attorney in Anchorage full time in FY04, and add a half-time attorney in Fairbanks in FY05. (See the spreadsheet below for the costs of these positions.)

Secs. 29,33,42,47, & 52 - Mandatory Vehicle Forfeiture.

These sections would require vehicle forfeiture upon conviction of a third or subsequent DUI or Refusal. Forfeiture or immobilization would be mandatory after a second conviction for DUI or Refusal. Forfeiture would also be required after a felony DUI or Refusal conviction. These hearings would be part of the sentencing in a criminal case, so defendants would have a right to assistance of counsel. Unlike most of the work the Public Defender Agency currently does, these hearings involve complicated issues of ownership and security interests. The Public Defender Agency would not have as much legal work to do in these hearings as the Department of Law, and, again, we will only be appointed in 75% of the cases. Nevertheless, we will need three paraprofessionals to effectively represent defendants if this provision is enacted. We would place Paralegals in our Anchorage, Fairbanks, and Palmer offices. These offices have the greatest number of DUI cases. (See the spreadsheet below for the costs of these positions.)

Various Sections Increasing Fines, Penalties, and License Revocation Periods

There are a number of sections that increase fines, penalties, and license revocation periods. For example, in Sec. 29 and 33, the mandatory minimum fines for DUIs are increased to \$1,500 for a first offense over .10, \$3,000 for a second offense, and \$10,000 for a felony DUI. Another example, in Sec. 33, is the permanent license revocation for felony DUI. (Although, under Sec. 35, the license can be restored in 10 years if the defendant does not have additional criminal violations and meets other requirements.)

A number of Public Defender Agency clients will not be able to pay large fines. Therefore there will likely be additional probation revocation cases Agency attorneys will have to cover. Also, we are concerned about the effect on our caseload of the increased license revocation periods. Some people will chose to drive even though they do not have a license. Therefore, we are certain that we will have more Driving with License Revoked cases.

Although the Public Defender Agency cannot quantify the fiscal impact that these provisions will have, we are certain that there will be a significant, albeit indeterminate, impact.

PUBLIC DEFENDER AGENCY
HB 4 FISCAL NOTE

0.08	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	98.9	98.9	98.9	98.9	98.9	98.9
Travel	3.7	3.7	3.7	3.7	3.7	3.7
Contractual	27.3	27.3	27.3	27.3	27.3	27.3
Supplies	2.2	2.2	2.2	2.2	2.2	2.2
Equipment	8.5	0.8	0.8	0.8	0.8	0.8
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	140.6	132.9	132.9	132.9	132.9	132.9
POSITIONS						
Full-time	1	1	1	1	1	1
Part-time						
Temporary						

Forfeiture	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	197.1	197.1	197.1	197.1	197.1	197.1
Travel	6.5	6.5	6.5	6.5	6.5	6.5
Contractual	22.0	22.0	22.0	22.0	22.0	22.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0	6	2.6	2.6	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	255.6	232.2	232.2	232.2	232.2	232.2
POSITIONS						
Full-time	4	4	4	4	4	4
Part-time						
Temporary						

Ten Year Look-Back	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.8	85.1	126.9	174.5	174.5	174.5
Travel	1.7	3.5	5.2	7.0	7.0	7.0
Contractual	13.1	26.3	39.4	52.6	52.6	52.6
Supplies	0.9	1.9	2.8	3.8	3.8	3.8
Equipment	3.3	3.6	3.6	3.6	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	60.8	120.4	177.9	241.5	239.1	239.1
POSITIONS						
Full-time	0.5	1.0	1.5	2.0	2.0	2.0
Part-time						
Temporary						

TOTAL PUBIC DEFENDER	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	337.8	381.1	422.9	470.5	470.5	470.5
Travel	11.9	13.7	15.4	17.2	17.2	17.2
Contractual	62.4	75.6	88.7	101.9	101.9	101.9
Supplies	7.1	8.1	9.0	10.0	10.0	10.0
Equipment	37.8	7.0	7.0	7.0	4.6	4.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	457.0	485.5	543.0	606.6	604.2	604.2
POSITIONS						
Full-time	5.5	6.0	6.5	7.0	7.0	7.0
Part-time						
Temporary						

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB4 (JUD)
 () Publish Date: _____

Revision Date/Time: 4/13/01: 2:00 pm Dept. Affected: Corrections
 Title: An Act relating to offenses involving operating a BRU: Administration & Operations
motor vehicle, aircraft, or watercraft while under the influence... Component: All
 Sponsor: Representative Rokeberg
 Requester: House Finance Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual	780.0	875.0	970.0	1,065.0	1,160.0	1,160.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	2,804.7	3,335.8	4,081.9	4,785.2	5,447.9	5,447.9
TOTAL OPERATING	3,584.7	4,210.8	5,051.9	5,850.2	6,607.9	6,607.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	436.1	454.1	474.1	492.1	512.0	512.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3,148.6	3,756.7	4,577.8	5,358.1	6,095.9	6,095.9
1005 GF/Program Receipts	120.0	138.0	158.0	176.0	196.0	196.0
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	316.1	316.1	316.1	316.1	316.0	316.0
TOTAL	3,584.7	4,210.8	5,051.9	5,850.2	6,607.9	6,607.9

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Candace Brower
 Division: Commissioner's Office
 Approved by: Margaret Pugh
 Agency: Department of Corrections

Phone 465-4652
 Date/Time 4/05/01/4:30 pm
 Date 4/5/01

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS**

BILL NO. CSHB 4 (JUD)
PAGE 2 of 5
DATE 04/12/01

This bill will make extensive changes in the current statutes regarding driving while intoxicated (including a name change to driving while under the influence of an alcoholic beverage, inhalant, or controlled substance). Because of the volume of the bill, we will only address the specific sections that affect the Department of Corrections.

Sec. 4. Changes the presumptive sentencing regarding Manslaughter by adding a provision for Manslaughter as a result of DWI. It will change the presumptive sentence from 5 to 7 years. This change will result in an increased cost to DOC of \$107,360 in FY05 and \$211,640 in subsequent years. This is based on Dept. of Law's estimate that there are 9 convictions a year for Manslaughter or Criminally Negligent Homicide (as part of a DWI). They agree that it is safe to assume 5 convictions a year for Manslaughter. Offenders are currently receiving 5-year sentences. With good time, they are serving 1205 days. The increase will begin in the 4th year of the sentence. The 5 offenders would serve an additional 244 days the 4th year and an additional 237 days the 5th year. In the 5th year the 244 days and the 237 will start "stacking" as offenders convicted in FY03 begin serving their extended time.

FY05 = 244 days X 5 offenders X \$88.00/day = **\$107,360.**

FY06 = 244 days X 5 offenders X \$88.00/day + the above 5 offenders remaining 237 days X 5 X \$88.00 = \$104,280 for a total of **\$211,640.** **FY07 = \$211,640.**

Sec. 28. Reduces the threshold for presumption of DWI from .10 to .08. It is estimated by the Department of Law that although this may not result in a significantly large increase in arrests, it will increase convictions by 10%. In FY00 there were 4118 statewide misdemeanor convictions for DWI and 200 felony convictions.

Misdemeanors

413	X	69%	=	285	X	3	X	\$64.00	=	\$54,720.00				
413	X	20%	=	83	X	20	X	\$64.00	=	\$106,240.00				
413	X	8%	=	33	X	73	X	\$64.00	+	36	X	\$112.00	=	\$287,742.00
413	X	2%	=	8	X	64	X	\$64.00	+	64	X	\$112.00	=	\$90,112
413	X	1%	=	4	X	75	X	\$64.00	+	75	X	\$112.00	=	\$52,800
Totals		100%		413										\$591,614.00

Felons

20 X 352 X \$88.00 = \$619,520.

591,614
\$1,211,134.00

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB4(JUD)
PAGE 3 of 5
DATE 04/11/01

FY02	FY03	FY04	FY05	FY06	FY07	
1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	Cost of Incarceration
<u>0</u>	<u>33,967</u>	<u>67,934</u>	<u>101,901</u>	<u>101,901</u>	<u>101,901</u>	Probation Costs
1,211,134	1,245,101	1,279,068	1,313,035	1,313,035	1,313,035	Subtotal
<u>0</u>	<u>-61,320</u>	<u>-61,320</u>	<u>-61,320</u>	<u>-61,320</u>	<u>-61,320</u>	less savings for homicide.
1,211,134	1,183,781	1,217,748	1,251,715	1,251,715	1,251,715	Total

If we multiply 413 misdemeanants (10% of total) by the percentages reflected in DMV 2000 statistics for 1st, 2nd, 3rd, 4th, and 5th time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a .08 law. All 1st and 2nd time offenders go to the CRC so we utilized that cost of care for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentences being served for 3rd, 4th and 5th time non-felony offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

Assuming 20 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated: 20 X 352 days X \$88/day = \$619,520. The total for misdemeanants and felons then is \$1,211,134.

Felony DWI offenders are usually given an average of 3 years probation. Probation costs will not be incurred until after completion of sentence so will not be felt until the 2nd and subsequent years. The daily cost for probationers is \$5.17/day. If 18 of the 20 felons are on probation the second year, the cost would be \$33,967. It would be necessary to add \$67,934 the third year and \$101,901 the fourth year. After that it would level off as the first probationers would drop off.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year.)

Sec. 29. This section increases the sentence for 2nd time offenders from 20 days to 30 days unless the court orders the person to perform 10 days community service as authorized under AS 12.55.055. In FY00 there were an estimated 824 second time DWI offenders. We assume that one-half will be ordered to complete 10 days community work service in lieu of jail time. The other half will serve their extra 10 days in the CRC. Including statutory good time, 412 offenders will serve 7 days @ \$64.00/day for a total of \$184,576.

Sec. 31. This section requires treatment to occur as much as possible while the offender is incarcerated. This applies to felony DWI offenders. It is estimated that there will be approximately 240 felony offenders in FY02. Treatment experts indicate that someone who has reached felony status as a DWI offender will almost certainly require intensive outpatient treatment or residential treatment services. We estimate that currently, 11 felony DWI offenders a year receive residential treatment through our therapeutic community at Wildwood Correctional Center. Another 21 receive intensive outpatient treatment. Wildwood Correctional Center has the capacity to facilitate another therapeutic community that would accommodate another 60 offenders per year at a cost of \$380,000. Another \$30,000 would be needed for transitional funding. If we back out the felony DWI offenders currently receiving treatment (32) and subtract the 60

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB4(JUD)
PAGE 4 of 5
DATE 04/11/01

offenders who could be treated at an additional therapeutic community, the remaining 148 felony DWI offenders would need intensive outpatient treatment at a cost of \$2500 per offender for a total of \$375,000. The total treatment component to accommodate the felony DWI offender population would be \$780,000. This amount is reflected in the contractual section of the fiscal note since all substance abuse treatment is contracted out to private providers.

This section also requires that offenders pay for their cost of treatment up to \$10,000 unless they are deemed indigent. For those who are deemed indigent, and those who are unable/unwilling to pay, the state shall seek reimbursement from the offenders Permanent Fund Dividend. However, felons do not receive PFDs for the qualifying year(s) during which they serve their sentence. It is estimated that perhaps 25% of the felony offenders would be able to pay \$2,000 and the others would be indigent or unable to pay. The total revenue to the State of Alaska is estimated to be \$120,000 the first year, \$138,000 the second year, \$158,000 the third year, \$176,000 the fourth year and levels off at \$196,000 the fifth year.

Sec. 32. This section increases the amount the offender is required to pay for his incarceration from up to \$1,000 to up to \$2,000. This does not make a large difference in revenue since the current minimum sentence for second time offenders is 20 days. With good time, someone would serve 13 days. This is served in a Community Residential Center @ \$64.00/day. That totals \$832. Offenders are already required to pay up to \$1,000 for the cost of care. If the penalty is increased to 30 days, then the increase in cost of care will be made up for by the additional requirement. The requirement for payment is for misdemeanors only. If one half of the 824 second time offenders opt for the 30 day sentence, they would pay an additional \$280 each for a total of \$115,360.

Sec. 33. This section increases the 5-year look-back to a 10-year look-back, phasing it in over a 5-year period. Previously, in order to become a felon, an offender had to have two prior DWI convictions within the preceding 5 years. This will gradually expand the look-back to 10 years, one year at a time over the next five years. This will reduce the fiscal impact that would have been felt if the system had to absorb what would be (by DMV and DOL figures) an estimated 190 new convicted felons in the first year. Utilizing Department of Law's logic, by the end of the five-year period, when the full ten-year look-back is achieved, the system will be adding the full 190 additional felons each year. These will be first time felony offenders. If they receive the 180 day minimum sentence proposed in this legislation, and presuming they receive their good time, they would each serve 120 days of incarceration. This would total \$401,280 for the first year phase-in. We will then assume that each new year of the phase-in will add an additional 38 new felons until the 10 year look-back is satisfied. In FY03 the number of new felons will be 76 at a cost of \$802,560. In FY04 there will be 114 for a cost of \$1,203,840, FY05 will include 152 new felons for a cost of \$1,605,120 and FY06 reaches full look-back for 190 new felons at a cost of \$2,006,400.

In addition, this section increases the minimum sentences for felony DWI offenders. Using 240 as the number of expected convicted DWI felons in FY02, and estimating that 80% of those will be third time offenders, 192 will serve an additional 40 days. Utilizing the cost of \$88/day (an average cost of 1/2 time in a CRC and 1/2 time in a hard bed) the cost for third time offenders will be \$675,840. Estimating the 15% will be 4th time offenders, that would result in 36 offenders serving an additional 60 days, the cost for fourth time offenders is \$253,440. The remaining 5% (12 offenders) will serve an additional 53 days for the cost of \$55,968. The total cost of this provision for the first fiscal year will be \$985,248. Utilizing the same formula and filling in the number of felons each year, the increased cost of higher penalties is as follows: FY03 \$1,142,416 FY04 \$1,289,024 FY05 \$1,449,712 and in FY06 \$1,599,840.

Sec. 34. This section takes away the language in the current statute that provides a 10 year look-back for second time offenders. It is estimate that 3% of the 824 second time offenders will be affected by this removal. The result will be an additional 26 offenders serving a term for second time offense rather than first for a total of \$22,464. This is based on the assumption that 13 will serve 13 days @ \$64.00/day and

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB4(JUD)
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DATE 04/11/01

13 will serve 20 days @ \$64.00/day for a total of \$27,456. Subtracting the 3 day sentence they would have served anyway as a first time offender, (3X26X\$64 = \$4992) the total for this provision is \$22,464.

The changes in revenues reflected in the fiscal note include:

\$120,000 in FY02 for inmate payment for treatment;

\$316,128 (\$200,768 for .08 legislation and **\$115,360** for increased sentencing for 2nd time offenders.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSHB 4(TRA)
 (H) Publish Date: 2/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: An Act relating to offenses involving operating BRU: Alcohol & Drug Abuse Svcs
a motor vehicle Component: Alcohol Safety Action Program
 Sponsor: Rep Rokeberg
 Requester: House (TRA) Component Number: 305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	52.4	52.4	52.4	52.4	52.4	52.4
Miscellaneous						
TOTAL OPERATING	112.4	112.4	112.4	112.4	112.4	112.4

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	112.4	112.4	112.4	112.4	112.4	112.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	112.4	112.4	112.4	112.4	112.4	112.4

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs (ASAP) and subsequently for treatment. Of these additional cases DHSS estimates that 100% would be referred to an ASAP. The costs to handle these additional cases is \$112.4. We estimate that 65-70% of these cases will be handled by the ASAP office in Anchorage, which is operated by employees of the Division of Alcoholism and Drug Abuse.

Prepared by: Ernest Turner, Director Phone 465-2071
 Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/1/01 8:40 AM
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSHB 4 (TRA)
 (H) Publish Date: 2/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: An Act relating to offenses involving operating a motor vehicle BRU: Alcohol & Drug Abuse Svcs
 Component: Alcohol/Drug Abuse Grants
 Sponsor: Rep Rokeberg
 Requester: House (TRA) Component Number: 1239

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	582.2	582.2	582.2	582.2	582.2	582.2
Miscellaneous						
TOTAL OPERATING	582.2	582.2	582.2	582.2	582.2	582.2

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

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	582.2	582.2	582.2	582.2	582.2	582.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	582.2	582.2	582.2	582.2	582.2	582.2

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs and subsequently for treatment. Of these additional cases DHSS estimates that 75% would be treated in a public program. Due to existing wait capacity and waitlist an additional \$582.2 is required to fund the capacity required to provide the mandated treatment required.

Prepared by: Ernest Turner, Director Phone 465-2071
 Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/1/01 8:45 AM
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 12
Bill Version: CSHB 4 (JUD)
(H) Publish Date: 4/5/01

Revision Date/Time (Note if correction): March 6, 2001 Dept. Affected: Health & Social Services
Title: Relating to operating motor vehicles under the BRU: Juvenile Justice
influence Component: Bethel Youth Facility
Sponsor: Representative Rokeberg
Requester: House (TRA) Component Number: 319

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 33 of the bill was amended to delete a provision which would have required an additional six month period of incarceration for persons convicted of driving under the influence. With this provision deleted from the H-TRA committee substitute, there would be a zero fiscal impact on DJJ through CSHB4(TRA).

Prepared by: George Buhite, Director Phone 465-2212
Division: Juvenile Justice Date/Time 3/6/01 4:42 PM
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/6/01 4:42 PM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 11
 Bill Version: CSHB 4 (JUD)
 (H) Publish Date: 4/5/01

Revision Date/Time (Note if correction): March 6, 2001 Dept. Affected: Health & Social Services
 Title: Relating to operating motor vehicles under the influence BRU: Juvenile Justice
 Component: Johnson Youth Facility
 Sponsor: Representative Rokeberg
 Requester: House (TRA) Component Number: 267

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 33 of the bill was amended to delete a provision which would have required an additional six month period of incarceration for persons convicted of driving under the influence. With this provision deleted from the H-TRA committee substitute, there would be a zero fiscal impact on DJJ through CSHB4(TRA).

Prepared by: George Buhite, Director Phone 465-2212
 Division: Juvenile Justice Date/Time 3/6/01 4:33 PM
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/6/01 4:33 PM
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (JUD)

Revision Date/Time (Note if correction) _____	Dept Affected _____
Title <u>Omnibus DWI Bill</u>	BRU <u>Alaska Court System</u>
	Component <u>Trial Courts</u>
Sponsor <u>Rep Norman Rokeberg</u>	
Requester <u>House Finance Committee</u>	Component No <u>76R</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	352.1	362.0	362.0	362.0	362.0	362.0
Travel						
Contractual	16.5	24.8	35.2	43.5	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	368.6	386.8	397.2	405.5	415.8	415.8

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

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	368.6	386.8	397.2	405.5	415.8	415.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	368.6	386.8	397.2	405.5	415.8	415.8

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	4	4	4	4	4	4
Part-time	4	4	4	4	4	4
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 4 (JUD) makes several changes to the statutes relating to the offense of driving while intoxicated. Some of these changes will have a fiscal impact on the court system.

The bill lowers the BAC necessary for a DWI violation under AS 28.35.030(a)(2) from .1 to .08. National studies show that this change typically results in a 10% increase in DWI filings. Based on that assumption, the court system would see an additional 500 misdemeanors and 28 felony filings a year.

The bill also imposes a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on these estimates and on a 10% felony trial rate. Because the felony DWI load in Anchorage is already beyond the superior court's capacity, this note provides for a new superior court judge.

Finally, the bill calls for mandatory vehicle forfeiture or immobilization for all second DWI convictions and mandatory vehicle forfeiture for all third and subsequent DWI convictions. A court hearing is required for each forfeiture. The Department of Law estimates that this change will result in 800 hearings. This note is based on that estimate and assumes that each hearing will last 15 minutes.

Prepared by <u>Douglas Wooliver</u>	Phone <u>463-4750</u>
Division <u>Alaska Court System</u>	Date/Time <u>4/19/01 @ 11:00 AM</u>
Approved by <u>Stephanie Cole</u>	Date _____
Agency <u>Alaska Court System</u>	

For distribution information, call the Governor's Legislative Office

**Alaska Court System
Fiscal Note Calculations for CSHB 4 (JUD)**

4/19/01

Increase in 45 - 225 New Felonies FY02 thru FY06:

	FY02	FY03	FY04	FY05	FY06
<u>Superior Court:</u>					
Jury Costs	10,340	18,612	28,952	37,224	47,564
Superior Court Judge	138,467	142,300	142,300	142,300	142,300
Law Clerk for Superior Court Judge	48,130	49,400	49,400	49,400	49,400
Secretary	41,997	43,050	43,050	43,050	43,050
In-Court Clerk	41,997	43,050	43,050	43,050	43,050
	270,591	277,800	277,800	277,800	277,800
Fiscal Note Total for 45 - 225 New Felonies	280,931	296,412	306,752	315,024	325,364

Vehicle Forfeitures:

800 new hearings, 287 of which would be handled in conjunction with a superior court case (felony)

513 hearings @ 15 minutes/hearing = 128.25 hours of hearing time (one month)

	FY02	FY03	FY04	FY05	FY06
<u>District Court:</u>					
District Court Judge Pro Tem (1 Month)	10,084	10,449	10,449	10,449	10,449
In-Court Clerk PPT (1 Month)	3,500	3,588	3,588	3,588	3,588
Fiscal Note for Vehicle Forfeitures	13,584	14,037	14,037	14,037	14,037

500 New Misdemeanors and 3 Felony Trials at 08:

	FY02	FY03	FY04	FY05	FY06
<u>Superior Court:</u>					
Jury Costs	6,204	6,204	6,204	6,204	6,204
District Court Judge Pro Tem (5 Months)	50,419	52,245	52,245	52,245	52,245
In-Court Clerk PPT (5 Months)	17,499	17,940	17,940	17,940	17,940
	67,918	70,185	70,185	70,185	70,185
Fiscal Note for 500 Misdemeanors & 3 Felony Trials	74,122	76,389	76,389	76,389	76,389

Cumulative Fiscal Note:

Personal Services	352,092	362,022	362,022	362,022	362,022
Contractual	16,544	24,816	35,156	43,428	53,768
Cumulative Total	368,636	386,838	397,178	405,450	415,790
<u>Funding Source:</u>					
1004 GF	368,636	386,838	397,178	405,450	415,790
<u>Positions:</u>					
Full time	4	4	4	4	4
Part time	4	4	4	4	4

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

JUDICIARY COMMITTEE CHAIRMAN
LABOR & COMMERCE COMMITTEE MEMBER
LEGISLATIVE COUNCIL MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM MEMBER

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SPONSOR STATEMENT

CSHB 4 (JUD)

Omnibus Drunk Driving Legislation

Alaska has one of the toughest drunk driving laws in the United States, but many of our state's habitual drunk drivers are not getting the message. CSHB 4 (JUD) creates the toughest set of driving under the influence ("DUI") laws in the country.

Poor judgment and chemical dependency are the primary causes of habitual drinking and driving. These people *kill, injure, and maim* Alaskans causing untold grief, pain, suffering, and economic loss. Estimates show that the average 1998 alcohol-related fatality in Alaska cost \$5.1 million (\$1.7 million in monetary costs and \$3.4 million in quality of life losses) while the average 1998 injured survivor experienced approximated \$126,000 in costs (\$52,000 in monetary costs and \$74,000 in quality of life losses). These figures are from the Public Services Research Institute and were produced under a National Highway Traffic Safety Administration Partners in Progress Cooperative Agreement and are figures for Alaska.

Over the past year, Alaska has witnessed a rash of tragic deaths and injuries. A public outcry resulted in the establishment of the Municipality of Anchorage's DUI Task Force. Many recommendations of this Task Force are embodied in CSHB 4 (JUD).

CSHB 4 (JUD) increases fines and jail time; lowers the blood alcohol content limit from .10 to .08; mandates treatment for prisoners; deletes the five-year lookback provision while phasing in a ten-year lookback; requires immobilization or forfeiture of the vehicle on the second offense and forfeiture on third and subsequent offenses; requires seizure of license plates; and increases fees, fines and cost caps in various areas of the law to enhance revenue to offset associated costs.

CSHB 4 (JUD) contains both the "stick" (punitive revision of law) in the House Majority's alcohol package and the "carrot" (flexibility for the judicial system to in giving out sentences and fines). It also contains several enhancements for the treatment of offenders. Enactment of this legislation will send a strong and clear message: **DO NOT DRINK AND DRIVE.**

The fiscal impacts are significant. However, if this bill saves one life, or saves one Alaskan from injury -- Isn't it worth the investment?

Your support of this important legislation would be appreciated.

ED 3:04/05/01

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

JUDICIARY COMMITTEE CHAIRMAN
LABOR & COMMERCE COMMITTEE MEMBER
LEGISLATIVE COUNCIL MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
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SECTIONAL ANALYSIS CSHB 4 (JUD)

An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant or controlled substance; relating to court records of a conviction involving a violation of the Alaska Uniform Vehicle Code or an other law, regulation, or ordinance regulating the driving of vehicles; relating to implied consent to take a chemical test; relating to operating a motor vehicle without a driver's license; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; relating to alcoholism treatment for offenders convicted of certain offenses involving operating a motor vehicle, aircraft, or watercraft; and providing for an effective date.

Prepared by Representative Norman Rokeberg

- Section 1:** Finding and intent section.
- Section 2:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 3:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 4:** Adds new subsection setting forth that the presumptive sentence for manslaughter as a result of driving while under the influence of an alcoholic beverage, inhalant or controlled substance is seven years.
- Section 5:** Changes references from driving while "intoxicated" to driving "while under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 6:** Requires the department of administration to refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's first, middle, and last name or a business name.

- Section 7:** Adds new subsection concerning seizure of registration plates resulting from chemical sobriety tests and refusals to submit to tests. Such seizure tracks with driver's license suspension or revocation. Also contains provisions for co-owner to obtain registration plates for vehicles. Protects leased, rented, or borrowed vehicles from license plate seizure.
- Section 8:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 9:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 10:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 11:** Adds references to motor vehicle plate seizure to notice provisions.
- Section 12:** Adds references to motor vehicle plate seizure to request for review of department's action provisions.
- Section 13:** Adds reference to motor vehicle registration plate provisions to temporary permit provisions.
- Section 14:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law.
- Section 15:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 16:** Amends minimum periods of license revocation to reflect references to new provisions in AS 28.35.030(n)(3) and 28.35.032(p)(3).
- Section 17:** Requires that the court shall furnish the Division of Motor Vehicles with information on a driving conviction within five working days.

- Section 18:** Technical amendment relating to the authority of the court to grant limited driver's license privileges following a conviction for DUI
- Section 19:** Requires a person who loses their driver's license for DUI or refusal to take a breath test to meet the alcoholism screening, evaluation, referral, and program requirements under AS 28.35.030(h) imposed under AS 28.15.181(a)(5) or (8) in order to have license reissued.
- Section 20:** Doubles driver's license reinstatement fees for those convicted of DUI or refusal.
- Section 21:** Amends the current statutes concerning persons who knowingly permit a motor vehicle to be driven by a person not validly licensed so that persons in fear of perpetrator of domestic violence may not be charged under this statute.
- Section 22:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 23:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law. Also changes references to "driving while intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 24:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the commercial motor vehicle implied consent law.
- Section 25:** In commercial motor vehicle section, changes "intoxicated" to "under the influence of an alcoholic beverage". Changes references from "intoxicating liquor" to "alcoholic beverage".
- Section 26:** Changes "intoxicating liquor" to "alcoholic beverage".
- Section 27:** Changes references from "intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance".

- Section 28:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Adds "an alcoholic beverage" and "inhalant" to list of items that constitutes crime of driving while "under the influence of an alcoholic beverage, inhalant or controlled substance". Reduces the legal limit for being intoxicated from 0.10 to 0.08 percent of alcohol in a person's blood.
- Section 29:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Changes the penalties (sentence and fine) for misdemeanor DUI Adds watercraft to list of items that may be forfeited. On second offense requires vehicle forfeiture OR immobilization. On third and subsequent, mandates vehicle forfeiture.
- Section 30:** Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 31:** Establishes limit imposed on cost of treatment required to be paid by a person convicted of DUI Specifies that, as much as possible, treatment shall occur while incarcerated. Establishes that the cost of treatment must include at least \$150 for cost of alcohol safety action program if available. Permits state to seek reimbursement for treatment costs from permanent fund dividend. Establishes that subsection does not apply to costs of treatment incurred by a person as a result of treatment not required under this subsection.
- Section 32:** Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of DUI
- Section 33:** Felony DUI section. Eliminates 5-year lookback and phases in a 10-year look back period and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years preceding the date of the offense. Increases the penalties for a conviction under this

section, including jail time, fine, loss of driver's license, and forfeiture of the vehicle, watercraft or aircraft used in the offense. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.

Section 34: Adds definition for "inhalant". Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

Section 35: Adds provisions relating to restoration of a driver's license following a D.U.I conviction and relating to failure to satisfy alcoholism treatment requirements. Establishes procedure for surrender of registration plate for an vehicle registered or co-registered in convicted person's name. Establishes that court may suspend: (1) a portion of mandatory minimum sentence if persons successfully completes a therapeutic court program; and (2) up to 50% of the minimum fines. Designates the Director of the Division of Motor Vehicles or designee as a person eligible to request and receive criminal justice information.

Section 36: Makes technical amendments relating to implied consent law. Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the implied consent law.

Section 37: Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of administering a breath test under the implied consent law.

Section 38: Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administering a breath or blood test under the implied consent law when there is a motor vehicle accident that causes death or serious physical injury.

Section 39: Adds new section providing that the implied consent statute was not intended to prevent the police search warrants.

- Section 40:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 41:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 42:** Changes refusal section to mirror DUI section on fines and penalties for misdemeanors. Establishes forfeiture or immobilization for second offense. Establishes forfeiture for third offense.
- Section 43:** Changes refusal section to mirror DUI section on treatment. Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 44:** Changes refusal section to mirror DUI section. Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".
- Section 45:** Changes refusal section on treatment language to mirror DUI section. Establishes limit imposed on cost of treatment required to be paid by a person convicted of DUI. Specifies that, as much as possible, treatment shall occur while incarcerated. Establishes that the cost of treatment must include at least \$150 for cost of alcohol safety action program if available. Permits state to seek reimbursement for treatment costs from permanent fund dividend. Establishes that subsection does not apply to costs of treatment incurred by a person as a result of treatment not required under this subsection.
- Section 46:** Changes refusal section on imprisonment costs to mirror DUI section. Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of refusal.
- Section 47:** Changes refusal section on felony charges to mirror DUI section.

Phases in a 10-year lookback period and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years preceding the date of the offense. Increases the penalties for a conviction under this section, including jail time, fine, loss of driver's license, and forfeiture of the vehicle, watercraft or aircraft used in the offense. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.

- Section 48:** Changes refusal section on driver's license revocation to mirror DUI section. Adds provisions relating to restoration of a driver's license following a DUI conviction and relating to failure to satisfy alcoholism treatment requirements. Establishes procedure for surrender of registration plate for any vehicle registered or co-registered in convicted person's name. Establishes that court may suspend: (1) a portion of mandatory minimum sentence if persons successfully completes a therapeutic court program; and (2) up to 50% of the minimum fines.
- Section 49:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage or controlled substance." Also changes certain presumptions applicable to civil or criminal action involving a person alleged to have driven while under the influence of an alcoholic beverage or controlled substance.
- Section 50:** Requires the police to inform a person undergoing a chemical test for intoxication of their right to have an independent chemical test and requires the department to make reasonable and good-faith efforts to assist the person to obtain an independent test.
- Section 51:** Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 52:** Requires the court to order forfeiture of motor vehicle, aircraft, or watercraft used in committing a DUI or refusal offense if this is a third conviction. Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

- Section 53:** Sets forth some examples of how the Department of Public Safety may dispose of a forfeited motor vehicle, watercraft or aircraft under the forfeiture provisions.
- Section 54:** Permits municipal ordinances concerning impoundment and forfeiture to include a fee for administrative costs.
- Section 55:** Amends definition of "alcohol safety action program".
- Section 56:** Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".
- Section 57:** Permits the Department of Health and Social Services to develop, implement, and designate an alcohol safety action program.
- Section 58:** Adds standards for alcohol safety action programs to current statute.
- Section 59:** Adds requirements concerning approval of and inspection of alcohol safety action programs.
- Section 60:** Applicability section.
- Section 51:** Effective date is July 1, 2001.

ED3:04/03/01

**Ten Year Summary
Alcohol Related Traffic Arrests
1991 Through 2000**

Alcohol Arrest Incidents	Number of Offenders	Percent of Offenders
1	31499	73%
2	7944	19%
3	2475	6%
4	725	2%
5	213	0%
6	56	0%
7	11	0%
8	3	0%
<hr/>		
Ten-Year Total	<u>42,926</u>	100%

Year	DWI Arrests
1991	5,875
1992	6,437
1993	6,576
1994	6,374
1995	6,077
1996	5,969
1997	5,307
1998	5,577 *
1999	5,580 *
2000	5,442 *
<hr/>	
<u>59,214</u>	

*For the time period 1998-2000 the number of breath tests in the .08 - .0999 range totaled 685

Source: Department of Public Safety
March 19, 2001
Alaska Public Safety Information Network
Criminal History Records

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

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CSHB 4 (JUD) HIGHLIGHTS

- ◆ Separates repeat offender drunk drivers from vehicles
- ◆ Lowers BAC to .08
The federal law mandates that we lower our BAC.
If the .08 law is passed and in effect prior to July 15, 2001, Alaska will be eligible to receive approximately \$848,000 in incentive payments for states with .08 BAC.
If we do not lower our BAC to .08 and have it in effect by 1 October 2003, we will actually lose \$3,580,967 in FY 2004 up to \$14,323,867 in FY 2007.
If we adopt .08 prior to Federal Fiscal Year 2007 (October 1, 2007), we would regain any funds lost (see information provided by Alaska Highway Safety Office, 01/01, attached).
- ◆ Eliminates 5-year look back and phases in a 10-year look back
Currently a third DUI offense in five years is a felony. After the five-year window, charges then go back to misdemeanors.
This bill phases in a ten-year window.
- ◆ Raises fines and sentences (see attached table)
- ◆ Raises reimbursement cap for incarceration costs from \$1,000 to \$2,000
- ◆ Establishes reimbursement cap for treatment costs reimbursed to state: \$10,000
- ◆ Raises reinstatement fees for driver's licensing due to DUI and/or refusal to take chemical test
- ◆ Lowers impairment from .05 to .04
- ◆ Provides for permanent driver's license revocation for worst offenders
- ◆ After ten years, these worst offenders may apply for reinstatement if meet certain conditions
- ◆ Mandatory vehicle forfeiture or immobilization on 2nd misdemeanor. Offender pays for immobilization costs.
- ◆ Mandatory vehicle forfeiture on 3rd misdemeanor and all felonies

- ◆ **Increases presumptive sentence for first felony manslaughter caused by DUI from 5 years to 7 years**
- ◆ **License plates of offenders will be confiscated along with driver's license and revocation will run concurrent with driver's license revocation or suspension. Co-owners, lienholders, and owner of "borrowed" vehicles are protected and may regain registration plates. Temporary "plate" issued along with temporary driver's license. Current provisions on driver's license review and appeal are offered for license plate confiscation.**
- ◆ **Changes DWI to DUI**
- ◆ **Mandatory treatment of prisoners**

Reader's Digest Version of CSIB 4 (JUD)
Prepared by Representative Norman Rokeberg
April 5, 2001

TOPIC	SECTION(S) FOUND	COMMENTS
New name: change "DWI" to "DUI" and include inhalants	2, 3, 4, 5, 8, 9, 10, 14, 15, 22, 23, 27, 28, 34, 36, 40, 41, 49, 51, 52, 56	Changes "driving while intoxicated" to "driving under the influence of an alcoholic beverage, inhalant, or controlled substance"
First felony manslaughter DUI	4	Increase presumptive sentence from five to seven years.
Vehicle Registration Plate Seizure	7, 11, 12, 13	Procedure same as current procedure for driver's license: Officer seizes plates at time of seizure of driver's license; issues temporary distinctively colored "plates" (similar to what is now issued for newly registered car permits but in a different distinct color). Person has right of administrative review. Provides owner or co-owner who is not subject of charge to register vehicle.
"Reasonable Cause" changed to "Probable Cause"	14, 25, 24, 37, 38,	Conform to court decision in Alaska Supreme Court <u>Leslie v. State</u> , 711 P.2d 575 (Alaska App. 1986)
Treatment of offenders	31 (DUI), 45 (refusal)	To occur as much as possible when incarcerated.

TOPIC	SECTION(S) FOUND	COMMENTS
Treatment costs - reimbursement	31 (DUI), 45 (refusal)	Up to \$10,000 reimbursed to state that must include \$150 ASAP fee. Reimbursement from PFD to be sought. Subsection does not apply to costs incurred by treatment not required under this subsection.
Treatment records (verifying past treatment)	30 (DUI), 43 (refusal)	Within constraints provided by federal law or regulation, treatment providers are to provide judge, prosecutor, defendant, and treatment agency involved with defendant's treatment with information and reports concerning defendants past and present assessment, treatment, and progress. Information is confidential. This is so that adequate information is available for future treatment considerations.
Imprisonment costs recouped	32 (DUI), 45 (refusal)	Increases reimbursement from \$1,000 to \$2,000.
Increased drivers license reinstatement fees	20	Current is \$100 fee if, within 10 years, previously convicted once; new fee is \$200. Current is \$250 fee, if within 10 years, previously convicted two or more times; new fee is \$500.
Domestic Violence Victims	21	Adds protection for dv victims to current statutes concerning persons who knowingly allow another person not validly licensed to operate a motor vehicle.

TOPIC	SECTION(S) FOUND	COMMENTS
Misdemeanor DUI - increased fines and sentences.	29, 35 for suspensions and/or reductions	See attached comparison table
Vehicle forfeiture DUI - misdemeanor	29 (DUI), 52 (refusal)	Second offense - forfeiture or impoundment; third or subsequent offense - mandatory forfeiture.
Increased look back provisions	33 (DUI), 47 (refusal)	Currently, a third offense within five years becomes a felony. This deletes the five-year lookback and phases in a ten- year time period so that a third offense within ten years will be a felony.
Felony DUI - increased fines and sentences	33, 35 for suspensions and/or reductions	See attached comparison table
Vehicle forfeiture DUI - felony	33 (DUI) , 52 (DUI and refusal)	All felony offenses
License revocation DUI - felony	33	Permanent (see also Section 35 for procedure to request reinstatement under certain conditions after ten years)
Vehicle registration - Felony DUI	33	Revoked
Inhalant defined	34	
License reinstatement procedure after permanent revocation for felony DUI	35	
Refusal sections which are changed to mirror DUI sections	Misdemeanor - 42; treatment - 43, 45; imprisonment costs - 46; felony - 47; driver's license revocation - 48	Mirrors provisions above for misdemeanor and/or felony DUI including fines, sentences, treatment, imprisonment costs, etc.

TOPIC	SECTION(S) FOUND	COMMENTS
.08 Blood Alcohol Content ("BAC")	49	Lowers BAC from .10 to .08; lowers other assumptions from .05 to .04, and from .05 to less than .10 to .04 to less than .08
Right to independent test	50	Person administering test is to inform person being tested of right to independent test. If person being tested requests independent test, reasonable efforts shall be made to assist person being tested in receiving independent test. Clarifies current law.
State disposal of forfeited motor vehicle, aircraft or watercraft	53	By way of example, state may: sell at auction, transfer to state or municipal law enforcement agency; declare surplus and transfer to Department of Administration; destroy.
Municipal ability to charge administrative fee for impoundment and forfeiture	54	Specifically sets forth in statute ability of municipality to charge administrative fee for costs incurred. Suggested by some local governmental representatives.
ASAP	56, 57, 58	Defines Alcohol Safety Action Program and sets forth ability of H&SS to develop standards, review, and monitor programs
Search Warrants	39	Adds a new section providing that the implied consent statute was not intended to prevent police search warrants. This makes it clear that the legislature has adopted the view expressed by Justice Compton in his dissenting opinion in <i>Pena v. State</i> , 684 P. 2d 684, 868 (Alaska 1984). Justice Compton said: "There simply is nothing in the [implied consent] statute to indicate that the

		legislature contemplated restricting searches pursuant to warrant, which derive from the statutory authority of the court, rather than the power of an officer to search an individual at the time of arrest."
Applicability	60	Section 6 (using full name when registering vehicle) applies to registrations occurring on or after effective date; act applies to offenses committed on or after effective date, except that references to previous convictions including convictions occurring before, on or after effective date.
Effective Date	61	July 1, 2001

**COMPARISON
CURRENT FINES AND SENTENCES TO THOSE PROPOSED UNDER CSHB 4 (JUD)**
Prepared by Representative Norman Rokeberg
April 5, 2001

Description	Current Minimum Fine/Sentence	Proposed Minimum Fine/Sentence	Comment
1st time misdemeanor DUI or Refusal	\$250/72 consecutive hours	\$1500/72 consecutive hours	Section 29 (DUI) Section 42 (Refusal)
2nd time misdemeanor DUI	\$500/20 days	\$3,000/30 days or 20 days plus 10 days community service at court's discretion	Section 29 (DUI) Section 42 (Refusal)
3rd time misdemeanor DUI	\$1,000/60 days	\$4,000/60 days	Section 29 (DUI) Section 42 (Refusal)
4th time misdemeanor DUI	\$2,000/120 days	\$5,000/120 days	Section 29 (DUI) Section 42 (Refusal)
5th time misdemeanor DUI	\$3,000/240 days	\$6,000/\$240 days	Section 29 (DUI) Section 42 (Refusal)
6th+ time misdemeanor DUI	\$4,000/360 days	\$7,000/360 days	Section 29 (DUI) Section 42 (Refusal)
Driver's license	Court shall revoke	Court shall revoke	No change
Forfeiture	Court May	Court shall forfeiture or immobile on 2nd offense; mandatory third or subsequent	Adds watercraft to items that may be forfeited.

Description	Current Minimum Fine/Sentence	Proposed Minimum Fine/Sentence	Comment
Other costs - applicable to misdemeanor & felony, DUI and refusal	Imprisonment up to \$1,000 Driver's license reinstatement \$100 if one DUI or refusal conviction or \$250 if more than once within 10 years	Treatment up to \$10,000 ASAP fee, \$150 Imprisonment up to \$2,000 Reinstatement fees doubled	Also must consider impact on insurance
1st time Class C felony	\$5,000/120 days	\$10,000/180 days	Section 33 (DUI), Section 47 (Refusal)
2nd time Class C felony	\$5,000/240 days	\$10,000/360 days	Section 33 (DUI), Section 47 (Refusal)
3rd or subsequent time Class C felony	\$5,000/360 days	\$10,000/440 days	Section 33(DUI), Section 47 (Refusal)
License revocation	Shall revoke with time limits	Permanent Revocation but ability to reapply after 10 years	Section 33, Section 35 for reinstatement
Vehicle forfeiture	May order	Shall forfeit	Section 33 (DUI), Section 47 (refusal)
Vehicle registration		Revoked for all vehicles owned or co-owned	Section 33 (DUI), Section 47 (refusal)
Imprisonment - misdemeanor & felony		Portion may be suspended if successfully completes therapeutic court	Section 35
Fines - misdemeanor & felony		Up to 50% may be suspended	Section 35

Full report: <http://www.ci Anchorage.ak.us/mixor/>

Final Report of the DUI Prevention Task Force



Municipality of Anchorage

October 30, 2000

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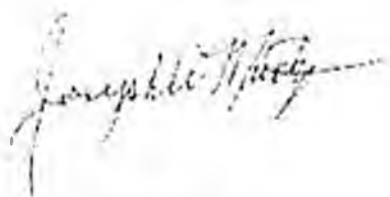
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October 30, 2000

Statement of Intent

The intent of this DUI Task Force has been to fashion realistic recommendations that fulfill its mandate to advise the Mayor and the Assembly on appropriate action necessary to prevent and deter drunken driving in Anchorage. The Task Force addressed many potentially effective suggestions regarding drunken driving prevention and deterrence. Some proved polarizing, complex, and not subject to immediate implementation. Research, testimony, and debate eventually produced consensus as to the recommendations. While the majority of the recommendations were the product of pure consensus, certain elements within the report met with objections by one or two members. As a whole, however, the entire Task Force endorses the report.

It is our intent to provide you simple, not simplistic, guidance in dealing with the problem of drunken driving in Anchorage. You will find no footnotes and few data quotes to complicate the recommendations. As chairmen, we can assure you that the Task Force has done its homework. The Task Force was appointed as a reflection of the community, and the consensus reached in this report should be a good measure of how the recommendations will be embraced by the citizens of Anchorage.



Joe Murdy
Co-Chairman



Bob Bailey
Co-Chairman

Executive Summary

A special citizen's task force on DUI (Driving Under the Influence) was proposed by Mayor George Wuerch and created by a resolution of the Anchorage Assembly on July 18, 2000. The Task Force was created to advise the Mayor and the Assembly on appropriate legislative action necessary to prevent and deter drunken driving in Anchorage. The Task Force consisted of twenty original members, two ex-officio members, two alternates, and one replacement member.

Original Task Force members were co-chairmen Bob Bailey and Joe Murdy, Charlotte Phelps, Marti Greeson, Obed Nelson, Gail Schubert, Judge Elaine Andrews, Jewel Jones, Denise Henderson, Ron Perkins, Jack Amon, John Richard, Janet Seitz, Paul Reid, Curtis Thayer, Rob Heun, Jasmyne Thea Faulk, Bob Young, Bill Chadwick, and Leslie Ridle. Ex-officio members were Chief Duane Udland and Municipal Attorney Bill Greene. Alternate members were Karen Rogina and Denise Trutanic. Judge Andrews eventually withdrew from the task force and was replaced by Wendy Lyford. Assistant Municipal Prosecutor Carmen Clarkweeks provided valuable legal interpretations of state and municipal law.

The Task Force had an organizational meeting in July 2000, and began work sessions in August 2000. Ten full Task Force meetings were held, including one meeting dedicated solely to public testimony in which twenty-two citizens testified. Those testifying were James Gay, Cheryl Mann, Gary T. Spezialy, Dennis Kalpakoff, Joseph Young, Shannon McBride, Rep Norm Rokeberg, Michelle Villard, John Wood, Dan Coffey, Pat Knowles, Jim Messick, Nelson Page, Bill Herman, Don Grasse, Kelly Gillilan-Gibson, Barbara Bennett, Ken Smith, Janet McCabe, Cliff Lamb, Mike Krukar and Philip Petree. One meeting was devoted to an overview of DUI Courts as the Task Force was interested in this concept and its potential. All full Task Force meetings were electronically recorded.

The Task Force's charter outlined the following issues to address:

- State and/or municipal legislation to prevent and deter drunken driving, particularly those previously convicted of driving under the influence of alcohol;
- Enforcement of existing laws and ordinances;
- Other government programs;
- Other organizations, both public and private, that can be of assistance.

The Task Force created three subcommittees to carry out its work in the following areas:

- Current Laws Subcommittee - examined current laws on the books, addressed issues of enforcement and sentencing without additional legislation;
- Courts Subcommittee - examined alternative legal venues for prosecuting offenders, such as DWI and Drug Courts;
- Alternative Solutions Subcommittee - examined what additional can be done to address the problem of drinking and driving, and considered sentencing alternatives.

The subcommittees held several meetings and then presented reports to the full Task Force. The subcommittee reports can be found in the Addendum to this report. These reports generated a composite list of twenty-five subcommittee recommendations that functioned as discussion points for the full task force. The Task Force used a consensus model to develop final recommendations from the discussion points. The final recommendations contained in this Final Report are not presented in any particular order indicating priority.

Summary of Task Force Recommendations

The Task Force addressed the broad spectrum of legislative modifications, enforcement issues, potential government programs, and other types of public and private organizations within the scope of the charter statement and reached consensus on the following recommendations:

State and Municipal Legislative Recommendations

- Change the legal designation from DWI (Driving While Intoxicated) to DUI (Driving Under the Influence)
- Update present statutes to reflect subsequent court decisions
- Make third and subsequent DUIs felonies by eliminating "look back" provisions
- Identify enhancements for charging and sentencing considerations
- Graduate Blood Alcohol Concentration (BAC) levels and penalties from .08, and consider modifying AS 28.35.032, Refusal To Submit To A Chemical Test, to reflect the graduated penalty implications
- Require a valid driver's license and proof of insurance to register a vehicle
- Adopt a mandatory impoundment and forfeiture procedure at the state level
- Explore the feasibility of a centralized clearinghouse for licenses and investigate the expanded options provided by technological advances for tracking licenses whose holders have convictions for certain alcohol related offenses
- Require mandatory alcohol awareness training and a victim's panel as a prerequisite for obtaining a valid resident driver's license
- Provide parameters for monitored, certifiable residential treatment in sentencing when enhancement factors are present
- Offer screening, mandatory alcohol education, and mandatory alcohol assessment during incarceration for DUI
- Provide for monitored alcohol treatment and ensure certifiable minimum standards in all DUI treatment programs
- Adopt Alaska Criminal Justice Assessment Commission recommendation #15 that the state should encourage the expansion of the Department of Health and Social Services Alcohol Safety Action Program (ASAP) through legislation and funding
- Recognize that halfway houses are not appropriate for repeat offenders and analyze halfway house administration
- Adopt Alaska Criminal Justice Assessment Commission recommendation #8 which relates to underage drinkers
- Make AS 04.16.050, Possession, Control, or Consumption by Persons Under 21 a misdemeanor and provide for alcohol treatment or counseling, peer options such as Youth Court, and parental/guardian notification
- Repeal AMC 10.50.015(H), Solicit the Purchase, Attempt to Purchase, or Possess Intoxicating Liquor, and require these offenses be charged under a revised AS 04.16.050

- Establish and fund a DUI Court
- Make AS 28.05.095, Use of Seat Belts and Child Safety Devices Required, a primary law

Enforcement Recommendations

- Encourage focused enforcement of youthful offenders
- Encourage the state to enforce and prosecute AS 28.35.280, Minor Operating a Vehicle After Consuming
- Establish a Report Every Drunk Driver Immediately (REDDI) program in Anchorage
- Expand "Drunk Busters" program, and initiate year round saturation patrols
- Streamline drunken driver arrest processing procedures
- Initiate safety checkpoints when deemed appropriate by law enforcement
- Implement ignition interlock devices as a condition of probation for DUI offenders after their driving privileges have been reinstated

Other Government Programs

- Increase alcohol server mandatory training from every three years to every two years
- Establish media awareness campaigns that target the "1. caught offender"
- Establish mandatory alcohol education and awareness programs in schools
- Study alternative forms of transportation between Girdwood and Anchorage
- Establish an umbrella group to facilitate continued coordination, compilation and exchange of data, and exchange of materials between interested groups and organizations

Public/Private Organizations

- Establish a Responsible Hospitality Institute Chapter in Anchorage

LEGISLATIVE RESEARCH REPORT

NOVEMBER 28, 2000



REPORT NUMBER 01.023

FEDERAL HIGHWAY FUNDING AND STATE DWI LAWS

PREPARED FOR REPRESENTATIVE NORMAN ROKEBERG

BY PATRICIA YOUNG, LEGISLATIVE ANALYST

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<i>Table One: Federal Highway Funding and Alcohol-Related Programs.....</i>	<i>10</i>

You asked for an explanation of the connection between federal highway dollars and a state's drinking and driving laws. Specifically, you asked whether Alaska has foregone federal funding opportunities as a result of not having enacted certain provisions regarding open containers and repeat offenders. If so, you wished to know how long the state has foregone such revenue and the amount of funding that has been "lost." Additionally, you asked for an explanation of the funding consequences of the recent federal requirement concerning a blood alcohol concentration standard of 0.08 percent.

For purposes of this report, we focus on measures relating to driving while intoxicated (DWI) addressed by Congress in the Transportation Equity Act for the 21st Century, the current federal authorization for surface transportation programs. After a brief summary, we address each provision, and its impact on transportation and highway safety funding in Alaska, individually. We consolidate the data in Table One.

SUMMARY

In order to encourage states to adopt and enforce specific anti-drunk driving laws, Congress authorized two incentive grant programs and two transfer provisions as part of the Transportation Equity Act for the 21st Century (TEA-21) in 1998.¹ These provisions are in effect from federal fiscal year 1998 through 2003. More recently, President Clinton signed into law a sanction provision to take effect in federal fiscal year 2004, for states that fail to adopt and enforce a 0.08 percent blood alcohol concentration (BAC) standard by that time.

Under the two incentive programs authorized by TEA-21, grant funds are available to states that have enacted specific drunk driving countermeasures (Section 410) and to states that have enacted a 0.08 percent BAC standard (Section 163). The countermeasures incentive under Section 410—with different eligibility criteria—was available under ISTEA, the predecessor of TEA-21. Alaska qualified for funding under the ISTEA version of the program, and because of a delayed effective date, received approximately \$200,500 during 1998. With the change in requirements, however, the state no longer qualifies, and as a result, "lost" approximately \$127,000 in 1999. Section 410 is a broad program with numerous eligibility requirements and several variables in the funding formula. According to Mary Moran, director of the state's highway safety program, qualification demands more staff resources than are presently available. Thus, even if the state were to qualify, she would not apply with the program's current staffing level.

Potential funding under the Section 163 incentive program is significantly more substantial than that available under Section 410. Because Alaska has not implemented the 0.08 BAC standard needed to qualify for funding under this section, since 1998, the state has foregone approximately \$2.3 million that could have been used for any transportation project eligible for federal assistance. The state will continue to "lose" approximately \$700,000 to \$800,000 during each year through 2003 unless lawmakers choose to lower the BAC from 0.10 percent to 0.08.

The transfer provisions require states to implement specific provisions regarding open containers (Section 154) and minimum penalties for repeat offenders (Section 164) by October of 2000. Because Alaska's laws do not conform precisely to the federal requirements of either provision, 1.5 percent of the state's highway construction funds will be transferred to the highway safety program for each of the provisions during FY 2001—a combined total of approximately \$5.2 million. Another 1.5 percent for each provision will be transferred for fiscal year 2002 if the state has not complied with the federal requirements; the transferred amounts double to three percent for each provision during fiscal year 2003 and each year thereafter that the state has not complied.

Lastly, beginning with federal fiscal year 2004, the U.S. Department of Transportation will begin to withhold a percentage of the highway funds apportioned to states that continue to resist implementing the 0.08 BAC standard for *per se* DWI (Section 163[a]). According to federal estimates, if Alaska has not implemented such a standard by FY 2004, the state will lose 2

¹ The Transportation Equity Act for the 21st Century (TEA-21), enacted June 9, 1998, as Public Law 105-178, authorized federal surface transportation programs for the six-year period of 1998-2003. The Act reauthorized existing National Highway Traffic Safety Administration programs, including the DWI countermeasures incentive grant program under Section 410. Additionally, TEA-21 created the incentive grant program for 0.08 BAC under Section 163. The TEA-21 conferees also agreed upon two provisions for transfer of a portion of a state's highway construction funds to its highway safety program if the state fails to establish and enforce minimum penalties for repeat drunk driving (Section 164) and for open containers in the passenger compartment of a vehicle (Section 154). These two initiatives, omitted from the conference report, were restored to TEA-21 by the TEA-21 Restoration Act, on July 22, 1998, as Public Law 105-206.

percent, or approximately \$3.6 million of its 2004 funding. The annual penalty would rise by an additional 2 percent each year to an estimated \$14.3 million by FY 2007. States that implement the standard before the end of FY 2007, however, will recover the withheld funding.

INCENTIVE GRANT—ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES (SECTION 410)

As part of the Transportation Equity Act for the 21st Century, Congress authorized approximately \$220 million for grants under Section 410, to encourage states to adopt and implement programs to reduce traffic safety problems resulting from individuals driving under the influence of alcohol.² The program includes two basic grant options. States may qualify for both basic grants, and those that qualify for either can also apply for supplemental grants.

The Section 410 program was in place under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Congress reauthorized the program with TEA-21 but amended the eligibility requirements and delayed the effective date until FY 1999. According to Mary Moran, director of the Alaska Highway Safety Office, the amendments, to a large extent, reversed the eligibility requirements for the basic and the supplemental grants. As a result, although Alaska qualified under ISTEA, the state no longer does so.

Prior to the eligibility change, Alaska qualified for basic grant funding because criteria such as videotaping of drunk drivers by police, an on-going DWI-prevention program, and the use of passive alcohol sensors (breath tests) by police were in place. Because the shift did not become effective until 1999, Alaska received approximately \$200,500 during 1998. Since the shift, however, those criteria pertain to the supplemental grants, rather than to the basic ones. Because a state must qualify for a basic grant to apply for a supplemental grant, Alaska is currently ineligible for all Section 410 funding. Had Alaska qualified, the state would have received approximately \$127,000 in 1999 to support anti-drunk driving programs. Because of the high number of variables involved in Section 410 funding, Ms. Moran is unable to estimate the amount that Alaska "lost" in 2000. Specific details of the current Section 410 program follow.³

Section 410 Eligibility. States have two options for qualifying for the basic Section 410 grant funding. States that qualify for a basic grant may apply for supplemental grants:

Basic Grant A—implement at least 5 of the following 7 criteria:

- ◆ Administrative license revocation;
- ◆ A program to prevent drivers under age 21 from obtaining alcoholic beverages;
- ◆ A program for intensive impaired driving law enforcement;

² 23 USC 410. Alcohol-Impaired Driving Countermeasures.

³ Federal Highway Administration, "TEA-21 Fact Sheet: Alcohol-Impaired Driving Countermeasures Incentive Grants," September 14, 1998; available at http://www.fhwa.dot.gov/tea21/factsheets/n_410.htm (accessed 10/10/2000).

- ◆ A graduated licensing law with nighttime driving restrictions and zero tolerance;
- ◆ A program to target drivers with high BAC;
- ◆ Young adult drinking programs to reduce impaired driving by individuals age 21 through 34;
- ◆ An effective system for increasing the rate for BAC of drivers in fatal accidents—beginning in FY2001, the testing rate must be above the national average.

Basic Grant B—demonstrate both of the following:

- ◆ A reduction in the percentage of fatally injured drivers with 0.10 BAC or greater, in each of the last 3 years; and
- ◆ A percentage of fatally injured drivers with 0.10 BAC or greater that is lower than the national average for each of the last 3 years.

Supplemental Grants—implement any of the following:

- ◆ Videotaping of drunk drivers by police;
- ◆ A self-sustaining impaired driving prevention program;
- ◆ Laws to reduce driving with suspended license;
- ◆ Use of passive alcohol sensors by police;
- ◆ Effective system for tracking information on drunk drivers;
- ◆ Other innovative programs.

Distribution of Funds: Beginning in FY 1999, qualifying states receive up to 25% of their FY 1997 Section 402 apportionment for each basic grant; supplemental grants may not exceed 10% of funding made available for Section 410.

Program Administration: The federal share for Section 410 shall not exceed 75% in the 1st and 2nd years in which a state receives a grant, 50% in the 3rd and 4th years, and 25% in the 5th and 6th years. States may use Section 410 grant funds only to implement and enforce impaired driving programs.

At present, Alaska meets at least two of the seven program criteria for basic grant A. The state must meet at least five in order to qualify for funding. According to Ms. Moran, Alaska's eligibility in regard to some criteria is debatable: the state might qualify, for example, in regard to programs for reducing alcohol-impaired driving by young adults. Similarly, the state might qualify in regard to the rate of BAC testing of drivers involved in fatal crashes if the rate is above the national

average.⁴ Alaska's DWI countermeasures scheme does not qualify in regard to the following basic grant A criteria:

Administrative license revocation. Alaska qualified in regard to this criterion until state lawmakers reduced the duration of license revocation for minors driving after consuming alcohol from 90 days, one year, and three years for first, second, and third or subsequent revocations to 30 days, 60 days, 90 days, and one year for first, second, third, and fourth or subsequent revocations, respectively.⁵ Although other provisions still qualify, the revocation scheme as a whole now does not.

Graduated licensing law with nighttime restrictions and zero tolerance. Although the state has a graduated licensing system in place and an absolute zero tolerance law (rather than the federally required 0.02 BAC), Alaska's system does not satisfy the federal requirements in the following ways:

- ◆ Program eligibility requires that all occupants must be properly restrained. Alaska law refers only to proper restraint of children under the age of 16.⁶
- ◆ Program eligibility requires that, absent a state-approved exception, a person authorized to drive under a learner's permit or an intermediate driver's license may not drive during some period of the night unless a licensed driver who is 21 years of age or older is in the vehicle. Alaska law has no nighttime restriction.⁷
- ◆ Program eligibility requires that holders of learner's permits and intermediate licenses must remain crash and conviction free. In addition to the revocation provisions noted above, Alaska law addresses license revocation for minors between the ages of 13 and 17 who are convicted of or adjudicated as delinquent for misconduct involving a controlled substance, or for offenses involving the illegal use or possession of a firearm.⁸

Program targeting drivers with high BAC (a system of graduated sanctions for DWI offenders with higher than average BAC).

In regard to basic grant B, according to Ms. Moran, the state is close to qualifying for both criteria. She notes, however, that applying for and monitoring either of the Section 410 grant possibilities require a substantial amount of effort. Even if the state could qualify today, she concludes, she would not apply because she lacks sufficient staff to handle the paperwork.

⁴ Testing the BAC of all drivers involved in crashes that result in fatalities—regardless of whether the drivers survive—would provide highly useful data, according to Ms. Moran.

⁵ AS 28.15.183(d), Administrative Revocation of License to Drive; changed by Chapter 88, SLA 1999.

⁶ AS 28.05.095, Use of Seat Belt and Child Safety Devices Required.

⁷ AS 28.15.051-055, Instruction Permits and Provisional Driver's License.

⁸ AS 28.15.185, Court Revocation of a Minor's License to Drive.

INCENTIVE GRANT—0.08 BAC (SECTION 163)

Along with the reauthorization of Section 410 funding, Congress authorized a new incentive program under Section 163.⁹ Section 163 provides a total of \$500 million in incentive grant funds for states that enact and enforce laws providing that any person with a BAC of 0.08 percent or greater while operating a motor vehicle will be deemed to have committed a *per se* offense of driving while intoxicated. These funds may be used for highway safety or highway construction—any project eligible for assistance under Title 23 U.S.C. No matching state dollars are required. Program particulars follow.¹⁰

Section 163 Eligibility: Any state that has in effect and is enforcing a 0.08 BAC law, before the end of the fiscal year, is eligible to receive incentive funds for that fiscal year. To be eligible, a state's law must meet six basic elements:

- ◆ It must apply to all drivers;
- ◆ It must set a BAC level of no more than 0.08;
- ◆ It must establish driving at 0.08 BAC as an offense that is illegal *per se*;
- ◆ It must provide for primary enforcement of the law (rather than requiring probable cause that another violation has been committed before allowing enforcement of the 0.08 BAC law);
- ◆ It must apply to the criminal code and, in states with administrative license revocation (ALR) laws, to the ALR law as well; and
- ◆ It must be deemed to be equivalent to the state's standard DWI offense.

Distribution of Funds: Available funding each year is apportioned among all eligible states. According to the Section 402 formula—

- ◆ 75 % based on the ratio of the state's population in the latest federal census to the total population in all states.
- ◆ 25 % based on the ratio of the public road miles in the state to the total public road miles in all states.

The apportionment to each state is no less than one-half of one percent.

Program Administration: The federal share of a project funded under Section 163 is 100 percent. States may use Section 163 grant funds for any project eligible for federal funding under Title 23.

⁹ 23 USC 163, Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons.

¹⁰ Federal Highway Administration, "TEA-21 Fact Sheet: Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons," September 14, 1998; available at http://www.fhwa.dot.gov/tea21/factsheets/n_163.htm (accessed 10/10/2000).

Because Alaska's BAC standard is 0.10 percent, Alaska has not qualified for Section 163 incentive funding. Had Alaska lawmakers lowered the BAC limit to 0.08 and had that law been in effect before the end of 1998, Alaska would have received approximately \$762,500 for that year. Had the state qualified in 1999 or 2000, the funding received would have been approximately the same. As Ms. Moran notes, although federal authorization for the program has increased slightly each year, the number of states that qualify has also increased. Nevertheless, at this point, the state has foregone roughly \$2.3 million in funding that could have been used for any project eligible for assistance under Title 23. If the state certifies with the U.S. Department of Transportation before the end of September, 2001, that Alaska has enacted and is enforcing a conforming law, Alaska could receive an estimated \$700,000 to \$800,000 a year in Section 163 funds for federal fiscal years 2001 through 2003.¹¹

TRANSFER PROGRAMS—OPEN CONTAINER (SECTIONS 154) AND REPEAT OFFENDER (SECTION 164)

In addition to the incentive funding programs, Congress authorized two new programs in which a percentage of a state's highway construction funds (National Highway System, Surface Transportation Program, and Interstate Maintenance) will be transferred to its highway safety program if that state has not enacted or does not enforce specific provisions to counter alcohol-impaired driving by October 1, 2000.¹² These programs have identical funding consequences. The penalty for each is transfer of 1.5 percent of a state's construction funds for FY 2001 and 2002, and 3 percent for each year thereafter. The funds transferred to the safety program must be used for alcohol-impaired driving countermeasures, for DWI law enforcement, or for hazard elimination programs. Projects funded with the transferred funds do not require state matching funds.

SECTION 154—OPEN CONTAINER REQUIREMENTS

For the purposes of Section 154, a state must have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle on a public highway or the right-of-way of a public highway in the state.¹³

U.S. Department of Transportation officials deem Alaska's open container law as nonconforming because of ambiguous wording in regard to motor cycles. The problematic portion of AS 28.35.029 reads as follows:

(b) . . . a person may transport an open bottle, can or other receptacle containing an alcoholic beverage

¹¹ Mary Moran, director, Alaska Highway Safety Office, (907) 465-4374.

¹² 23 USC 154. Open Container Requirements; and 23 USC 164. Minimum Penalties for Repeat Offenders for DWI or DUI.

¹³ Federal Highway Administration, "TEA-21 Fact Sheet: Open Container Requirements," September 14, 1998; available at http://www.fhwa.dot.gov/tea21/factsheets/n_154.htm (accessed 10/25/2000).

(1) in the trunk of a motor vehicle;

(2) on a motor driven cycle, or behind the last upright seat in a motor home, station wagon, hatchback, or similar trunkless vehicle, if the open bottle, can, or other receptacle is enclosed within another container

State officials have attempted to persuade federal officials that the provision was intended to mean—and is enforced as meaning—that a person may transport an open bottle on a motor cycle only if it is enclosed within another container. Federal officials maintain, however, that the provision could be interpreted to mean that a person may transport an open bottle on a motor cycle. Under this view, the phrase "if the open bottle . . . is enclosed . ." could have been intended—and could be interpreted—to refer to "motor home, station wagon, hatchback, or similar trunkless vehicle" without also referring to "motor cycle." As a result, federal officials conclude that Alaska law does not meet Section 154 requirements.

SECTION 164—MINIMUM PENALTIES FOR REPEAT DWI OFFENDERS

To meet the requirements of Section 164, a state must have in effect a law that provides, as a minimum penalty, that an individual convicted of a second or subsequent DWI offense shall be subject to the following penalties.¹⁴

- ◆ License suspension for not less than one year;
- ◆ Impoundment or immobilization of each of the individual's motor vehicles, or installation of an ignition interlock system on each of the individual's motor vehicles;
- ◆ Assessment of the individual's degree of alcohol abuse and treatment as appropriate; and
- ◆ Receiving, for a 2nd offense, assignment of not less than 30 days community service, or not less than 5 days imprisonment; and for a 3rd or subsequent offense, an assignment of not less than 60 days of community service, or not less than 10 days imprisonment.

Alaska's statutory provisions meet Section 164 requirements except in regard to impoundment and immobilization of a repeat offender's vehicles and the installation of ignition interlock devices. Alaska law provides that the state may order the forfeiture of a vehicle involved in a DWI offense, but forfeiture is not mandatory, and it applies only in third or subsequent offenses. Further, the sanction applies only to the vehicle used in the offense, rather than to all vehicles owned by the offender.¹⁵ As with vehicle forfeiture, the installation of ignition interlock devices is authorized but not mandatory and would not be required in all vehicles owned by an offender. Additionally, installation of such devices applies only in cases wherein the offender receives probation.¹⁶

¹⁴ Federal Highway Administration, "TEA-21 Fact Sheet: Minimum Penalties for Repeat Offenders for DWI or DUI," September 14, 1998; available at http://www.fhwa.dot.gov/tea21/factsheets/n_164.htm (accessed 10/10/2000).

¹⁵ AS 28.35.036, Forfeiture of Vehicle or Aircraft.

¹⁶ AS 12.55.102, Alcohol Related Offenses.

As noted earlier, in order to avoid transfer of highway construction funds, states must have met the requirements by October 1, 2000, the beginning of federal fiscal year 2001. As a result of not meeting the requirements for Sections 154 and 164, a total of approximately \$5.2 million in funds that would have gone for highway construction in Alaska will be transferred to the state's safety program. The same percentage will be transferred for fiscal year 2002 if the state has not complied with the federal provisions; the transferred amounts double to three percent for fiscal years 2003 and each year thereafter that the state has not complied.

SANCTION--0.08 BAC [SECTION 163(A)]

As you know, on October 23, 2000, President Clinton signed into law a national standard for drunk driving. The act requires states to implement laws providing that any person driving with a blood alcohol concentration of 0.08 percent or greater is deemed to have committed a *per se* offense of driving while intoxicated. Currently, 31 states, including Alaska, define *per se* drunken driving at 0.10 percent BAC.

Under the act, states have until October 1, 2003, to pass a 0.08 BAC *per se* law. Those that do not will face the withholding of 2 percent of their highway construction funds in federal fiscal year 2004, with the penalty increasing by an additional 2 percent each year for a total of 8 percent in FY 2007. States that implement the standard by 2007 will recoup the withheld funding. Based on estimated FY 2003 apportionments, the U.S. Department of Transportation foresees the possibility of up to approximately \$36 million withheld from Alaska by the end of FY 2007 if the state does not pass a conforming BAC law.

We consolidate data and information on each of the TEA-21 alcohol-related programs—incentives, transfers, and sanctions—in Table One, "Federal Highway Funding and Alcohol Related Program."

I hope this information is useful to you. Please do not hesitate to contact us if you have questions or need additional information.

Table One: Federal Highway Funding and Alcohol-Related Programs

(dollars in thousands)

Programs	Fiscal Year						Comments
	1998	1999	2000	2001	2002	2003	
Section 410 DWI Countermeasures Incentive Grants	200 ^(a)	127 ^(b)	no estimate	no estimate	no estimate	no estimate	Congress amended eligibility requirements beginning in FY 1999; as a result, Alaska no longer qualifies. The federal share decreases from 75% in the 1st and 2nd years a state receives a Section 410 grant, to 50% in the 3rd and 4th years, and 25% in the 5th and 6th years. States may use Section 410 grant funds only to implement and enforce impaired driving programs.
Section 163 0.08 BAC Incentive Grants	762 ^(b)	762 ^(b)	762 ^(b)	700-800 ^(c)	700-800 ^(c)	700-800 ^(c)	As a result of not having a 0.08 BAC law in effect, Alaska has forgone approximately \$2.3 million in Section 163 grant funds between FY 1998 and FY 2000. A similar amount could be gained or forgone through FY 2003. States may use Section 163 funds for any project eligible for federal assistance under Title 23.
Section 154 Open Container Transfer	not applicable	not applicable	not applicable	2,581 ^(d)	2,581 ^(e)	5,162 ^(e)	Federal officials deem Alaska's open container law to be nonconforming because of ambiguous wording. On October 1, 2000, therefore, an amount equal to 1.5% of the funds apportioned to Alaska for NHS, STP, and IM is to be transferred to the Highway Safety Program. As similar amount will be transferred if the state's law does not conform at the beginning of federal FY 2002; the transferred amount increases to 3% for FY 2003 and thereafter. Section 154 transferred funds must be used for DWI countermeasures, enforcement of DWI and related laws, or for hazard elimination.
Section 164 Repeat Offender Transfer	not applicable	not applicable	not applicable	2,581 ^(d)	2,581 ^(e)	5,162 ^(e)	Alaska's minimum penalties for repeat DWI offenders does not comply with federal requirements because forfeiture of vehicles or the installation of ignition interlock devices is not mandatory and because such provisions do not apply to all vehicles owned by the offender. Transfer of funds is identical to that under Section 154--1.5% of NHS, STP, and IM funding for states out of compliance in FY 2001 and FY 2002; 3% thereafter. Section 164 transferred funds must be used for alcohol-impaired driving countermeasures or enforcement of DWI and related laws.
	Fiscal Year						Comments
	2004	2005	2006	2007	2008	2009	
Section 163(a) Sanction	1,581 ^(f)	7,162 ^(f)	10,743 ^(f)	14,324 ^(f)	14,324 ^(f)	14,324 ^(f)	States that have not complied with the 0.08 BAC standard by October 1, 2003, will have 2% of their federal apportionment withheld. The withheld amount will increase by 2% each year until reaching 8% for FY 2007 and thereafter. States that implement a conforming law before the end of FY 2007 will recoup the withheld funds.

Notes and Sources:

(a) Funding Alaska received. National Highway Safety Administration, "FY 1998 Section 410 Grant"; available at [http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/410\\$98.html](http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/410$98.html) (accessed 11/17/2000).

(b) Funding Alaska did not receive. Estimate provided by Mary Moran, director, Alaska Highway Safety Office, (907) 465-4374.

(c) Funding Alaska could receive if laws conforming to federal requirements are enacted and enforced. Estimate provided by Mary Moran.

(d) Funding already transferred from highway construction (National Highway System, Surface Transportation Program, and Interstate Maintenance) to the Alaska Highway Safety Office. Federal Highway Administration, "Transfers Pursuant to 23 USC 154 (Open Container Requirements)"; available at <http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/154.html> and <http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/164.html> (accessed 11/26/2000).

(e) Funding that will be transferred from highway construction to the Alaska Highway Safety Office unless laws conforming to federal requirements are enacted and enforced. Estimates provided by Mary Moran.

(f) Funding that will be withheld from Alaska's highway apportionment if the state does not have a 0.08 BAC law in force by October 1, 2003; based on estimated FY 2003 apportionment, after distribution of minimum guarantee funds, and calculating penalties of 2% in FY 2004, and an additional 2% each year up to 8% in FY 2007 and thereafter. Withheld funding can be recouped if the state passes a conforming law by the end of FY 2007. Federal Highway Administration, "Annual Core Apportionments and Potential Penalties Under Sec. 163(a) for FY 2004 and Thereafter"; available at http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/083_SANCTION.html (accessed 11/9/2000).

Responses to Statements Regarding .08 BAC Laws

Statement: Most state legislatures have looked at the research evidence and have concluded that .08 laws are not effective. In New Jersey, for example, a Task Force concluded that there is no evidence that .08 laws result in reductions in alcohol-related fatalities.

Response: The research with regard to the effectiveness of .08 BAC laws is consistent and persuasive. At least eight studies have indicated that these laws are associated with reductions in alcohol-related crashes, fatalities, and injuries, particularly in conjunction with administrative license revocation (ALR) laws.

The New Jersey Task Force reviewed only four early studies of the effects of .08 BAC laws and concluded that the results were "mixed." Since that time, four additional comprehensive studies have been conducted. Together with the four original studies, these studies provide consistent and even more persuasive evidence of the effectiveness of .08 BAC laws, both alone and in conjunction with other laws and activities.

A 1999 GAO review of seven of these eight studies concluded that there are "*strong indications that .08 BAC laws in combination with other drunk driving laws ... can save lives*" (p2). GAO also stated that "*.. we and DOT reach essentially the same conclusion regarding the effectiveness of .08 BAC laws, both by themselves and in combination with other measures*" (p24).

While the studies of effectiveness have been persuasive, effectiveness is not the primary basis for supporting a .08 BAC law. **The primary reasons for supporting such a law are that, at .08 BAC, virtually everyone is impaired in important skills related to driving and their risk of being involved in a fatal crash is greatly increased.** Several states have recognized this. In New Mexico, for example, a State Task Force carefully reviewed only the evidence of impairment and crash risk at .08 BAC. Following this review, New Mexico chose to enact a .08 BAC law.

Statement: The Government Accounting Office (GAO) has recently conducted a critical review of the .08 studies and has concluded that these laws are not effective in reducing alcohol-related fatalities.

Response: This statement is not correct! The GAO report stated that there are "*strong indications that .08 BAC laws in combination with other drunk driving laws (particularly license revocation laws), sustained public education and information efforts, and vigorous and consistent enforcement can save lives*" (p2).

Statement: The GAO study concluded that "the evidence does not conclusively establish that

.08 laws, by themselves, result in reductions in the number and severity of alcohol-related crashes.

Response: No research is ever conclusive in an "unequivocal" sense. Neither are laws ever implemented "by themselves." The combination of strong laws, highly visible enforcement, and strong public information is the key to reducing alcohol-related fatalities. NHTSA has maintained that the evidence of the effectiveness of .08 BAC laws is consistent and persuasive, particularly in conjunction with the administrative license revocation (ALR) laws, already enacted in 40 states.

The GAO report confirms this relationship and further states that "*although we characterize the strength of the study results differently, we and DOT reach essentially the same conclusion regarding the effectiveness of .08 BAC laws, both by themselves and in combination with other measures*" (p24).

Statement: We keep hearing that enactment of .08 BAC laws in all states would result in 500 lives being saved every year. The GAO report looked at the study that made this estimate and found it to be groundless.

Response: At the time of the GAO study, two studies had independently formulated estimates of lives saved. A Boston University study estimated that 500-600 additional lives would be saved if all states adopted .08 BAC laws. An NHTSA (50-state) study used a more detailed analysis and estimated that 590 lives would be saved -- a very similar estimate. While GAO criticized the Boston University Study for not describing how it arrived at its estimate, GAO did not criticize the elaborate and detailed methodology of the NHTSA 50-state study.

Further, a new Boston University study was recently published. This study evaluated the effectiveness of .08 BAC laws enacted in six states in 1993 and 1994 and concluded that, overall, these states experienced a 5-6 percent greater decline in measures of alcohol-related crashes, compared with six nearby states that did not lower their BAC limits. This study estimated that, if all states adopted a .08 BAC law, 400-500 fewer fatalities would occur annually.

Advocates of .08 BAC laws have used the mid-point of these three estimates and have projected that, if all states were to adopt .08 BAC laws, an additional 500 lives would be saved each year. This estimate of 500 lives saved is well within the confidence boundaries of all of the estimates made to date.

Statement: .08 BAC laws make criminals out of normal social drinkers.

Response: Impairment and crash risk are the issues - not how many drinks it may take to get to .08 BAC. Scores of studies have been conducted which indicate that, at .08 BAC virtually everyone is impaired in important skills related to driving and that, at that level, the risk of being involved in a fatal crash is many times greater than at .00 BAC.

Statement: ".08 BAC legislation will not affect problem drinker drivers who have high BAC levels."

Response: The research shows that .08 laws not only reduce the incidence of impaired driving at lower BACs, they also reduce the incidence of impaired driving at higher BACs (i.e., over .10). A .08 law serves as a general deterrent to drinking and driving. It sends a message that the state is getting tougher on impaired driving, and it makes many people think twice about getting behind the wheel after they've had too much to drink. A .08 BAC law is a key component of an overall program to reduce impaired driving. While problem drinkers do account for a significant part of the problem, most fatally injured drinking drivers (70-80%) have no prior alcohol-related offenses.

A comprehensive anti-DWI program must use all available laws and programs to reduce fatalities.

Statement: ".08 is just the first step toward even lower BACs and eventually another attempt at prohibition."

Response: The notion that safety organizations seek a return to prohibition is unfounded. Although there is strong research evidence that driving-related skills begin to deteriorate below .08 BAC, most safety advocates have adopted .08 BAC as a reasonable and acceptable compromise that will save lives, prevent injuries and reduce costs to society.

**US DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ANNUAL CORE APPORTIONMENTS AND POTENTIAL PENALTIES UNDER SEC. 163(a)
FOR FY 2004 AND THEREAFTER*
(Assuming Various Rates of Penalty)**

<u>State</u>	<u>IM / STP / NHS Total</u>	<u>.08 BAC adopted as Legal Standard</u>	<u>2% Penalty</u>	<u>4% Penalty</u>	<u>6% Penalty</u>	<u>8% Penalty</u>
Alaska	179,048,339	-	3,580,967	7,161,934	10,742,900	14,323,867
Washington	297,631,829	X	0	0	0	0
Oregon	221,819,579	X	0	0	0	0
Idaho	140,668,319	X	0	0	0	0
Wyoming	156,383,521	-	3,127,670	6,255,341	9,383,011	12,510,682

- Based on estimated FY 2003 apportionments, after distribution of Minimum Guarantee funds



CITY OF FAIRBANKS
Office of the City Attorney
 800 CUSHMAN STREET
 FAIRBANKS, ALASKA 99701-4615
 OFFICE: 907-459-6750
 FAX: 907-459-6761

February 26, 2001



Cindy @ MADD
 via fax @ 463-2539

Re: City of Fairbanks DWI Forfeiture Program

Dear Cindy:

Per your request, I am glad to provide statistical data regarding the DWI forfeiture program in Fairbanks. To better understand the program, please feel free to review Article XXII, Motor Vehicle Impoundment and Forfeiture, Sections 78-961 through 78-977, of the Fairbanks City Ordinance at <http://www.municode.com> by selecting (1) "on-line library," (2) "Alaska" as the state of choice, and (3) "Fairbanks Code of Ordinances."

Since inception of the program the second week of May 1998 (nearly 34 months), to date the City has processed 902 DWI-impounded vehicles. The program has been very effective for the City of Fairbanks in that it pays for itself by assessing a \$200.00 administrative processing fee.

Of the 902 vehicles, (a) 375 were released to registered owners or lienholders as innocent parties without 30-day impoundment, (b) 389 were held for 30-day impoundment and released, (c) 51 were abandoned by the registered owner following the 30-day impoundment thus becoming the property of the towing company for unpaid fees, (d) 3 were retained by the Fairbanks Police Department for undercover work, (e) 71 were forfeited and subsequently sold at auction, and (f) 13 are pending forfeiture sale at the next auction.

Additionally, in 2000 I made a comparison of the Alaska State Trooper and Fairbanks Police Department DWI arrests for the Fairbanks-area vicinity; the ASTs arresting almost half again that of the FPD. If you need further information or if I can expand on reading of the ordinance, please feel free to contact me at 459-6750.

Sincerely,

OFFICE OF THE CITY ATTORNEY

Connie L. Martin, CLA
 Legal Assistant/DWI Administrator

cc: Lt. Dunnigan
 Alaska State Troopers
 Anchorage (via fax 269-5033)



ROBERT K. PETITT, CHIEF

Bethel Police Department

P. O. Box 500, Bethel AK 99559
(907) 543-3781 Fax (907) 543-5086



March 7, 2001

Cindy Cashen
MADD Juncau Chapter
211 4th Street, Suite 102
Juneau, Alaska 99801

Dear Mrs. Cashen:

I write this letter in support of House Bill 4's proposal of vehicle forfeiture. I believe that the City of Bethel can operate in a sound, feasible manner by using a flexible method of confiscating drunk driver's vehicles.

Using the "boot" as a method of preventing the drunk driver from continuing to operate the vehicle used in the crime of drunk driving is a method I believe would cut a major cost of vehicle forfeiture. The offender would pay an administrative fee to cover any necessary paperwork needed to implement this part of the sentence and would have the boot removed upon completion of sentencing. It would not be necessary to hire space to hold vehicles and any towing would be charged to the offender.

The implementation of this proposal would make a big difference in removing drunk drivers off Alaska's roads and send a message to those who drink to not drive and those who drive to not drink. I feel the cost of this program would be minimal if any at all.

Sincerely,

Robert K. Petitt
Chief of Police

cc: file

Nenana Police Services

P.O. Box 70
Nenana, Alaska 99760
Milton J. Haken, Chief of Police
E-Mail: nps@mtaonline.net
Cell # (907) 322-7875
Work Phone and Message: (907) 832-5448
Fax: (907) 832-5425



181st Session

February 26, 2001

To Whom It May Concern,

I am writing this letter in support of House Bill 4's proposal of vehicle forfeiture. Currently the City of Nenana, as most communities, are seeing a number of repeat DWI offenders. The forfeiture or "the boot" is a sound, and feasible intervention and deterrence to preventing the drunk driver from continuing to operate a motor vehicle after drinking.

Currently, when we impound a vehicle for DWI or any other offense, the owner of the vehicle pays for all costs associated with the impound, including storage. It is literally between the wrecker agency and the owner, thus relieving the City of any costs associated with the impound and storage. Having the flexibility to confiscate and forfeit the vehicle will enable the City to recover some of the enforcement costs associated with taking these folks off the highway.

I believe this will send a message of deterrence to those who drink to not drive, and those who drive to not drink, making a big difference in removing drunk drivers off Alaska's roads. I feel the cost would be minimal if any at all, except for the person responsible for the incident and their actions.

Respectfully yours,

Milton J. Haken
Chief of Police
NA 181st Session



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Web posted Friday, April 21, 2000

Two die in 2-car wreck

By McKIBBEN JACKINSKY
Peninsula Clarion

A two-vehicle accident at Mile 37.5 of the Seward Highway, just north of the Sterling Highway cutoff, claimed the lives of two men and injured two others on Wednesday.

Killed were Martin John Richard, 50, and Ladd E. Macaulay, 57, both of Juneau.

Injured were Steven Gregory McGee, 49, also of Juneau, and Michael J. Glaser, 43, of Crown Point.

Alaska State Troopers reported that shortly after 4 p.m., Glaser was driving an older model Chevrolet crew cab southbound on the Seward Highway. The pickup crossed the center line, striking a northbound Toyota Camry head on.

The pickup then rolled on its side, trapping Glaser, the sole occupant.

The Toyota, a rental vehicle, hit the side of the surrounding mountain, trapping the three occupants, Richard, Macaulay and McGee.

Richard, who had been driving the Toyota, and Macaulay, the backseat passenger, were pronounced dead at the scene.

McGee and Glaser were transported to Central Peninsula General Hospital.

Richard had served as director of Alaska's Division of Investments since 1986 and was a 21-year state employee. He was married to Barbara J. "Jill" Richard, a nurse. The two had no children.

Macaulay was a loan officer with the Division of Investments and previously served as director of the Douglas Island Pink and Chum fish hatchery in the Juneau area.

He is survived by his wife, Linda, a state employee, and two sons and two daughters.

According to a press release from Gov. Tony Knowles, Martin, Macaulay and McGee had been inspecting hatcheries on the Kenai Peninsula. They were returning to Anchorage at the time of the accident.

McGee, a biologist, has been with Alaska's Department of Fish and Game for 17 years. His wife, Bonnie, is a teacher at Floyd Dryden Middle School in Juneau. They have two children.

Bonnie Nichols, a spokesperson for Central Peninsula General Hospital, reported that McGee had suffered broken facial bones, contusions and bruises. Information on Glaser's injuries was unavailable.

Nichols said both McGee and Glaser were in fair condition.

"We reach out with our sympathies and condolences to the family and friends of Martin Richard and Ladd Macaulay, two dedicated state employees who enriched the state through their public service, their commitment to their families, their love of Alaska, and numerous other personal contributions," said Knowles in a press release on Thursday. He ordered state flags be lowered to half-staff.

Rep. Gail Phillips, R-Homer, worked with Richard on financing issues for limited entry fishery programs and boat loans.

"The state of Alaska suffered a tragedy ... with the senseless loss of two longtime, well-respected state employees," said Phillips. "(Their deaths) will have a profound impact on the Department of Commerce.

"My deepest sympathy and condolences go to both families and friends," Phillips said. "Our prayers and hopes are for the speedy recovery for Fish and Game employee Steven McGee, who was also seriously injured in this tragedy."

Sen. Jerry Ward, R-Anchorage, said the Senate remembered Richard and Macaulay with a moment of silence on Thursday.

"Everybody is really quite devastated about this," said Ward. "My prayers and wishes go out to (their families)."

Greg Wilkinson, information officer for the Alaska State Troopers, said alcohol is being investigated as a contributing factor of the accident. The troopers are asking for anyone who may have witnessed either the pickup truck or the Toyota to contact the troopers in Soldotna, at 262-4453, or Seward, at 224-3346.

The Chevrolet crew cab was described by Wilkinson as yellow, but rusty

and dirty. **Glaser**, the driver of the pickup, may have picked up a hitchhiker at some point on his drive. Troopers would like to contact that person, as well.

Wilkinson described the Toyota Camry as a late model four-door, brown in color.

Discuss this story in our Discussion Forum

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7/27

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Web posted **Tuesday, May 2, 2000**

Troopers arrest man charged in double-fatal accident

ANCHORAGE (AP) -- Alaska State Troopers on Monday arrested a man charged with two counts of second-degree murder resulting from an accident on the Seward Highway.

Michael J. Glaser, 43, is charged with the deaths of Martin John Richard, 50, of Juneau, and Ladd E. Macaulay, 57, of Juneau. He also is charged with one count of assault for causing injuries to Steven Gregory McGee, 49, of Juneau.

An investigation determined that Glaser's blood alcohol following the April 19 crash was .258, more than two-and-half times above the legal driving limit of .10.

Glaser was arrested Monday morning after being released from Alaska Regional Hospital. A Kenai grand jury issued a \$75,000 cash only bail warrant on Friday. Glaser was being held at Cook Inlet Pre-Trial Facility.

Glaser was driving a pick-up truck when it crossed the center line at milepost 37.5 of the Seward Highway. The truck struck a car, killing Richard and Macaulay. McGee was injured. Glaser also was hospitalized.

If convicted, Glaser could be sentenced up to 99 years for each second-degree murder charge and 20 years for first-degree assault.

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HVN
5 July
2000

Pickup hits, kills bicyclist

Police say man drunk had 6 previous DWIs

By LISA DEMER
Daily News reporter

An Anchorage man with six previous drunken driving convictions was driving drunk when he struck and killed a college student riding her bicycle on the sidewalk along Minnesota Drive late Monday, Anchorage police said.

Russell D. Carlson, 39, who had a 2-year-old child in the truck with him, was charged with manslaughter, child abuse, driving while intoxicated and driving while his license was revoked, according to police.

The bicyclist was Jessie Withrow, who grew up in Anchorage and



Jessie Withrow died Tuesday in Anchorage.

See Back Page, BICYCLIST

BICYCLIST: Student enjoyed friends, family, music

Continued from Page A-1

was a dean's list student at Bates College in Lewiston, Maine. She was pronounced dead at Providence Alaska Medical Center on Tuesday afternoon.

Police Lt. Bob Griffiths said Carlson had six DWI convictions in Alaska. Details about those cases were not available Tuesday because of the July Fourth holiday.

The crash happened about 11:30 p.m. Carlson was driving a white full-size pickup, police spokesman Ron McGee said.

Witnesses told police that Carlson was weaving and driving fast while heading south on Minnesota. He ran into a Ford Explorer that had stopped for a red light on Northern Lights Boulevard, then went on the sidewalk and struck Withrow on

her bike, according to police. His truck then went into the parking lot of the Aurora Village Shopping Center and crashed into three parked cars, police said.

The 2-year-old child and another man in the truck were not hurt, police said. The relationship between Carlson and the child wasn't clear.

Family friends of the young woman who died described her as exceptionally bright and creative.

"Jessie was a very unusual child. It was like she was way grown up beyond her years. She was destined to do great things. The world is going to be a cheated place for the fact she was not able to achieve her potential," said Susan Peck, who has a daughter close to Withrow and who is a friend of Withrow's mother, Wendy.

Withrow wrote for Perfect World, the

teen-oriented pages in the Anchorage Daily News. She sang with her mother at the Renaissance Festival and the Anchorage Folk Festival. She served on the Anchorage Youth Court, helping kids who had gotten in trouble. In 1998, she graduated with honors from Steller Secondary School and won a scholarship to Bates College, a liberal arts school. She was home for summer break and would have been a junior, studying English.

"Her friends, her family and her music were the things she enjoyed the most," said another family friend, Ray Booker.

Carlson is being held at Cook Inlet Pre-Trial Facility on \$100,000 bail.

Reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

adn.com

Anchorage Daily News

3RD WRECK PINNED ON BOOZE WOMAN CRITICALLY HURT; CRASH HIGHLIGHTS DWI ISSUE

By Larry Campbell And Lisa Demer
Daily News Reporters

(Published July 6, 2000)

A young Anchorage woman was hospitalized in critical condition Wednesday following the third collision in the past two weeks involving drunken driving suspects with previous DWI convictions.

Gloria B. Steelman, 19, suffered massive head injuries when the Ford Escort in which she was riding collided with a pickup headed the wrong way on Northern Lights Boulevard early Wednesday morning. Steelman, an East High graduate, was in intensive care Wednesday at Alaska Regional Hospital. The Escort's driver, Jacqueline Fetherolf, 20, a Chugiak High graduate and University of Alaska Anchorage student, was listed in stable condition with less severe injuries at Providence Alaska Medical Center.

Police charged the pickup driver, Albert T. Bowman, 48, with two counts of first-degree assault, driving while intoxicated and driving with a revoked license. He was held at Cook Inlet Pre-Trial Facility in lieu of \$80,000 bail.

Witnesses said Bowman turned east off the Seward Highway into the oncoming traffic lanes of Northern Lights shortly after midnight Tuesday. At the same time, Steelman and Fetherolf were headed west to the Village Inn restaurant, according to a friend following in another car.

The truck and Escort collided nearly head-on. Another vehicle traveling west behind the Escort also hit the compact car.

The crash was the third alcohol-related tragedy in the past two weeks.

Monday night Jessie Withrow, a college student home for the summer, was struck by a pickup while riding her bicycle on a sidewalk along Minnesota Drive and West Northern Lights Boulevard. She died the next afternoon at Providence. Russell D. Carlson, 39, was charged with manslaughter, driving while intoxicated, driving with a revoked license and child endangerment for having two children in the truck with him, including a 2-year-old.

And on June 24, 69-year-old Donna Hobson suffered broken bones and internal injuries when she was knocked down by a pickup that careened onto the bike trail on which she was walking in South Anchorage. Charged with first-degree assault, leaving the scene of an accident and drunken driving was Alfred W. Meyer, 36. Blood tests show his alcohol level at 0.22, more than twice the 0.10 level considered too drunk to drive, police said.

Despite passage in recent years of more stringent drunken driving laws, state justice officials say chronic

drinkers remain on the street. And the law allows it. The same thing is happening across the nation, according to the National Transportation Safety Board, which last month released a report on the problem of chronic drunken drivers.

Current law jacks up jail time with every DWI conviction - three days on the first conviction, 20 days on the second, 60 days on the third and at least 360 days for five or more. Under a provision added in 1995, those who rack up three or more convictions in a five-year period can get even more time.

But court records show that with each of the three men currently charged, their DWI convictions never amassed to the critical point in any five-year span since the 1995 provision was added. And even if they had, the minimum sentence for any number of DWI convictions, within five years or not, is 360 days.

Bowman has been convicted of five previous DWIs, all more than a decade ago. His most recent conviction was in 1990. He received two months in jail, was ordered to spend up to 90 days in a residential alcohol treatment program, and lost his driver's license for 10 years.

Carlson's criminal history includes 19 criminal convictions stretching back to 1979 and includes seven drunken driving convictions as well as convictions for negligent driving and reckless driving.

At the time of Monday's wreck, he was on probation for a 1998 DWI and his driver's license was revoked. At his October 1998 sentencing, prosecutor Ben Walters warned: "This man, unless he changes his ways, is going to kill himself or someone else pretty soon."

At sentencing, District Court Judge Natalie Finn said because most of the prior DWIs occurred years earlier, the sentence was fair: six months in jail, \$3,000 in fines, five years' probation, alcohol treatment, and the loss of his driver's license for another year. It was already revoked until 2006.

Carlson also has two pending child abuse cases against him from May and June. In both cases, police said he was intoxicated and unable to care for young children in his charge, including his 5-month-old son. Police who visited his home on June 1 found him on the couch with a bottle of vanilla extract, the baby screaming in a crib and a 2-year-old and 4-year-old hungry and running about the house, according to a charging document.

In 1990, Meyer was convicted of drunken driving and sentenced to five days in jail after an accident in Anchorage. He lost his license for 90 days. In 1991, he was convicted again after police found his truck stuck in a snowbank. He received 20 days in jail, lost his license for a year and was ordered to complete an alcohol treatment program.

Even when offenders are sentenced, they don't always spend the time in jail, said John Novak, chief assistant district attorney in Anchorage. Increasingly in recent years, defendants have been able to substitute time spent in alcohol treatment programs for time behind bars, Novak said. And the time in a treatment program can count even if it's done before a defendant is sentenced.

"That's what we're commonly seeing now," Novak said. "And it's frustrating. Jail time and treatment time are becoming confused."

People who work with criminals and alcohol problems say the specter of drunken driving has fallen out of general public consciousness in recent years. A spate of concentrated attention by lawmakers, police and citizens groups in the mid- and late-1980s helped reduce some of the problem.

But what remains are the chronics, the ones who keep getting behind the wheel after a judge has told them

not to.

In May a small group pulled together, made up of state social service workers, Mothers Against Drunk Driving, the state Alcohol Safety Action Program, churches and other interested people. The goal was to take the drunken driving problem from obscurity to the forefront again.

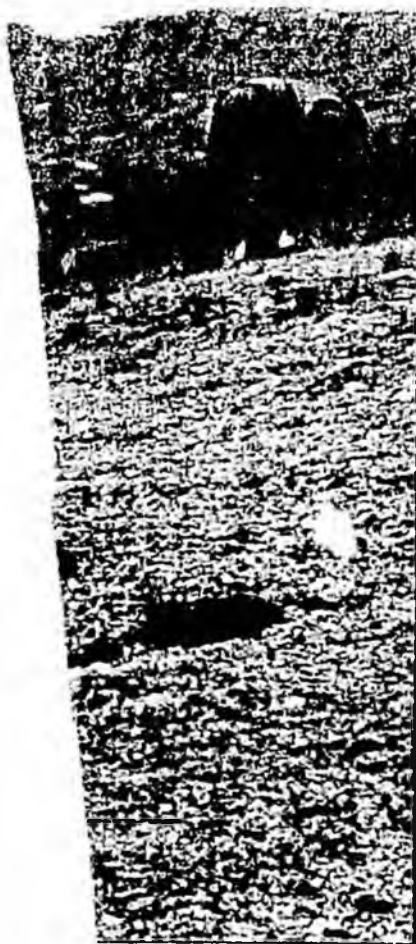
"We've realized this for a long time that there's a part of the problem that's not getting the attention it needs," said Linda Hornstein, MADD president. "People have got to start realizing that anytime they're on the street, this kind of thing could happen to them."

Reporters Larry Campbell and Lisa Demer can be reached at lcampbell@adn.com and ldemer@adn.com. Daily News reporter Mike Hinman contributed to this story.

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MAUREEN CLARK / The Associated Press
are brought into the park
ch summer. Below: John
native weeds in the park.



Injured women improving

ADW
July
2000

DWI suspect had truck, not license, police say

By LARRY CAMPBELL
Daily News reporter

Two young Anchorage women showed slight signs of improvement Thursday after being seriously injured in a collision with a suspected repeat drunken driver.

Gloria Steelman, 19, was listed in critical but stable condition at Alaska Regional Hospital with severe head injuries. Steelman had been riding in a car driven by Jacqueline Fetherolf, 20. Fetherolf was listed in serious condition Thursday at Providence Alaska Medical Center.



The two were struck early Wednesday morning by a pickup driving the wrong way down East Northern Lights Boulevard. Police charged the truck driver, Albert T. Bowman, 48, with two counts of first-degree assault, driving while intoxicated and

Bowman

See Page B-2 WOMEN

Firefighters accept 5-year labor contract

By KAREN AHO
Daily News reporter

Anchorage firefighters have voted to accept a five-year labor contract with the city.

"The city deserves five years of labor

guiltier as a
140 to 150 pounds, with blond hair and a mustache. He was driving a dark sport utility vehicle, possibly red or maroon. Carr lived in Anchorage but owned about an acre of undeveloped land off Knik Goose Bay Road. Anyone with information is asked to call troopers at 428-7200.

Man sentenced for killing best friend

FAIRBANKS — A 26-year-old Fairbanks man has been sentenced to 99 years in prison for killing his best friend. Adam Hamilton, 26, was convicted of first-degree murder by a jury in March for the Nov. 24 killing of David Dixon of Fairbanks. Dixon was stabbed in the neck, chest and back at his home. Hamilton was covered with blood when he was arrested shortly after the attack, according to police. The victim's

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WOMEN: Cra: h victims' conditions improve slightly

Continued from Page B-1

driving with a revoked license. Bowman has been convicted of five previous DWIs.

Anchorage police Detective Everett Robbins said Thursday that the truck Bowman was driving was registered to him, even though he didn't have a valid drivers' license. There's no law that bars someone without a license from owning a car or truck or any motor vehicle.

Robbins is also investigating two similar recent cases in which, like Bowman, the suspects charged with drunken driving have a history of previous convictions.

Earlier this week Russell D. Carlson, 39, was charged with manslaughter, driving while intoxicated and driving with a revoked license after the truck he was driving struck 20-year-old Jessie Withrow in Spenard. Carlson's criminal history includes seven previous drunken-driving convictions as well as convictions for negligent driving and reckless

driving.

The truck Carlson was driving Monday evening belonged to someone who was out of town. Carlson ended up behind the wheel when a man with whom Carlson had been riding decided he was too drunk to drive and let Carlson take the wheel, Robbins said.

Late last month 69-year-old Donna Hobson suffered broken bones and internal injuries when she was knocked down by a pickup driving on a South Anchorage bike trail.

Alfred W. Meyer, 36, was charged with first-degree assault, leaving the scene of an accident and drunken driving. He had drunken-driving convictions in 1990 and 1991.

Meyer works as general manager of the Muffler City shop downtown, Robbins said. He was driving a company-owned truck.

All three cases remain under investigation.

Reporter Larry Campbell can be reached at lcampbell@adn.com.

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living increases and 4 percent 2004.

The city estimate tract will cost \$182,000 more than officials estimate would have had for arbitrator and arbitrator's a settlement reached.

This way, the dictable labor sides get to contract with of mediators Smith said.

Smith said marks the 1984 that they reached a outside help

Other changes tract include

- A new firefighter will get a 1 percent pay raise they train paramedic

- Firefighter bachelor's field, success will get a

DENALI: Crews take whack a

Accused drunken driver charged

JO C. GOODE / *The Frontiersman* / July 25, 2000

[Email this story.](#)

ANCHORAGE An Anchorage man accused of killing a Palmer boy and his cousin, and injuring their grandparents while driving drunk near Portage, was arraigned Friday on manslaughter charges in Anchorage District Court.

Robert Richardson, 35, was arrested after his release Thursday from Alaska Regional Hospital, where he had been treated for a ruptured aorta, several fingertip and a broken leg injuries he sustained in the July 12 crash that killed Kenneth Kramer, 11, of Palmer, and his cousin, Kevin Blake, 15, of Tatitlek.

Alaska State Troopers say the boys died shortly before 5 p.m. July 12 after an intoxicated Richardson crossed the center line on Portage Valley Road in his Ford F-150 and smashed into the drivers side of a compact Ford Aspire which Blake was driving.

Blake, who was driving with a learners permit, apparently swerved to avoid Richardsons oncoming truck, but had little time, his grandfather, David Glasen, said.

David Glasen, 61, and the boys grandmother, Patsy Glasen, 57, both of Tatitlek, were injured in the crash.

Blood tests in Anchorage soon after the crash revealed Richardson had a blood-alcohol level of 0.175, according to court documents. The legal limit in Alaska is 0.10.

Two days later, Richardson was charged with two counts of manslaughter, driving while intoxicated (DWI), and two counts of first-degree assault.

Richardson is being held at Cook Inlet Pre-Trial Facility in lieu of \$100,000 cash bail.

Last Tuesday, David Glasen underwent 14 hours of surgery to repair damage to his hip and pelvis at Providence Alaska Medical Center. Patsy Glasen, who suffered head injuries, was released from Providence Medical Center.

Also last Tuesday, Kenneth Kramer was laid to rest in Cordova. The 11-year-old was buried with his father, Darryl Kramer, who passed away in January.

Richardsons truck was pulled out of a Portage Lake by a tow truck just 20 minutes before the fatal collision. Richardson managed to travel about 1-1/2 miles toward the Seward Highway before he slammed into the familys compact sedan, according to troopers.

Richardson allegedly told Trooper Barry Wilson at the crash site that he had consumed a six-pack of beer earlier that day and was on his way from Anchorage to Wasilla. According to Wilson, Richardson said he thought he was near Wasilla.

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METRO

SATURDAY, July 29, 2000 ★

ANCHORAGE DAILY NEWS • www.adn.com

SECTION B

Donna Hobson rests in her hospital bed on her last day in the hospital on Friday. She was hit on a bike path by a driver who has been charged with first-degree assault, felony hit and run, and driving while intoxicated.



BOB HALLINEN / Anchorage Daily News

Hit-run victim on bike path recalls 'outlandish' accident

By KAREN AHO
Daily News reporter

Five weeks after being hit on a bike path by a suspected drunken driver, 69-year-old Donna Hobson rolled out of Providence Alaska Medical Center on Friday in a wheelchair.

Her left leg will never be the same, but she's not feeling sorry for herself. She said the accident was so outlandish and so devastating that she's just grateful to be alive.

"I feel God's given me another chance, given me a message," she said before her release.

"I don't know what it is ...," she added, laughing.

Hobson had been walking with her husband, Bob, on a bike path near O'Malley Road and the Old Seward Highway the evening of June 24. She was still recovering from knee surgery, so she supported herself with a cane in one hand and her husband's hand in the other, both tucked inside his warm pocket. He walked their miniature poodle, Tiny.

As they approached an alder-lined bend, a pickup suddenly rounded the curve. The driver swerved out of control in an apparent effort

to miss the pond, she said, and came fast at them.

Her husband tried to push her out of the way, but somewhat delicately because of her knee. Both they and the dog ended up in the pond, but Hobson was hit. She flew out of her shoes and landed face down in weeds and water some 20 feet away.

She doesn't remember much.

"It seems like I had a vision of crinkled tin in front of my eyes, all that metal. And everything going black. And he told me to lay still and he

See Page B-2, VICTIM

• We can all take lessons from the ...

VICTIM: Is grateful to be alive JET SKI

Continued from Page B-1

was going for help," she said.

Her husband later told her that she kept saying she hurt. Paramedics said she kept asking, "What happened?" which is common for trauma victims.

The pickup got stuck in the pond, and the driver and his passenger fled, refusing to help Hobson pull his wife from the water or call for help, police said. A K-9 tracked a scent and found two men hiding behind a Dumpster outside Sports Authority, Hobson said.

"They thought it was all fun and games. Police said they were laughing about it when they found them," she said.

Alfred W. Meyer, who police identify as the driver, is charged with first-degree assault, felony hit and run, and driving while intoxicated. Police said Meyer, 36, has two prior convictions for DWI.

Hobson underwent 15 surgeries on her lower left leg. She thinks it got tangled in the pickup's metal. The tissue was so crushed, doctors thought they would have to amputate. But enough muscle and nerve remained.

Over a two-week period, doctors stripped and cleaned what was left, then wrapped the thin portion that remained with a long patch of skin cut from her thigh.

She'll wear a brace from her heel to her thigh for the rest of her life. But she will be able to walk. Slowed circulation through the calf will leave her left foot permanently swollen.

Her pelvis, fractured on both sides along with bones in her lower back, is slowly healing on its own. A tube inserted in her chest helped her punctured lung recover.

"I thought that I would just be devastated — oh, another day at the hospital — but I felt so fortunate that I came through it that I felt a sense of peace about it," she said.

"I'm angry at them at getting their kicks for taking a joy ride down the bike trail," she said. "I guess if he stops drinking and learns something from it then it's not in vain. ... Some people, they just can't seem to get away from their drinking."

Reporter Karen Aho can be reached at kaho@adn.com or 257-4450.

Continued from Pa

Alaska. "A personal watercraft is a boat. It has no difference in the environment or effect on the environment or effect on other boats. In some ways, it's a boat.

The watercraft club's response to the ongoing debate swirling around jet skiers as well as skiers and motorcyclists is in touch with law Gov. Tony Knowles.

They believe the proper etiquette and wildlife instead of a cess. "This is the tip of the iceberg and we need to act now."

Kevin Hite, president of the Alaska State Snowmobile Association, called the ban a limiting recreational activity in Alaska. In a prepared statement, Hite said the Knowles administration was on a "crusade to decontaminate public land and water."

The jet ski group is part of the motorboat industry. ABATE — Alaska Boat and Jet Ski Training and Education — is a national organization that has been successful in getting jet skis banned from public lands in many states.

CRITTERS: Man spreads smiles, mess

Continued from Page B-1

... we can't ...

Driver drunk in 6-fatality July wreck

Chena road collision worst ever in Interior

By **KAREN AHO**
Daily News reporter

A July auto accident that killed six people east of Fairbanks, making it the deadliest crash in Interior memory, can now join another list: that of crashes blamed on drinking and driving.

Alaska State Troopers said Saturday that the driver of the pickup that slammed head-on into another pickup on Chena Hot Springs Road had a blood-alcohol level nearly three times the legal limit for driving. His three passengers, all of whom were thrown from the truck and pronounced dead at the scene, also were highly intoxicated, troopers said.

Two Army soldiers who were killed when the pickup crossed into their lane

See Back Page, **CHENA**

CHENA: Driver, 3 others were drunk

Continued from Page A-1

had not been drinking, troopers said. They also died on the road. Their wives were critically injured.

The alcohol test results from the July 2 crash, forwarded to troopers Friday by the state medical examiner's office, put a spike in a recent run of crashes blamed on drunken driving, especially in Southcentral.

In the Anchorage area alone, four people have been killed and six seriously injured by suspected drunken drivers since June.

Troopers say they would like to step up patrols but have limited manpower. Federal grants aimed at seat belt enforcement are paying overtime of extra officers on

the street. Some posts are juggling shifts to hit peak drunken driving hours.

"It is frustrating because I know they're there. If I could get out there more, if my guys could get out there more, we could arrest more," trooper Sgt. Lee Oly said. "There's only so much blood you can get out of a turnip."

In a state House committee meeting Thursday, officials spent three hours addressing the problem. Among draft bills being discussed for the next legislative session: lowering the blood-alcohol level for driving to 0.08, lengthening minimum prison sentences and requiring alcohol-purchase ID cards that mark past convictions.

In the crash outside Fairbanks, the driver had come

from a Fairbanks bar, trooper Capt. Mike Stickler said Saturday.

Jacky L. Moore, 39, had a blood-alcohol level of 0.27 percent, nearly three times the 0.10 legal limit for driving, troopers said. Passengers Christy Simon, 29; Harvey Grau, 27p; and Kristine Fuit, 47, were "highly intoxicated," a troopers press release said.

Christopher McFadin, 21, and Bruno Guglielmi, 24, soldiers at Fort Wainwright, were killed. Their wives, Teri Jo McFadin, 18, and Krystal Guglielmi, 22, were seriously injured.

Reporter Karen Aho can be reached at kaho@adn.com or 254450.

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SAM HARRAL / Fairbanks Daily News-Miner

Alaska State Troopers investigate a three-vehicle accident on Chena Hot Springs Road on July 2. Six people were pronounced dead at the scene, and two more suffered critical injuries.

DWI

The road to tragedy

Now we know the truth about the crash on Chena Hot Springs Road near Fairbanks last month: The driver of the pickup that caused the head-on collision was drunk as a skunk.

Because Jacky L. Moore, 39, chose to leave a bar and drive with a blood-alcohol level nearly three times the legal limit, six people, including Mr. Moore, are dead.

The young soldiers in the pickup Mr. Moore crashed into had not been drinking. They were two more innocent victims of an intoxicated driver in a summer of intoxicated drivers and innocent victims.

The soldiers' wives were seriously injured. They have to try to recover physically while somehow accepting that, at 18 and 22, they are widows.

What must keep them awake nights is the knowledge that this tragedy could have been avoided if Mr. Moore had called a cab. Or if the bartender had insisted Mr. Moore leave his keys and arranged a ride for him.

There are at least three parties involved in creating a drunken driver: the driver, the person providing the booze, and a community that tolerates the behavior.

Anchorage, like many Alaska towns and cities, in effect tolerates drunken driving.

Bad bars aren't the only contributors to the problem, but they play a part.

"We're not trying to get bars to stop selling people their 10th or 11th drink," Anchorage Police Department officer Derek Hsieh says. "We're trying to get them to stop at the 14th or 15th drink."

Think about being on the road with somebody who has had 14 drinks.

Of three high-profile Anchorage drunken driving cases this summer, one driver came from an "entertainment establishment," one had been drinking at home, and one picked up booze at a liquor store and drank in his vehicle.

Inspector John Bilyeu of the Alcoholic Beverage Control Board says 90 percent to 95 percent of liquor sellers are law-abiding businesses doing their best to follow rules. "It's the 5 to 10 percent that are doing anything to make a buck" who cause problems, Bilyeu says.

Officer Hsieh and Inspector Bilyeu agree that long-term, consistent enforcement is the key to producing responsible liquor sellers and drinkers.

"Our community has known about this problem for a long time," officer Hsieh says. "We've missed an opportunity to be proactive and now we're being reactive."

Let's be reactive in a way that's most likely to produce the results we want. Drunks by definition have no judgment. Society must step in when they stagger and fall — before others die needlessly.

As officer Hsieh says, this community needs to "make a commitment to stand by the standards we're going to set in the short term and live by them for the long term."

We don't need vigilantes gathering under the tree to hang each convicted killer. We need to stop relatively harmless drunks — whether first-time social drinkers or hard-core alcoholics — before they become killers.

At a minimum we need strict, consistent enforcement of liquor laws and adequate police and trooper highway and street patrols. We need to consider a lower blood-alcohol limit, alcohol-purchase ID cards, and any other reasonable idea.

Selling, buying and drinking alcohol is a right that society should only tolerate if done responsibly. And responsibly means at the very least not drinking and driving.

If we don't prepare to deal with drivers who drink, we're really preparing for more, more and more drunken driving tragedies.

Anchorage
Daily
News

9 Aug 2000

JUNEAU EMPIRE[☆]

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Legislature on right road with drunken-driving laws

Without sounding preachy, it is important to acknowledge and endorse attempts in the Alaska Legislature to toughen the state's drunken driving laws.

Barely a generation ago, drinking and driving bore the imprimatur of social acceptance - as long as no one got hurt. The problem was, people kept getting hurt. With more people drinking and more people driving as the U.S. population surged after World War II, more were killed or injured because of those who followed socially acceptable practices with little consideration of the consequences.

How do we know that drunken driving was socially acceptable?

By the mild penalties imposed on offenders in general and repeat offenders in particular.

Far too often and for far too long, drunken driving was excused as a boys-will-be-boys exercise. Asking a man to give up his car keys even when he was falling-down drunk was considered an affront to his masculinity. If fewer women were drinking and driving in the years immediately after World War II, the feminist movement and increasing numbers of women in the workforce helped eliminate gender distinctions about alcohol consumption.

Everybody played; everybody lost.

Still, judges, jurors, prosecutors and defendants played a wink-wink game of pretending to impose penalties on people who pretended to have learned a lesson.

Inevitably, survivor-victims and the relatives and friends of those who did not survive demanded an end to wink-wink justice.

Like smoking or smoking in public places, getting drunk and driving drunk have had society's full attention for a while.

Tolerance has declined, but a segment of the Legislature believes there is more to be done in the name of involuntary social responsibility.

We favor the move to make it more difficult for offenders to become repeat offenders. Removing some of the spontaneous opportunities whereby offenders can purchase alcohol is a start. It is right that they should be required to produce distinctive identification that tips off a retail clerk to a drunken driving history.

Those who purchase alcohol for someone prohibited from buying it rightfully should be doing so at some legal risk to themselves.

And, just as citizens may lose driving, hunting, fishing and voting privileges based on criminal behavior, it is not unreasonable to prohibit convicted drunk drivers from consuming alcohol for a specified period of time. Tough to enforce, but not unreasonable.

Lowering the legal threshold for intoxication from 0.10 blood-alcohol content to 0.08 is a must. To refuse is stubborn folly that will cost Alaska a bushel of federal highway dollars.

Raising the cost of drinking has been proposed and also must be considered.

Consideration and dollars also should be given for alcohol-related education.

Alcohol remains a favorite mood modifier. It still slows reflexes. As with so much else in life, people don't always know when to quit.

Teens need to have access to information about alcohol's physical effects. The information needs to be presented in an unbiased manner - without sounding preachy, as we said from the top.

There is a need as well for educating those who may have grown up in an alcohol culture, who are offenders and who are likely to become repeat offenders. Believe it or not, they may never have heard the facts.

The road to social responsibility is long. We should do what we can to ensure the safest journey possible.



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OUR VIEW

When drivers are outlaws

Suspending a license isn't a strong enough deterrent

When cocaine user Scott Sunderland ran off a city road last year, rolling his truck and killing his wife, he was driving even though his license had been suspended.

When drunken driver William Rust crushed a 29-year-old mother of two with his Ford Bronco back in 1995, he was driving even though his license had been suspended.

When Daniel James Bushey, hopped up on cocaine and booze, sped through a downtown intersection in 1994 and killed a mother and her 10-year-old daughter, he was driving even though his license had been suspended.

When 18-year-old Morris King spent a night in 1992 guzzling beer and wine coolers and speeding through red lights for fun, killing two 22-year-old women, he was driving even though his license had been suspended.

There seems to be a pattern here.

Sometimes a suspended license is no stiffer a punishment than the paper it is written on.

Sometimes a suspended license is no stiffer a punishment than the paper it is written on. Last year, Anchorage police issued 4,266 citations for driving without a license. The vast majority of those were given to people driving with suspended licenses, and the vast majority of those had lost their licenses for DWIs. As Messrs. Sunderland, Rust, Bushey and King

demonstrate, these outlaw drivers can inflict disaster on innocents.

Suspending driver's licenses does not do enough to protect innocent motorists from mayhem. People tempted to drive with suspended licenses need to face sterner consequences. Assemblyman Dick Traini has an excellent proposal to do just that. He wants people who drive with suspended licenses to forfeit their cars to the city, just as drunken drivers do. First offense, a 30-day impound. Second offense, bye-bye car.

In DWI cases last year, the city seized 1,600 cars. Impounding cars for driving with a suspended license will make it even more difficult for dangerous drivers to get back on the streets.

Seizing cars in such cases does raise legitimate questions about due process and the rights of innocent owners. Where a relative or bank owns an interest in the car, the city is willing to negotiate an appropriate settlement or the case can go to court. To get the car back in the meantime, owners can post a bond. The city's goal is to terminate the ownership of the violator while protecting the innocent owner's rights.

Processing all the new seizure cases may seem like an expensive proposition. But the current program basically pays for itself through fees the violator is charged for police time and work by the city attorney. And cracking down on drivers with suspended licenses is a good investment in public safety.

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Justin Freeman / KTVU

Robert Mersing is loaded into a police car, following the crash.



Dan Fagan

Man faces 3rd DUI

Anchorage, Aug. 9- One year ago, 22-year-old Robert Allan Mersing was arrested for drunken driving. A month ago, he was arrested again for drunken driving. Then on Tuesday night, for the third time in a year, Mersing found himself once again handcuffed and headed to jail for allegedly driving drunk.

POLICE SAY MERSING'S THIRD drunken driving incident could have easily been the most dangerous. Eric Quint's young daughter was playing in their yard by a fence just minutes before police say Mersing came speeding and crashing into the fence.

"After hearing so much in the press recently about drinking and driving, it really scares me actually," Quint said. "It really does."

Police say Mersing failed his sobriety test and refused to take a blood alcohol test. He also was uncooperative with police and at one point refused to spread his legs and be searched. After a while, police spread Mersing's legs for him.

One witness says Mersing told police he had been through this before and that it was no big deal. But it was a big deal for neighbors who saw it all. After Mersing crashed into the fence, he then ran over a nearby stop sign. Two neighbors approached his car when it became disabled because of an air bag.

"He hit the stop sign, then we got a hold of him and we pulled him out of the car and grabbed the keys, threw them up on the roof of the car," neighbor Clint Belcher said.

"He would have ran," Vic Shincke said. "He would have ran."

Mersing was charged with DWI and driving with a suspended license. His license was suspended because of his two DWI arrests.

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Driver involved in fatal crash had high blood alcohol

October 17, 2000

By BETH IPSEN
Staff Writer

The driver involved in a fatal accident that killed a 17-year-old Lathrop High School student Sept. 30 had a blood-alcohol level nearly three times the legal limit, according to Alaska State Troopers.

Trooper Sgt. Tim Schoenberg said Kirk Johnson, 32, of Fairbanks had a blood-alcohol level of 0.29, according to information obtained from his medical records at Fairbanks Memorial Hospital. A search warrant was authorized to examine the records.

Blood alcohol levels of 0.10 percent and higher are considered drunken driving.

Johnson was driving a full-sized 1987 GMC truck that slid into the opposing lane around 3 p.m. that day and collided head-on with a 1991 Toyota sedan driven by 17-year-old Heather Dowdy at 3.5 Mile Old Steese Highway. Both individuals were the only occupants in the vehicles.

Dowdy suffered several injuries and died at FMH that day. Johnson received facial injuries and was admitted to the hospital.

Trooper Aileen Witorsky, who is investigating the accident, said the ice on both sides of the road also contributed to the collision.

Schoenberg said charges are pending completion of the investigation on the accident itself, which takes longer.

"We'll research all of the statutes that are appropriate with that particular incident," he said. "There will be more charges pending than a DWI; that's a forgone conclusion."

After the investigation is complete, Witorsky said it will be reviewed at the district attorney's office before the report and charges are made public.

Johnson was convicted of driving while intoxicated in 1988 after troopers stopped him for weaving across the center line of the Richardson Highway, according to court records. In that incident, he had a blood-alcohol level of 0.18.



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Anchorage Daily News

Family, friends express outrage

**Something should have put a stop to repeat DWI offender long ago DWI:
Repeat offender charged in Muldoon collision**

By Karen Aho
Daily News Reporter

(Published October 12, 2000)

In 1998, after his fifth drunken driving conviction, Franklin Schug asked to be excused from his court-ordered alcohol counseling.

"I will be 67 next birthday," he wrote a judge in a one-page note contained in court files. "I don't intend to drive, nor could I afford a car and insurance. I would like to have this order dismissed."

The court denied his request. Two years later, Schug did drive, despite the fact that, according to prosecutors, he did not have a license and couldn't have had insurance.

He also drove while intoxicated, according to charging documents. Police said he had a blood-alcohol level of .229, more than twice the legal limit, when he collided with two motorcycles Saturday evening on Muldoon Road, injuring four people, one of them critically.

Schug has been charged with four counts of assault, as well as leaving the scene of an accident, DWI, and driving without a valid license. He is being held at Cook Inlet Pre-Trial Facility in lieu of \$290,000 cash bail.

Family and friends of the victims attended Schug's hearing earlier this week and expressed outrage at his repeated drunken driving. His convictions, none of them felonies, date back to 1976.

"I have a DWI conviction from 1987 and I have a perfectly clear driving record now," said Brad Mork, a friend of the victims. "Some people learn and some don't."

Mork, 36, said he was riding his motorcycle behind his friends down Muldoon Road on Saturday when Schug's pickup pulled out of a side street in front of them. The bikes struck metal. His friend Mark Thom looked up at Mork from the pavement and said, "Go get that SOB."

The pickup had taken off, Mork said. "It was the worst thing I ever seen."

Mork caught up, and hollered through the driver's closed window as the pair moved down Muldoon, he said. With the aid of another driver, Mork blocked the pickup 29 blocks later. Mork jumped on the running board, punched out the window, and pulled the gearshift into park.

He said he told Schug, "Pull over, now! You just caused a major accident. Pull over!"

"You could see the whole side of his truck was smashed in," Mork recalled. "He's like, 'Huh, uh, I didn't do anything.'"

According to the criminal complaint, Schug wobbled from the pickup and told police "that he felt a bump, didn't see anything in his mirrors, so he continued."

Tammy Thorn, who was riding on her husband's motorcycle, suffered a torn artery in her chest. In the first days after the accident she was given a 10 percent chance of survival, according to the court document. Friends said she has since pulled through open-heart surgery and has resumed breathing on her own.

"She's able to whisper," friend Jody Doyle said. "Her mother-in-law said she wanted to hold her baby."

Tammy, 27, and Mark, 34, have three children, ages 10, 7 and 3 weeks. Tammy is expected to be hospitalized for a couple months with internal injuries and multiple broken bones. Mark could be in a wheelchair the same length of time. The driver of the second motorcycle, Terry Longoria, 35, suffered internal injuries and multiple fractures, and his passenger, Jerri Romazewski, 30, minor injuries.

To help the Thorns pay their bills and insurance deductible, friends opened two bank accounts in the family's name. Both are at the National Bank of Alaska, under account numbers 1102307084 and 1102284378.

Mork, meanwhile, had swollen knuckles from punching out the pickup's window. He said something long ago should have stopped Schug from driving.

Reporter Karen Aho can be reached at kaho@adn.com or 257-4450.

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Photo courtesy of Matthew Thorn

Tammy and Mark Thorn and their children Kristina, 10, and Christopher, 7, pose for a family picture after the birth of daughter Sherry Lee three weeks ago. Tammy and Mark Thorn's motorcycle collided with a pickup Saturday that police say was driven by a man with five DWI convictions.

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Web posted Thursday, October 19, 2000

Woman arrested in connection with September death of Unalaska man

UNALASKA (AP) -- A 29-year-old woman is behind bars in connection with the hit-and-run death of an Unalaska man in September.

Alya S. Landt is charged with manslaughter, criminally negligent homicide, tampering with evidence and **drunk driving**. She was arrested Monday in Unalaska following a six-week investigation.

Police said Landt accidentally ran over Robert Shapsnikoff on Sept. 3 after a night of heavy drinking. Landt then allegedly concocted a story to cover up the incident.

According to charging documents, Landt, Shapsnikoff and Innocent "Ty" Dushkin were drinking together at an Unalaska bar. Afterward, Shapsnikoff reportedly walked away from the bar, and Landt and Dushkin left soon afterward in her rental truck.

Police said Landt and Dushkin initially told officers they found Shapsnikoff injured in the road. But Dushkin reportedly changed his story after an autopsy revealed the victim died of injuries consistent with a vehicle accident. Dushkin has not been charged.

Landt was being held Thursday on \$100,000 bond.

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Web posted Thursday, November 16, 2000

Attorney calls drunken driving sentence one of most severe ever

Two fatalities worth 22 years

By DOUG LOSHBAUGH
Peninsula Clarion

A Crown Point man drew 22 years in prison Tuesday for the drunken driving deaths of two prominent Juneau residents and the injury of a third.

Michael Glaser, 44, entered guilty pleas Tuesday in Kenai Superior Court on two counts of second-degree murder and one count of first-degree assault stemming from the April 19 accident that killed Martin John Richard, 50, and Ladd E. Macaulay, 57, and injured Steven Gregory McGee, 49, all of Juneau.

Judge Jonathan Link sentenced Glaser to 30 years in prison with 15 years suspended for each murder count and eight years in prison with three years suspended for the assault count. He ordered Glaser to serve 10 years for each murder count and three years for the assault count concurrently, and to serve five years for each murder count and two years for the assault count consecutively. That complicated formula amounts to a sentence of 22 years in prison.

However, it appears Glaser could be eligible for parole after 14 years, said his attorney, John M. Murtagh. Link also sentenced Glaser to 10 years probation.

Glaser originally pleaded not guilty to all three charges. On Tuesday, though, he felt changing his pleas was "the right thing to do," Murtagh said.

"He wanted to accept responsibility for his actions," Murtagh said.

According to court documents, Glaser told the victims' families he is "very sorry for what has happened," and he "will never drink again and put (him)self in this position."

Glaser reportedly had a .258 blood-alcohol level, two-and-one-half times the legal limit, at the time of the accident.

Richard, Macaulay and McGee, three state of Alaska employees, were returning to Anchorage in a rented Toyota Camry after visiting peninsula hatcheries. **Glaser** was southbound on the Seward Highway in an older model Chevrolet crew cab. The pickup crossed the center line at Mile 37.5 Seward Highway, struck the Camry head on, and rolled on its side, trapping **Glaser**.

The Camry was shoved against a mountainside, trapping the three occupants. Richard and Macaulay were pronounced dead at the scene.

Richard was director of the Division of Investments for the state Department of Community and Economic Development. Macaulay was a loan officer with the division.

McGee and **Glaser** were injured. **Glaser** underwent ankle reconstruction and was arrested May 1, following his release from Alaska Regional Hospital in Anchorage.

Murtagh said he argued during Tuesday's sentencing hearing that the mandatory 10-year sentence would be sufficient. **Glaser** already has been through residential treatment and offered to help Mothers Against Drunk Driving, the Seward Police and other groups teaching about the possible consequences of drunken driving.

"He doesn't need to be in prison because he is a danger to the public or for rehabilitation," Murtagh said. "The only reason to put him in prison is for punishment or to deter the public."

According to court documents, though, John Wolfe, assistant district attorney, said **Glaser** had a blood alcohol of .247 two hours after the accident, and suggested **Glaser's** efforts at rehabilitation should be low on the list of criteria considered for sentencing.

"The most important was community condemnation and reaffirmation of societal norms," Wolfe said Wednesday. "The public strongly condemns people who drink and drive, then injure or kill people."

Deterring others from drinking and driving is the next most important consideration, Wolfe said, and a longer sentence might better catch the public's attention. The Legislature recently changed the minimum sentence for second-degree murder from five years to 10. Wolfe argued that **Glaser** should be sentenced to seven years for the assault, since that involved a deadly weapon.

"My argument was that the sentences should all be consecutive," he said.

The two 10-year minimum sentences plus the seven years for assault would total 27 years.

Murtagh said the sentence **Glaser** did receive is the most severe he is aware of in Alaska for a drunken driving fatality.

"I don't believe Mr. **Glaser** is the most serious offender," he said. "The theory is that people who drink and drive will get the message. I think that is a very tough use of anyone's life."

He said he has not yet seen Link's written judgment, and **Glaser** has not yet decided whether to appeal the sentence.

"If the sentence leads people not to drink and drive, it might be appropriate, but that's always speculative," Murtagh said.

Wolfe said **Glaser** is among the first to be sentenced under the recent changes to the law. **Glaser** made a bad decision and was well aware of the potential consequences. **Glaser** took two lives and hurt several others, he said.

Peninsula Clarion staff and The Associated Press contributed to this story.

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22 JAN 2001

DWI legislation

Jan. 18, 2001

To the editor:

Legislators wishing to toughen the stance against drunk drivers should tweak the existing laws before enacting new ones that will have little or no deterrent effect.

If I understand correctly three DWI's in five years qualifies you for a felony DWI. A dedicated drunk driver can space out his/her convictions every two years and rack up as many as 20 or so DWI's over a lifetime, with none of them being a felony.

Second DWI convictions average 15 days in jail and \$500-1,500 in fines. This plus a chunk of the lawyer's fee can be covered by a single year's dividend so how much of a deterrent can it be? The third conviction and every conviction after that should be a felony with the fine and mandatory minimum sentence doubled each time until a lesson has been learned or we never see the offender again.

Giving people who have demonstrated a total disregard for the consequences and penalties for drunk driving a break of any kind for avoiding detection for a set period of time is ridiculous. Toughen this portion of the law and give our local lawyers fewer repeat offenders to defend and fewer ambulances to chase.

Matt Kennebec
Fairbanks

Anchorage Daily News 23 Jan 2001

**Pick up your phones and pens a join
the battle against drunken driving**

Alaskans, our state Legislature is in Juneau for the 2001 session. If you are interested in getting drunken drivers off Alaska's roads and highways, please call your representatives and senators and demand a change in state laws concerning drunken driving. The present laws are not working. If we are going to stop drunken drivers, the punishment has to be severe enough to get their attention, severe enough that a person will think about it and not do it.

I am going to call my senator and representative and ask for zero tolerance, 18 months in jail, loss of license for five years, a \$3,000 fine and loss of vehicle. If a drunken driving accident results in death, the charge against the drunken driver should be second-degree murder. If you think this punishment is too severe, then you have not suffered the loss of a loved one because of drunken driving.

On July 12, a little after 5 p.m., I lost two grandsons, 11 and 15 years old, to a drunken driver on the new toll road between Whittier and Portage. As I lay in the hospital after the accident, going over and over it in my mind, the one thing that stood out so clearly was that every drunken driving accident is 100 percent preventable.

It is up to each person who drinks to decide whether to drive or not to drive. If he or she chooses to drive, he or she also chooses the consequences of the decision. Being drunk is no excuse!

— Dave Glasen
Tatitlek

Anchorage Police responded to a van rollover at Mile 9 of Eagle River Road on Monday afternoon. Nobody was injured. Police had to close the road for about an hour until the wreck was removed. The accident was one of at least 20 caused by icy roads this past week. More than 50 "vehicles in distress" were also reported. (See page 5.)

Local legislators get an earful

Citizens want attention given to schools, roads

By JODI STEPHENS
Alaska Star

The state exit exam, a new high school, drunk driving and local service districts were on the minds of 15 residents attending Saturday's town hall meeting with Chugiak-Eagle River legislators.

Sen. Randy Phillips and Reps. Pete Kott and Fred Dyson came in person, while Rep. Vic Kohring took part via speaker phone from Juneau. Sen. Rick Halford was in Washington, D.C., for the presidential inauguration.

On the topic of high school exit exams, Kott said he favors a delay in implementing the tests, now set to face all seniors in spring 2002. "I'm just not sure how long we should delay it. Four years? Or is two years enough?"

Dyson took an opposing view. "A lot of people who are lobbying for a delay have a dog in the fight. I'm not sure I'm going to learn a lot more hearing from the professional teachers lobby." He quoted

Commissioner of Education Shirley Holloway as stating, "There's 60 or 70 schools out there who know they haven't been doing the job, and they're embarrassed about the figures coming out in the light."

Audience member Gail Dial urged adults to take the sample exam on the Internet. Referring to the language sections, she said, "The writing section is not that complicated. If kids can't handle that, we're doing them a real disservice. I think you really shouldn't have a diploma if you can't pass that test." However, she added, "maybe the math part is too hard; not everyone is going to be able to do advanced geometry or advanced algebra."

Judith Fetherolf took a harder line. "Algebra should be a minimum for math standards," she said. "Without a certain level of skills, you're going to have a hard time finding a job to support yourself. There aren't alternatives to college anymore."

Fetherolf's daughter Jackie, a 1998 Chugiak High School graduate, spoke of her own experience. "It's really easy to graduate. You're encouraged not to take hard classes ... You shouldn't lower the standards so everyone can graduate."

"Whether or not we continue the testing, we have to identify the weaknesses in our schools," Dyson said, adding that he'd like more comments from parents, especially on how to make the tests fair to disabled students.

The subject of drunk driving also brought lengthy discussion. "The number of people uninsured in this state is enormous," said Fetherolf, whose daughter's car was hit by a drunk driver last July and who now faces a \$60,000 lien to pay medical expenses for a badly injured passenger. "You're looking at the state cost but you're not looking at the overall costs to the people of this state," she told the legislators.

Kott said he's introduced legislation to reduce Alaska's legal blood alcohol limit from the present .1 to .08, explaining that the lower standard is a federal mandate without which Alaska stands to lose \$7.5 million in 2004. Kott said his House Bill 17 may be rolled into an omnibus bill by Rep. Norm Rokeberg (R-Anchorage), which is working its way through the House.

On the subject of road projects, Sen. Randy

See EARFUL, Page 17

Alaska Star 25 Jan 2001



STAR PHOTO BY JODI STEPHENS

Sen. Randy Phillips, Rep. Pete Kott and Rep. Fred Dyson listen as local road board member Gail Dial makes a point about service areas at the Saturday town hall meeting.

EARFUL:

Continued from Page 1

Phillips expressed frustration that Eagle River priorities are constantly losing funding to Anchorage projects that run over budget or that are deemed more important. "I'm coming up with some legislation to deal with that. If it says No. 1 or 2 (on the city's funding list), it's going to get done," Phillips said.

The need to protect local service districts, which provide road maintenance, parks programs and fire protection, also brought heated comments — all in favor of HB 13, a bill sponsored by Rep. Con Bunde (R-Anchorage). Similar to a measure passed last year but vetoed by the governor, the bill aims to prevent boroughs and municipalities from taking over limited service areas formed, and paid for, by local voters.

Bunde's substitute bill adds volunteer fire departments to the list of service districts that may not be abolished, amended or merged without a majority vote of the people affected.

Chugiak Volunteer Fire Department assistant chief Bruce Bartley said the bill would ensure that cities "can't do an end run around it, dissolve a service area and recreate it." Such moves typically mean higher rates and less service within the former district, he said. During his 18 years with CVFD, he said, the push to professionalize the Chugiak force "has come and gone," with the latest attempt being to take over emergency medical services.

Phillips asked interested audience members to keep

tabs on the legislation and "make very sure which draft of the bill you want. We went through this drill last year. If you have any objections, let us know what the pitfalls are."

The budgets for local parks and roads also came in for debate, with Gail Dial saying she and fellow road board members "are never allowed to see the whole (road) budget, just what our contractor's costs are. We have no idea how much money we've got or where it's going."

Anchorage Assembly member Anna Fairclough said she has asked municipal finance officer Kate Giard to research Chugiak-Eagle River property tax assessments and how much goes to parks and roads, and report to local board members in March.

As the discussion turned to the need for a new high school, Fairclough urged legislators to obtain a 70/30 match for the project, having the state pay 70 percent so voters would only have to approve a \$12 million bond this spring. "If we'd had 2,400 more votes, we could have passed it last year," Fairclough said, referring to a \$42 million bond that narrowly failed last April. "People realize that Chugiak-Eagle River has been shortchanged."

Phillips stopped short of promising state money for the project, but said, "The high school is going to be my No. 1 priority this session."

Future public meetings with local legislators are set for Feb. 17, March 3 and April 7.

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Taking away the keys

February 02, 2001

In May 1998 the city of Fairbanks began seizing vehicles from drunk drivers.

In addition to the fines and other drunk driving penalties mandated by state law, the city's ordinance provides for impounding vehicles used by offenders for a minimum of 30 days.

The most recent statistics available show 870 vehicles have been impounded as a result of individuals caught driving while intoxicated. If first-time offenders are involved, or 10 years has passed since the driver's last DWI conviction, those cars and trucks sit parked for a month, if not in an official impoundment yard than in private storage facilities approved by the city. If nothing else, these seizures idled the hundreds of vehicles used by drunk drivers for weeks at a time, hopefully giving drivers inconvenienced in this manner a sobering lesson.

The city ordinance takes a bigger bite from repeat offenders.

If the owner was operating the vehicle at the time of the repeat offense, if he or she was present in the vehicle when the violation occurred, or can be otherwise proven to have been aware that a drunk with a DWI conviction, anywhere in the country, in the last decade was at the wheel, Fairbanks tough policy directs the city to pursue forfeiture of the vehicle.

The local forfeiture ordinance has resulted in the forced auction of 72 vehicles to date, with another 12 "ready for sale," according to Connie Martin, the legal assistant employed on a part-time basis to run the city's program.

In cases where the vehicle involved in a DWI arrest is owned by someone other than the driver, Martin notes, the city gives the innocent party the option of reclaiming their vehicle following impoundment. The cost of such redemptions generally runs between \$200-\$260, depending upon the progress of the legal paperwork.

The state also has a similar law on the books providing for seizure and forfeiture of vehicles from repeat drunk drivers. There is one whopping difference: vehicle forfeiture is an option for state prosecutors, rather than a mandate.

House Bill 39, introduced at the opening of the session by Rep. Pete Kott, R-Eagle River, would have, among other things, changed that policy, replacing the word "may" in the state's vehicle forfeiture law with "shall."

In committee this week HB 39's forfeiture provision was dropped as too expensive.

Every lawmaker should prudently address the costs associated with proposed legislation. In this instance, however, Fairbanks' experience suggests the modest cost of pursuing vehicle forfeitures amounts to a solid investment against drunk driving.

That's the view you'll hear from Martin, the paralegal who handles, on a less-than-full-time basis, the vehicle seizure program in Alaska's second largest city.

"In some cases it might cost a little more than the vehicle is worth, but this program isn't about making money," she said. "It's about getting those drivers off the street."

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Money is no object; Alaskans are fed up with drunk drivers

Wonderful! Rep. Pete Kott introduces a reasonable measure to address the absurd DWI problem in our state, then he finds out that it would actually cost money to implement, so he

*What price
can you put
on a dead
wife?*

waters it down ("Kott trims costly parts from drunken driving bill," Feb. 3). Amazing. I always thought this was one area that Republicans were good at ... you know, law and order stuff.

The state Legislature needs to address the carnage wrought by drunken drivers, no matter what the cost. What price can you put on a dead wife, husband or child? We need representatives who actually "represent" the will of the people, and I think the vast majority of citizens in Alaska are fed up with drunken drivers.

— Doug Brown,
Anchorage

Anchorage Daily News

10 Feb 2001

State traffic accidents up 8.8 percent in 1999

■ *January, February are most dangerous months in Juneau*

By ANN CHANDONNET
THE JUNEAU EMPIRE

A report recently issued by the Alaska Department of Transportation and Public Facilities shows traffic accidents in the state increased significantly in 1999.

According to "1999 Alaska Traffic Accidents," there were 14,691 traffic accidents that calendar year, an increase of 8.8 percent over 1998. Twenty-eight percent of the accidents resulted in injuries; 0.5 percent resulted in fatal injuries (77 victims).

Thirty-four of those 77 died in accidents that were classified as alcohol- or drug-related. Twenty-nine of them might have survived had they been wearing seatbelts or using other safety equipment.

The percentage of accidents involving either injuries or fatalities increased in four of the eight largest boroughs in 1999: Juneau, Mat-Su, Kodiak and the Kenai Peninsula. The fatalities in Alaska are slightly below the fatalities per million licensed drivers in the entire United States.

The most prevalent type of collision in Alaska was the angle collision,

a crash type associated with turning, passing and failure to yield situations. The second most prevalent was the rear end collision, typical of situations involving unsafe speed and driver inattention.

New Year's weekend was the most dangerous time to drive, followed closely by Thanksgiving. December, January and February were the most accident-prone months. Most fatalities occurred between 2 and 3:59 a.m. and between 8 and 9:59 p.m.

In the greater Juneau area in 1999, according to the report, 961 people were injured in vehicle accidents, 17 of them seriously. Two died.

Juneau had most of its accidents in the months of January and February; the least in April and August. Statewide, accidents happened less under rainy conditions than under cloudy and clear conditions.

Property-damage-only accidents were unchanged in Juneau, but total accidents increased for 1999 due to higher numbers of injury and fatal accidents.

.....

Ann Chandonnet can be reached at achandonnet@juneauempire.com.

Juneau Empire 11 February 2001

FAIRBANKS

Daily News - Miner

"Independent in All Things . . . Neutral in None"
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Managing Editor

BRIAN O'DONOGHUE
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The whole toolbox

Lowering the state's drunken driving standard from .1 blood-alcohol content to .08 won't do much to stop the most dangerous, habitual offenders whose intoxication at the scene of horrific accidents sadly registers two or three times the legal limit.

Suspensions, likewise, are insufficient to protect the law-abiding public from individuals with a history of ignoring such paper penalties.

Incarceration, confiscation of vehicles, and mandatory participation in alcohol treatment programs offer better means for protecting the law-abiding public from the carcening path of repeat offenders.

On the other hand, individuals inclined to mix drinking with driving are likely to sip more cautiously if lawmakers lower the state's intoxication standard. The specter of a mandatory stay in jail, stiff financial penalties and the irritations of a significant period of license suspension might be the deciding factor in passing up that 'one for the road' that slows a generally responsible individual's reactions to a dangerous, potentially tragic degree.

All of the above-suggested approaches to curbing drunken driving and more are before lawmakers this session. At last count, there were nine House or Senate bills with provisions addressing the subject from various angles.

The point here is that no mandatory jail sentence or fine, no single adjustment of the state's intoxication standard, and no one approach to treatment can be expected to achieve the goal of protecting law-abiding Alaskans from the threats posed by drunken drivers.

The only long-term solution is in educating all Alaskans about the public dangers and personal risks that go with taking the wheel in a drunken or impaired state. That's the mission this society thrusts upon its law officers. It's up to lawmakers to give troopers, police and public safety officers all the necessary legal leverage, backed by sufficient funding, to rid our roads of drunken drivers.

Alcohol abuse is so pervasive in Alaska--the mission requires a full assortment of prosecutorial tools and treatment programs.

Mandatory sentences should go to drunk drivers who injure, kill

Are you really tired of drunk drivers? The answer is simple. Write or telephone your state legislators and ask them to enact minimum mandatory drunk driving laws. Many other states have in place laws that carry five-year minimum mandatory jail sentences for each person killed in drunk driving accidents. Alaska could go a step further to include a two-year minimum mandatory jail sentence for each person injured in a drunk driving accident. While we're at it, let's make this law include all the people using illegal drugs that impair driving as much or more than alcohol.

Minimum mandatory sentences mean the legislative command must be unequivocal since courts hesitate to find their judicial discretion curtailed. The Legislature normally provides explicitly for the mandatory sentence by stating a certain minimum sentence be imposed and that it may not be suspended nor may the defendant be released on probation or parole until that minimum term has been served. Write your legislator today.

— Gladys Wilson
Anchorage



JUNEAU EMPIRE 28 Feb 2001

LETTERS

The cost of DWI

I am saddened by the remarks of our legislators as reported in your Feb. 23 article, "DWI bill trimmed to chop price tag." The projected cost of \$100 million a year for the tougher DWI bill is a fraction of the cost that we as citizens pay every year for alcohol-related crashes. In 1998, the 2,850 alcohol-related crashes cost the citizens of Alaska \$300 million. These statistics are from the National Highway Traffic Safety Administration's Web page at <http://www.nhtsa.dot.gov>.

But all these numbers are just that - numbers. They don't take into account the tragedy of the loss of a human life. Every year in Alaska at least 30 people die in alcohol-related crashes and another 1,700 are injured. How many million dollars is one life worth? DWI is epidemic in our society. One out of every three people in the U.S. will be involved in a DWI accident in

their lifetime. Look around you, count two others, one of you will be in a DWI accident. This means it could be your family that gets mowed down by a drunk driver.

We, the people of Alaska, need to address this problem not from the perspective of how much it is going to cost us. Why not look at this from the perspective of how much this is going to save us? Let's make the DWI laws so tough in our state that no one dares to drive drunk. Let's protect our loved ones and stop the senseless deaths on our highways. Every DWI accident was preventable if only the drunk driver had been deterred by a tough, no-nonsense DWI law. I challenge our legislators to take a new look at the present DWI legislation, keeping in mind our families and their own families. Stand up for what is right.

Officer Howie Martindale
Haines Police Department

Drunken drivers can't reoffend if we take away their cars

Drunken driving is two words. If somebody wants to get or stay drunk it's none of our business until they get behind the wheel. Then society can act to separate the drunk from his vehicle. Most proposed solutions are to separate the drunk from booze or society. That's impractical and expensive. Taking their vehicle, if necessary over and over, is easy and very effective. We do it occasionally but not nearly enough. Why not? I don't know, but without DWI cases there would be a lot of empty courtrooms and not near as many lawyers.

We have lots of victims of drunken drivers who have been convicted three to five times. We don't have to accept it; it's preventable.

— Alton E. Smith
Anchorage

ANCH DAILY
NEWS 2 MAR 2001

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Anchorage Daily News

Driver who hit woman on trail pleads no contest DWI: Elderly accident victim underwent 15 surgeries.

By Molly Brown

Anchorage Daily News

(Published March 14, 2001)

The accused drunken driver who steered his pickup down a South Anchorage bike trail and struck an elderly woman out walking her dog last summer pleaded no contest on Tuesday to first-degree assault and leaving the scene of an accident.

Alfred Meyer, a twice-convicted drunken driver, had also been charged with DWI and driving without a license. His blood-alcohol level was 0.22, prosecutors said, more than twice the legal driving limit. Under a plea agreement, those misdemeanor charges will be dismissed at a sentencing hearing in June, said assistant district attorney Bob Linton.

Tuesday's hearing lasted about 10 minutes. Meyer, 37 and free on bail, was remanded into custody as his friends and family members tearfully watched. Donna Dobson watched, too, sitting for the first time in the same room as the man who changed her life.

Dobson, her husband, Bobby, and their toy poodle, Tiny, were walking on a pathway near O'Malley Road and the Old Seward Highway the evening of June 24. She was still recovering from knee surgery, and supported herself with the help of a cane and her husband. As they approached a bend in the trail, a 1989 Chevrolet pickup with Meyer at the wheel rounded the curve. Dobson's husband tried to push her out of the way, but the truck hit her.

Dobson, 70, was knocked out of her shoes, and landed face first in weeds and water 20 feet away, according to charging documents. The pickup also landed in the pond. Meyer and a passenger refused to help and left the scene as Hobson's husband pulled his wife from the water, police said. Meyer was arrested a short time later outside a nearby store.

Hobson spent five weeks at the hospital and underwent 15 surgeries. She suffered two broken hips, a broken leg, a punctured lung, a broken pelvis, broken tailbone and broken ribs, according to family members.

On Tuesday, she walked with a cane but said she was happy to have survived.

"It's nice to be alive and walking," she said.

The cane is necessary for balance when she leaves home. She said she can no longer take long walks on the trail.

She expressed sympathy for Meyer's friends and family who have to say goodbye to their husband, father and friend, but said she hopes Meyer's jail time will get his attention.

"He could have killed me," she said.

Meyer could be sentenced to prison for five to 20 years on the felony assault charge, and up to 10 years for leaving the scene.

Dobson and her husband filed a civil suit against Meyer and Amtal Corp., an Alaska company that owns Muffler City. Meyer is president of Amtal and manager of Muffler City, according to a complaint filed in court. Meyer was driving a company truck when he hit Dobson.

Meyer's was one of four high-profile cases involving suspected drunken drivers last summer.

Jessie Withrow, a college student, died in July after being struck by a pickup while riding her bicycle on a sidewalk at Minnesota Drive and West Northern Lights Boulevard. Russell D. Carlson, 39, was charged with second-degree murder, DWI and driving with a revoked license in that case. He has seven previous DWIs and is scheduled for trial in May, according to the District Attorney's office.

Days later, two other young women were hospitalized after colliding with a pickup heading the wrong way on East Northern Lights Boulevard. Albert T. Bowman, who has five previous DWIs, pleaded no contest to injuring the two women and will be sentenced later this year.

In mid-July, Robert Richardson killed two young boys and injured their grandparents when he drove his pickup into a car, according to charging documents. He is scheduled to change his plea next week, according to court records.

Reporter Molly Brown can be reached at mbrown@adn.com or 257-4343.

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Anchorage Daily News

Driver who killed boys pleads

HEARING: Mothers, grandparents of two youths watch as man pleads no contest.

By Molly Brown
Anchorage Daily News

(Published March 20, 2001)

The mothers and grandmother of two boys killed last summer by a drunken driver held up pictures of their sons and grandsons in Anchorage Superior Court on Monday as Robert Richardson pleaded no contest to second-degree murder and first-degree assault.

For the first time, grandparents David and Patsy Glasen looked at the driver of a pickup that crossed the center line and slammed into their car on Portage Glacier Road. The crash sent the Glasens to the hospital with serious injuries. And also for the first time, Patty Kramer, mother of Kenneth Kramer, 11, and Sue Johnson, mother of Kevin Blake, 15, put a face to the man who killed their sons.

Richardson, 36, barely looked up.

He was originally charged with driving while intoxicated, two counts of manslaughter and first-degree assault.

On July 12 Richardson drove his red Ford F-150 pickup down Portage road. He ran off the road; a tow truck pulled his vehicle out of hood-deep water. About 20 minutes later he hit the Glasens and their grandchildren. After the accident, Richardson told an officer he had drunk about a six-pack of beer, according to charging documents. His blood-alcohol level was 0.175, nearly twice the .10 legal driving limit. Richardson thought he was near Wasilla, charging documents said.

Blake and Kramer and their grandparents were on their way to Whittier to go fishing. Blake was driving with a learner's permit, his grandfather at his side. Kramer sat behind Blake in the back seat, next to his grandmother.

Both boys died instantly.

"My mom and dad always say how they wish it was them who had died," Johnson said as tears rolled down her face. "I really miss him so much."

Johnson flew to Anchorage from Tatitlek with her two daughters for Monday's short hearing, and the Glasens flew in from Cordova. Kramer and her son drove into town from Palmer. Kramer today planned to go to Cordova, where her son and his father are buried side by side. Today Kenneth Kramer should have turned 12.

"This whole thing," Kramer said. "Just don't drink and drive."

"This whole thing is so preventable," Johnson said. "Somebody has got to do something."

They held up pictures so no one would forget. They also displayed bumper stickers that urged people to remember the two boys before they drink and drive. The bumper stickers are plastered on cars and walls in the Mat-Su area, Valdez, Cordova and as far away as Michigan, Johnson said.

"Maybe they will see it and stop and go: 'Man, I am not going to drive. I'm going to take a cab.'" Johnson said.

David Glasen has written letters to state legislators, urging stricter DWI punishments and education programs for youngsters. Glasen endured a broken hip and leg in the crash and was released from the hospital in October. He goes to therapy three times a week and walks with a cane.

"No matter what the sentence is for Mr. Richardson, it's not going to bring my grandsons back," he said. "This was preventable."

Richardson's sentencing is scheduled for June 26. He faces 10 to 99 years in prison for the murder charge and at least five years for assault.

Reporter Molly Brown can be reached at mbrown@adn.com or 257-4343.

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HB 4 5% BAC assumption fiscal notes

Subject: HB 4 5% BAC assumption fiscal notes**Date: Fri, 27 Apr 2001 09:27:59 -0800****From: Janet Seitz <Janet_Seitz@legis.state.ak.us>****Organization: Representative Norman Rokeberg, Alaska State House****To: Mike_Tibbles@legis.state.ak.us**Amendment
#1

Mike:

I think you have all of this but just in case: (FY 2002)

<u>Department</u>	<u>CSHB4(JUD)</u>	<u>5% BAC assumption and source</u>
Court	\$368.6	\$332.6 - 4/19/2001 letter
Administration		
DMV	\$206.6	\$206.6 - 4/11/2001 letter
Public Defender	\$457.0	\$386.9 - 4/17/2001 letter
Corrections	\$3,584.7	\$2,537.3 - 4/12/2001 letter (reduce Other to 294.6 also)
Law	\$753.7	\$633.5 - 4/13/2001 letter/
H&SS		
Alcoholism & Treatment	\$112.4	\$56.2 - 4/20/2001 e-mail
Treatment	\$582.2	\$291.1 - 4/20/2001 - e-mail
Public Safety	\$315.5	no change as not .08 assumptions included in fiscal noc

If you have any questions, let me know.

Janet

Janet Seitz <Janet_Seitz@legis.state.ak.us>

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS
Commissioner's Office

TONY KNOWLES, GOVERNOR

431 N. Franklin Street, Suite 203
Juneau, AK 99801
PHONE: (907) 465-4652
FAX: (907) 465-3390

April 12, 2001

The Honorable Norman Rokeberg
Alaska House of Representatives
State Capitol, Room 118
Juneau, Alaska 99801

Dear Representative Rokeberg:

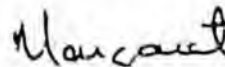
In response to your request for a fiscal note for CSHB4 (JUD) based on a presumed 5% increase in DWI offenses as a result of the lowered threshold, the Department of Corrections submits that a 10% increase more accurately reflects what will happen with this statutory change. However, per your request, the following is based on the 5% assumption.

.08 alone	FY02	FY03	FY04	FY05	FY06	FY07
5% inc.	599,774	555,437	572,421	589,404	589,404	589,404
10% inc.	1,211,134	1,183,781	1,217,748	1,251,715	1,252,715	1,252,715

In addition this will remove some money from the Receipt Supported Services funding source since fewer people will be paying into the general fund. It is estimated there will be \$100,749 less money paid by offenders toward cost of care.

If you have any further questions, please feel free to contact me.

Sincerely,


Margaret Pugh
Commissioner

cc: Representative Bill Williams
Mike Abbott

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

April 13, 2001

The Honorable Norman Rokeberg, Chairman
House Judiciary Committee
State Capitol, Room 118
Juneau, AK 99801-1182

Dear Representative Rokeberg:

The Department of Law believes that the projected 10 percent caseload increase resulting from lowering the blood alcohol threshold to 0.08 is more accurate. However, you have requested we provide you with cost information using a projected caseload increase of 5 percent.

Using the 5 percent caseload increase assumption, the Department of Law's fiscal note on CSHB 4 (JUD) would be reduced as follows:

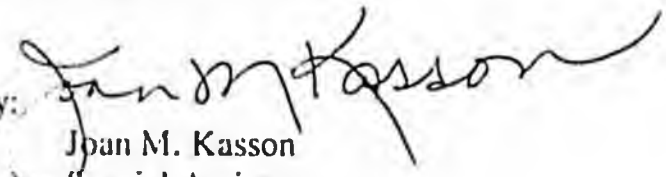
Component	100	200	300	400	500	Total	Fund Source
3 rd Judicial District: Anc	- 60.5	- 0.2	- 9.4	- 0.8		- 70.9	1004 GF
Collections & Support	- 17.4					- 17.4	1005 GF/PR
Total	- 77.9	- 0.2	- 9.4	- 0.8		- 88.3	

In addition, both the full-time attorney position we believe necessary for the Anchorage District Attorney's Office and the full-time Administrative Clerk II for the Collections unit would instead be part-time positions.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:


Joan M. Kasson
Special Assistant

cc: Representative Bill Williams
Mike Abbott

ALASKA PUBLIC DEFENDER AGENCY

900 West Fifth Avenue, Suite 200
Anchorage, Alaska 99501
Tel: (907) 334-4412 (direct line) or 334-4400 - Fax: 269-5476
e-mail: blair_mccune@admin.state.ak.us

April 17, 2001

The Honorable Bill Williams *Room 511*
Co-Chair, House Finance Committee
Alaska State Legislature
State Capital
Juneau, AK 99801-1182

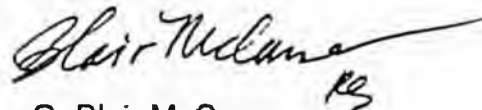
Re: CS HB 4(JUD) – Omnibus Drunk Driving bill.

Dear Representative Williams,

The criminal justice agencies were asked by the House Judiciary Committee to provide alternatives to our current fiscal notes. The alternatives were to be based on the assumption that decreasing the blood alcohol level for driving under the influence of alcohol to .08 will only result in an increase of 5% in our caseloads.

Attached to this letter is a spreadsheet that shows a one-half reduction in the Alaska Public Defender Agency costs for the .08 reduction. The resulting decrease in the total is also provided.

Sincerely,



G. Blair McCune
Deputy Public Defender

cc: Ms. Janet Seitz
Staff to Representative Rokeberg

Mr. Mike Tibbles
Staff to Representative Williams

PUBLIC DEFENDER AGENCY
HB 4 FISCAL NOTE

0.08	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	49.5	49.5	49.5	49.5	49.5	49.5
Travel	1.9	1.9	1.9	1.9	1.9	1.9
Contractual	13.7	13.7	13.7	13.7	13.7	13.7
Supplies	1.1	1.1	1.1	1.1	1.1	1.1
Equipment	4.3	0.4	0.4	0.4	0.4	0.4
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	70.5	66.6	66.6	66.6	66.6	66.6
POSITIONS						
Full-time						
Part-time	1	1	1	1	1	1
Temporary						

Vehicle Forfeiture	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	197.1	197.1	197.1	197.1	197.1	197.1
Travel	6.5	6.5	6.5	6.5	6.5	6.5
Contractual	22.0	22.0	22.0	22.0	22.0	22.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0	2.6	2.6	2.6	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	255.6	232.2	232.2	232.2	232.2	232.2
POSITIONS						
Full-time	4	4	4	4	4	4
Part-time						
Temporary						

Ten-Year Look-Back	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.8	85.1	126.9	174.5	174.5	174.5
Travel	1.7	3.5	5.2	7.0	7.0	7.0
Contractual	13.1	26.3	39.4	52.6	52.6	52.6
Supplies	0.9	1.9	2.8	3.8	3.8	3.8
Equipment	3.3	3.6	3.6	3.6	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	60.8	120.4	177.9	241.5	239.1	239.1
POSITIONS						
Full-time	0.5	1.0	1.5	2.0	2.0	2.0
Part-time						
Temporary						

TOTAL PUBIC DEFENDE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	288.4	331.7	373.5	421.1	421.1	421.1
Travel	10.1	11.9	13.6	15.4	15.4	15.4
Contractual	48.8	62.0	75.1	88.3	88.3	88.3
Supplies	6.0	7.0	7.9	8.9	8.9	8.9
Equipment	33.6	6.6	6.6	6.6	4.2	4.2
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	386.9	419.2	476.7	540.3	537.9	537.9
POSITIONS						
Full-time	4.5	5.0	5.5	6.0	6.0	6.0
Part-time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

TONY KNOWLES, GOVERNOR

Jim Duncan, Commissioner

3300 FAIRBANKS ST
ANCHORAGE, AK 99503

PHONE: (907) 269-5559

www.state.ak.us/dmv

DEPARTMENT OF ADMINISTRATION
DIVISION OF MOTOR VEHICLES

April 11, 2001

Norman Rokeberg, Representative
State of Alaska
House of Representatives
State Capitol, Room 118
Juneau, AK 99801

Dear Representative Rokeberg:

I am replying to your request for fiscal information reflecting a five percent increase in DWI arrests as a result of lowering the state's BAC level from .10 to .08 as proposed by the CS HB4 (FIN).

States that have implemented a .08 BAC and information from the U. S. Department of Justice report arrest rate increases of as much as twenty percent. The Division of Motor Vehicles (DMV), whose administrative DWI license revocation process is separate from criminal processing and court action on these cases, maintains that a more valid assumption is a ten to fifteen percent increase. That said, if a five percent increase is assumed, DMV's costs would be:

1 PFT Hearing Officer, Range 16	\$55.1
Equipment & associated costs	9.0

I communicated this information to Janet Seitz via e-mail a few weeks ago and explained that a five percent assumption would eliminate the additional one PFT support position and associated equipment and costs in the detail portion of the .08 section of our fiscal note. This is reflected in our revised fiscal note for CS HB4 (FIN) which has been submitted

Amendments made in House Judiciary Committee changed construction of the note. The "Administrative Hearings" section of our revised note reflects the reduced assumption for .08 but reflects a slight increase in the total because it includes the additional hearings anticipated from plate seizures and vehicle registration revocations as proposed in five sections of the bill. You will note that the "Hearings" portion of our fiscal note now reflects notice and re-registration costs related to the vehicle registration revocations. As long as the registration revocation provisions remain in the bill, the support position and related costs are necessary. A total cost of \$64.1 would apply only if registration revocation provisions are eliminated and all that remains to affect DMV is .08.

Sincerely,

A handwritten signature in cursive script that reads "Mary Marshburn". The signature is written in black ink and is positioned above the typed name and title.

Mary Marshburn
Director

Cc: Representative Bill Williams
file

**Ten Year Summary
Alcohol Related Traffic Arrests
1991 Through 2000**

Alcohol Arrest Incidents	Number of Offenders	Percent of Offenders
1	31499	73%
2	7944	19%
3	2475	6%
4	725	2%
5	213	0%
6	56	0%
7	11	0%
8	3	0%
<hr/>		
Ten-Year Total	<u>42,926</u>	100%

Year	DWI Arrests
1991	5,875
1992	6,437
1993	6,576
1994	6,374
1995	6,077
1996	5,969
1997	5,307
1998	5,577 *
1999	5,580 *
2000	5,442 *
<hr/>	
<u>59,214</u>	

*For the time period 1998-2000 the number of breath tests in the .08 - .0999 range totaled 685

Source: Department of Public Safety
March 19, 2001
Alaska Public Safety Information Network
Criminal History Records

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

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March 21, 2001

Rep. Norm Rokeberg
State Capitol, Room 118
Juneau, AK 99801-1182

RE: Eliminating ADA Waiting Lists

Dear Rep. Rokeberg:

You have asked us for information about the cost of eliminating the waiting lists for Alaskans who are in need of treatment for alcoholism or drug abuse. The Department of Health and Social Services is pleased to provide this information in response.

Executive Summary

The cost of eliminating the waiting lists is estimated here as follows:

FY2002 capital costs:	\$950.0
FY2002 operating costs:	\$4,090.6
FY2003 operating costs:	\$1,241.0
Total:	<u>\$6,281.6</u>

Need for Treatment vs. Waiting lists

We note that there is a difference between the number of Alaskans currently on waiting lists, the number of people who would enter treatment if it were immediately available but who are not currently on a waiting list, and the total number of Alaskans who need treatment.

The overall need for treatment is defined as "those persons whose problems with alcohol and other drugs, if identified, would be diagnosed as in need of treatment." According to a Gallup Poll completed for the DHSS / Division of Alcoholism and Drug Abuse (the

Division), about 58,000 adult Alaskans fit this category. Public treatment programs funded by the Division see about 7,500 persons a year. The unmet need for treatment could be defined as the difference between these two numbers, which is 51,500 people.

Waiting lists are only one measure of the general need for alcoholism and drug abuse treatment services. Waiting lists could be characterized as representing those persons most highly motivated to seek treatment. Many Alaskans who need treatment are not on waiting lists. A waiting list is composed of persons who:

- Contact a treatment agency,
- Are seeking help and willing to identify themselves (which means they must give their name and contact information),
- Are willing to be assessed and placed on a waiting list (which means answering personal questions without receiving any treatment in response),
- Are willing, in some cases, to receive interim education and information on HIV/AIDS and tuberculosis.

In addition, the waiting list only represents those persons identified and placed on a list by existing programs in local communities. If a person in a community with limited services needs a higher level of care than local programs provide, that person may rely on the local program to contact other programs in search of care for them, and thus go unrepresented on any waiting list.

The current waiting list has 233 persons waiting for inpatient treatment, 81 for outpatient treatment. For the reasons explained above, elimination of the list is a good first step, but it would not allow the State to provide treatment to everyone who needs it and who would accept it if it were immediately available. Elimination of the current waiting list is likely to result in the creation of a new waiting list within the next two years.

Waiting list Elimination Cost Summary

The Division was asked to project the costs of eliminating the current waiting list. These costs are estimated to be as follows. More detailed explanation of these items is given in the following section titled "Justification of Cost List Summary."

Please note that some of the estimated costs are currently in the "funding pipeline," either in the FY2002 budget approved by the House, or as fiscal notes to existing bills. These have been broken out below to clearly identify needs that are in the process of being met:

FY2002 Capital Costs (in thousands) (broken out by population served):

Women with Children	\$750.0
Adult Long Term Care	\$200.0
Total Capital Costs	\$950.0

FY2002 Operating Costs (in thousands) (broken out by population served):

Women with Children	Women Subtotal	\$620.0
Adult Long Term Care	Adult LTC Subtotal	\$200.0
Families:		
<i>Rural Human Services</i>	\$750.0	
<i>Family Recovery Camp Staff</i>	\$200.0	
<i>Recovery Camp Devt.</i>	\$357.0	
Costs Subtotal	\$1,307.0	
(Minus Recovery Camp Devt. in House budget)	(\$100.0)	
	Families Subtotal	\$1,207.0
Adult Residential:		
<i>Correctional Beds</i>	\$563.6	
<i>Mandated by CS HB 4(TRA)</i>	\$694.6	
<i>Mandated by FN HB 172</i>	\$501.3	
Costs Subtotal	\$1,759.5	
(Minus Fiscal Note for CS HB 4(TRA))	(\$694.6)	
(Minus Fiscal Note for HB 172)	(\$501.3)	
	Adult Residential Subtotal	\$563.6
Adult Outpatient	Adult Outpatient Subtotal	\$962.3
Youth Residential and Outpatient: ¹		
<i>Establish Juvenile ASAP</i>	\$489.5	
<i>Juvenile Alcohol Treatment</i>	\$1,010.5	
	Youth Subtotal	\$1,500.0
Total FY 02 Operating Costs		
if Fiscal Notes and H Budget included in final budget:		\$4,090.6

¹ These will be included in the DHSS fiscal note for HB179.

FY2003 Operating Costs (in thousands):

Full year operational costs of the women with children's programs created in FY 02:	\$1,241.0
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Justification of Cost List Summary

To explain the cost estimates used above, we provide the following supporting information about waiting lists and related factors. Supporting information is also given in this section about categories of treatment shown in the cost summary:

- Women with children
- Adult long-term care
- Families
- Adult residential care
- Adult outpatient
- Youth treatment

Waiting Lists:

The current waiting list identified by the Division is not evenly distributed by community, level of care needed, or characteristics of those persons on the waiting list. Below is a breakdown of the waiting list.

Level of Care	Number on List	Communities
Outpatient care		
Adult	81	Anchorage and Valdez
Residential Care		
Adult*	99	Anchorage, Bethel, Mat-Su, Fairbanks
Youth	8	Anchorage
Women	58	Anchorage and Fairbanks
Families	58	Family Recovery Camp (Old Minto)
Total	223	

**23 of these are in need of long term care*

This waiting list breakdown does not adequately map the need for treatment, because the location of available treatment is an important factor for some people and for some levels of care. **Outpatient** care must be provided in the patient's home community, as it is impractical for a patient to travel to another community for outpatient care. On the other hand, **residential** care may be provided either within or outside the patient's home community. When it is not locally available, however, the patient and providers must consider the difficulties and cost of travel, disruption for the other family members, the needs of children involved, and the availability of continuing care when the person returns to his or her own community. **Continuing** care must also be provided in the patient's home community, even if the treatment was received elsewhere.

Residential care is the level of care most often identified by the waiting list. This level of care is provided to three major groups: women with children, adults who need long-term care, and families. The needs of these groups are further explored below.

Women with Children:

Factors affecting the treatment of women with children. Residential treatment programs that serve women with children must frequently provide care for a longer period of time than is typical for treatment of single adults. Treatment is often followed by transitional care, including housing.

While the waiting list breakdown indicates that need exists in Anchorage and Fairbanks, that is in part due to the fact that existing programs are housed there. The clients may be from other communities.

These programs provide support for children, as well as treatment for women. It is estimated that when a woman enters treatment, two children typically come with her into care. On-site day care services can be used for working on parenting skills, assessing children's needs, and providing evening support for outpatient clients.

Two facilities are needed. Current facilities that house programs for women and children are at capacity. There is no physical space for them to expand. To fully eliminate the waiting list and to keep future lists manageable, at least two new facilities need to be developed. To serve this need, the Division would use a competitive process.

The waiting list currently is 58. Two programs that would serve seven to ten women each (plus 14 - 20 children) would be able to handle this increase. If women entered the program and spent 100 days, the program could treat about 62 women in a year. Since waiting lists are dynamic and there are more women waiting for care than are on the lists,

this capacity estimate is reasonable. Both capital funds and operating costs should be included in the estimate.

Capital costs:	\$750.0
Operating costs:	
FY 02	\$620.0
FY 03	\$1,241.0

The capital funding estimate would allow programs to draw 75% of costs for engineering, fire safety inspections and remodeling from a capital fund. The operating funds are for six months of operation in FY 02 and a full year of operations in FY 03. This is based on combined operating costs of \$200 a day (women and children care, on-site daycare, and other special costs). The actual computation is: 17 beds times 365 days per year equals 6205 bed days, times \$200 per bed day equals \$1,241.0

Factors affecting costs. When developing new facilities, time is needed to:

- Identify appropriate and available buildings
- Complete local building code review
- Complete local zoning review
- Complete needed remodel (fire and safety codes as well as programmatic needs)

When developing a new facility, a full year can pass before the first client is admitted to the new program, particularly in communities where local neighborhoods may oppose the placement of a facility nearby. During development, the program incurs costs for the above work and the initial hiring and training of staff.

Adult Long Term Care:

Many people on the waiting list need long term care. These programs often last 12 to 18 months, but cost less per day than more intensive short term residential care (such as 28-day programs). One existing program has some physical capacity but lacks staff to increase the number of persons served. Another program may be at physical capacity.

Another way to meet the need for adult long term care is to provide transitional housing in a community, enabling a shortened stay in treatment with program housing and continuing care on an outpatient basis. The Governor's budget included \$200.0 of MHTAAR for transitional housing. Targeting this housing at communities with long-term care waiting lists would reduce the waiting list.

To support this expenditure, given the size of the waiting list and the communities that need this level of housing, an additional \$200.0 in operating costs would be required. Additional staffing for the program with capacity would cost about \$200.0 (three staff at \$50.0 per staff, plus other costs such as food, program supplies, transportation, etc.).

Capital costs	\$200.0
Operating costs	\$200.0

Families:

Family treatment is a unique service at the Family Recovery Camp operated by Tanana Chiefs Corporation (TCC) in Old Minto. Capacity at Old Minto is limited both by physical space and also by the number of staff. Staff is critical for providing appropriate care for children, parenting training and initial outreach. Additional staffing for this program (with the other capacity being funded) would cost about \$200.0 (three staff at \$50.0 per staff plus other costs such as food, program supplies, transportation, etc.).

The Governor's budget requested \$357.0 for added recovery camp development, of which \$100.0 is funded in the current House budget for FY2002. Funding the additional \$257.0 requested is one response to this portion of the waiting list.

Families receiving treatment need adequate continuing care. Most families needing treatment are from rural areas and villages. Care provided at the Family Recovery Camp at Old Minto is enhanced by adequate continuing care when patients return to their village. Eliminating the waiting list and not providing the continuing care and support when they return home would diminish the care received in treatment. The Governor's budget requested \$750.0 for additional Rural Human Services staff in villages. These staff would provide needed continuing care, as well as serve persons waiting for admission.

Total operating costs: \$1,207.0

Adult Residential Care:

In adult residential treatment on a short term basis (meaning a length of stay less than 45 days), much of the state's current waiting list exists in Bethel. Currently the Bethel residential program has no physical capacity to serve more clients. If funds for transitional housing and for expanded Rural Human Services noted above were available, some of these clients could have their needs met in other ways.

Several projects are currently in the pipeline that would help Bethel meet the treatment needs of local residents.

A residential program for adolescent inhalant abuse is being developed using federal funds. And the fiscal note for HB 172 would fund a wellness court pilot site in Bethel, thus increasing the program's outpatient capacity. Also, the fiscal note for CS HB 4(TRA) would fund additional outpatient treatment, which is likely to reduce the waiting list for residential treatment. Some people who could be adequately treated as outpatients may be on the residential waiting list due to lack of locally available outpatient services. This issue is also discussed in the following section, "Outpatient," but the fiscal notes for HB 172 and CS HB 4(TRA) are listed together in this section.

Operating Costs included in current legislation: \$1,195.9

Within the Division's budget there is a component for payment to local non-profits for residential treatment beds for person leaving Dept. of Corrections prisons. At present, the total funding available is \$563.6. With these funds we have 27 beds. For years, these funds have never covered the full costs of these beds, so other grant funds have been used. This has the effect of lowering overall capacity in these programs. The cost per day for 27 beds is \$57. This is about half the actual costs for most of the programs.

Operating Costs: \$563.6

If the full cost of these beds were covered in the Division's budget, this would free up funds in each of these programs that could increase either the residential or outpatient capacity. The beds are available in Anchorage, Kodiak, Juneau, Kotzebue, Bethel, and Fairbanks.

Outpatient:

With the funding of both the fiscal note for CS HB 4(TRA) and the fiscal note for HB 172 (wellness courts) much of the outpatient waiting list would be addressed. This is possible since many of the new cases would be funded, and some of the types of cases would be diverted to the wellness courts, thus allowing the current capacity to meet current needs.

If outpatient care is not available in a community, the client is forced to leave the community and enter residential care. Given high substance abuse problems in rural areas, base capacity needs to be developed in these communities. The Governor requested and the House budget includes funding to bring all rural Community Mental Health

Centers to a minimal level grant of \$200.0. To assure at least \$150.0 for substance abuse programs would require \$962.3 additional funds.

Program	Current Funding	Additional Needed
Galena	\$0.0	\$150.0
McGrath	\$128.4	21.6
Craig	\$146.5	3.5
Valdez	\$10.0	\$140.0
Cordova	\$72.3	\$77.7
East Aleutian Tribes	\$72.5	\$77.5
Aleutian Pribilof Association	\$73.0	\$77.0
Copper Center	\$0.0	\$150.0
Wrangell	\$93.1	\$56.9
Petersburg	\$106.6	\$43.4
Nenana	\$77.3	\$72.7
Aniak	\$58.0	\$92.0

Youth Treatment:

Youth are an underserved population needing treatment. Currently, the Alcohol Safety Action Program (ASAP) does not serve juveniles. Publicly funded youth residential treatment programs are available in Anchorage, Fairbanks, and Sitka only. Outpatient treatment for youth is only available in Wasilla, Anchorage, Juneau and Fairbanks.

Factors affecting capacity for youth treatment. The waiting list identified by the Division for youth outpatient and residential treatment is not an accurate picture of need. Youth tend to be more impatient for treatment than adults. They demand immediate response to their issues; absent that, they are less willing to be waitlisted. The Division identified eight youth waiting for residential care, all at one program in Sitka. Since this program does cohort treatment (i.e. all persons enter treatment at the same time and no one else is admitted until this cohort is discharged), one could expect a waiting list to contain the next cohort.

We are concerned that the need for treatment is not reflected in this waiting list information. Dept. of Motor Vehicles data indicates that in CY 2000, 1,048 youth lost their driver's licenses for their third minor consuming offense. Without an appropriate juvenile ASAP response, many of these youth's treatment needs are not identified.

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The DHSS / Division of Juvenile Justice states that they have about 20 youth that they consider to be waiting for treatment but for whom treatment is not available.

HB 179, as written, would require that treatment be provided to the 1,048 youth who had a third or higher minor consuming conviction. In the Governor's budget the following increments were included:

Establish Juvenile ASAP	\$489.5
Juvenile Alcohol Treatment	\$1,010.5

These will be included in the DHSS fiscal note for HB179.

Conclusion

Thank you for this opportunity to provide information about the cost of eliminating the waiting lists for Alaskans who are in need of treatment for alcoholism or drug abuse. The Department of Health and Social Services is pleased to provide this response. If we can be of further service, please contact us.

Sincerely,



Elmer Lindstrom, Special Assistant
Department of Health and Social Services



SETTING LIMITS, SAVING LIVES

THE CASE FOR .08 BAC LAWS

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SECTION 1

Introduction

Overview of the Problem

Impaired driving is the most frequently committed violent crime in America. Every 33 minutes, someone in this country dies in an alcohol-related crash. In the time it takes you to read this booklet, someone else will die needlessly.

For many years, we were making good progress. Due to the tireless efforts of many organizations and citizens around the country, alcohol-related traffic deaths decreased significantly. In the last decade, alcohol-related fatalities dropped from 23,630 in 1988 to 15,935 in 1998, according to the National Highway Traffic Safety Administration (NHTSA).

This 33% drop in alcohol-related deaths is generally attributed to:

- STRONGER LAWS,
- TOUGHER ENFORCEMENT, AND
- GOOD CONSUMER EDUCATION.

Americans better understand the impaired driving problem, fewer are driving after drinking, and more are getting caught when they do.

While alcohol-related fatalities have decreased the past three years (after an increase in 1995)

alcohol involvement is still the single greatest factor in motor vehicle deaths and injuries. Only about 5% of all crashes involve the use of alcohol, but 38% of fatal crashes do.

15,935 deaths in one year is 15,935 grieving families too many. But the carnage doesn't end there. In addition to these tragic deaths, another one million people are injured in alcohol-related traffic crashes annually. And these crashes cost society over \$45 billion every year for things like:

- EMERGENCY AND ACUTE HEALTH CARE COSTS,
- LONG-TERM CARE AND REHABILITATION,
- POLICE AND JUDICIAL SERVICES,
- INSURANCE,
- DISABILITY AND WORKERS' COMPENSATION,
- LOST PRODUCTIVITY, AND
- SOCIAL SERVICES FOR THOSE WHO CANNOT RETURN TO WORK AND SUPPORT THEIR FAMILIES.

Just one alcohol-related fatality is estimated to cost society \$950,000. Each alcohol-related injury averages \$20,000. Eventually, we all bear the costs of these deadly actions, through taxpayer supported services and programs, higher insurance costs and even higher prices on goods and services, since employers pick up about half the costs associated with motor vehicle crashes.

**EVERY 33
MINUTES SOMEONE
IN THIS COUNTRY
DIES IN AN
ALCOHOL-RELATED
CRASH. IN THE
TIME IT TAKES
YOU TO READ
THIS BOOKLET,
SOMEONE ELSE
WILL DIE
NEEDLESSLY.**

"TERMINOLOGY"

THE PHRASE "DRUNK DRIVING," WHILE STILL COMMON IN EVERYDAY LANGUAGE AND COMPLETELY UNDERSTANDABLE, IS NOT USED AS A LEGAL TERM SINCE MANY DRIVERS WHO ARE PART OF THE PROBLEM DO NOT EXHIBIT VISIBLE OUTWARD SIGNS OF DRUNKENNESS. "IMPAIRED DRIVING" IN GENERAL MEANS DRIVING WHILE ABILITIES ARE IMPAIRED BY ALCOHOL OR DRUGS. "DRIVING WHILE INTOXICATED" (DWI) OR "DRIVING UNDER THE INFLUENCE" (DUI) MEANS DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. IN GENERAL, THIS BOOKLET WILL USE THE TERM IMPAIRED DRIVING TO DESCRIBE THE OVERALL PROBLEM AND DWI TO DESCRIBE THE CRIME OF DRIVING WHILE OVER THE LEGAL LIMIT OR UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS.

We Know What Works

We know what works to reduce the incidence of impaired driving—a combination of:

- EFFECTIVE LAWS,
- STRONG ENFORCEMENT, AND
- HIGHLY VISIBLE PUBLIC INFORMATION AND EDUCATION.

The successes of the past two decades can be attributed to all of these factors combining to change people's behavior. We've made some real progress, thanks to grassroots organizations, citizen activists, national highway safety and public health groups, concerned legislators and other elected leaders, involved industries and millions of people with plain old common sense.

"One for the road" used to be the standard and the antics of a drunk used to be considered funny. Now we've made some changes in the way we look at impairment. Many of us have changed our behavior as well, either by moderating our drinking if we must drive or designating a driver before alcohol is consumed. Party hosts are more cautious and guests look out for one another. And the hospitality industry has made a commitment to training servers to recognize the signs of impairment.

Impaired driving has been reduced since the early 80's, but it is still an enormous problem. There is more we can do, and it all begins with effective laws.

Key Laws That Every State Needs

There are four key laws that have been proven effective in the fight against impaired driving (see chart, "State Anti-Impaired Driving Laws," page 6). It is important to understand what each is and how it works, both alone and together with other laws.

Illegal *per se* — An illegal *per se* law makes it illegal in and of itself to drive with an alcohol concentration measured at or above the

established illegal level. Forty-eight states have established a *per se* law (the exceptions are Massachusetts and South Carolina). In 31 of those states, the legal limit is .10% blood alcohol concentration (BAC) *per se*. That means it is against the law to drive a motor vehicle if you have a BAC of .10 or more, whether or not you exhibit visible signs of intoxication. Seventeen other states and DC have established .08 BAC as the legal limit (see chart, "States with BAC *Per Se* Laws," page 4).

Administrative license revocation (ALR) — An ALR law gives state officials the authority to suspend administratively the license of any driver who fails or refuses to take a BAC test. Notice of the suspension is given immediately, although a temporary permit is usually issued. The permit is valid from 7-45 days, depending on the state. During that time, the accused person can appeal through administrative channels. If no appeal is filed, the license is then automatically suspended for a prescribed period of time. Suspensions range from seven days to six months for first-time offenders, again depending on the state, and are longer for repeat offenders. ALR laws do not replace criminal prosecution, and their constitutionality has been consistently upheld whenever challenged. As of late 1999, 40 states had ALR laws.

Zero tolerance — Zero tolerance laws make it illegal for drivers under age 21 to drive with any measurable amount of alcohol in their system, regardless of the BAC limit for older drivers. Since it is illegal in every state for those under 21 to purchase or publicly possess alcoholic beverages, it makes sense that no amount of alcohol should be tolerated for drivers under that age. Many states have set the limit for underage drivers at .02 BAC. This helps reduce legal challenges that claim mouthwash, gum or cold medicine are somehow responsible for a positive but very low BAC reading (there is no evidence that such substances affect the standard breath analysis tests when they are

conducted properly or that other challenges about the accuracy of alcohol detection equipment are valid). As of late 1999, all 50 states plus DC had zero tolerance laws for youth. States that did not have zero tolerance laws for youth by 1998 faced a federal sanction of the withholding of highway construction funds.

.08 BAC – .08 establishes a lower limit to define intoxication for all drivers. Lowering the BAC limit to .08 sets the illegal limit at a point at which driving skills are proven to be compromised. At .08 BAC, all drivers, even experienced ones, show impairment in driving ability. For the great majority, there is serious deterioration in driving performance at .08. Although virtually all highway safety groups and transportation safety agencies support .08, only 17 states, plus DC have adopted such laws as of late 1999. Some organizations in the alcohol and hospitality industries vigorously oppose .08 legislation whenever it is proposed.

In addition to these four key laws, the National Safety Council and the National Highway Traffic Safety Administration (along with many other organizations and agencies) encourage other anti-impaired driving steps such as:

- THE USE OF SOBRIETY CHECKPOINTS AND SATURATION PATROLS BY LAW ENFORCEMENT AGENCIES COUPLED WITH HIGH LEVELS OF PUBLICITY;
- INCREASED ENFORCEMENT FOR UNDERAGED DRINKING AND DRIVING;
- GRADUATED DRIVER LICENSING PROGRAMS FOR NEW, YOUNG DRIVERS;
- THE USE OF DESIGNATED DRIVER AND SAFE RIDE PROGRAMS;
- RESPONSIBLE SERVER PROGRAMS;
- CONSUMER EDUCATION; AND
- CONTINUED RESEARCH TO FIND NEW AND BETTER WAYS TO COMBAT IMPAIRED DRIVING.

States With BAC *per se* Laws



"State Anti-Impaired Driving Laws"

STATE	BAC per se level	ALR	Zero Tolerance*	.08 BAC
Alabama	•	•	•	•
Alaska	•	•	•	•
Arizona	•	•	•	•
Arkansas	•	•	•	•
California	•	•	•	•
Colorado	•	•	•	•
Connecticut	•	•	•	•
Delaware	•	•	•	•
Dist. of Col.	•	•	•	•
Florida	•	•	•	•
Georgia	•	•	•	•
Hawaii	•	•	•	•
Idaho	•	•	•	•
Illinois	•	•	•	•
Indiana	•	•	•	•
Iowa	•	•	•	•
Kansas	•	•	•	•
Kentucky	•	•	•	•
Louisiana	•	•	•	•
Maine	•	•	•	•
Maryland	•	•	•	•
Massachusetts	•	•	•	•
Michigan	•	•	•	•
Minnesota	•	•	•	•
Mississippi	•	•	•	•
Missouri	•	•	•	•
Montana	•	•	•	•
Nebraska	•	•	•	•
Nevada	•	•	•	•
New Hamp.	•	•	•	•
New Jersey	•	•	•	•
New Mexico	•	•	•	•
New York	•	•	•	•
N. Carolina	•	•	•	•
N. Dakota	•	•	•	•
Ohio	•	•	•	•
Oklahoma	•	•	•	•
Oregon	•	•	•	•
Pennsylv.	•	•	•	•
Rhode Isl.	•	•	•	•
S. Carolina	•	•	•	•
S. Dakota	•	•	•	•
Tennessee	•	•	•	•
Texas	•	•	•	•
Utah	•	•	•	•
Vermont	•	•	•	•
Virginia	•	•	•	•
Washington	•	•	•	•
W. Virginia	•	•	•	•
Wisconsin	•	•	•	•
Wyoming	•	•	•	•
TOTAL	48	40+DC	50+DC	17 STATES + DC

*Zero tolerance is defined as .02 or less for all drivers under age 21.

SECTION 2

What is .08?

Measuring Impairment

The amount of alcohol in a person's body is measured by the weight of the alcohol in a certain volume of blood. This is called the blood alcohol concentration, or "BAC." Because the volume of blood varies with the size of a person, BAC establishes an objective measure to determine levels of impairment.

The measurement is based on grams per deciliter (g/dl), and in most states a person is considered legally intoxicated if his or her BAC is .10 g/dl or greater; that is, alcohol makes up one-tenth of one percent of the person's blood.

A driver's BAC can be measured by testing the blood, breath, urine or saliva. Breath testing is the primary method used by law enforcement agencies. Preliminary breath testing can be performed easily during a roadside stop using a hand-held

device carried by police officers. It is non-invasive and can even be performed while the person is still in his or her vehicle.

Evidentiary breath testing equipment is evaluated for precision and accuracy by NHTSA. Test instruments approved by NHTSA as conforming to specifications are accurate within plus or minus .005 of the true BAC value.

State BAC Levels

All states but two (Massachusetts and South Carolina) have established BAC *per se* levels. Seventeen of those states plus the District of Columbia have set that level at .08 (Alabama, California, Florida, Hawaii, Idaho, Illinois, Kansas, Maine, New Hampshire, New Mexico, North Carolina, Oregon, Texas, Utah, Virginia, Vermont and Washington). For more state-specific data, see the chart "The State of the States," on next page.

**"A DRINK IS A
DRINK IS A DRINK"**

1 DRINK EQUALS .54
OUNCES OF ALCOHOL.
THIS IS THE
APPROXIMATE AMOUNT
FOUND IN:
ONE SHOT OF DISTILLED
SPIRITS, OR ONE CAN
OF BEER, OR ONE GLASS
OF WINE.

"The State of the States"

BECAUSE THE VOLUME OF BLOOD VARIES WITH THE SIZE OF A PERSON, BAC ESTABLISHES AN OBJECTIVE MEASURE TO DETERMINE LEVELS OF IMPAIRMENT.

STATE	BAC PER SE LEVEL	# OF FATALITIES (1998)	PERCENT ALCOHOL-RELATED
Alabama	.08	1,071	38
Alaska	.10	71	44
Arizona	.10	980	43
Arkansas	.10	625	31
California	.08	3,494	38
Colorado	.10	628	37
Connecticut	.10	329	43
Delaware	.10	115	39
Dist. of Col.	.08	54	51
Florida	.08	2,824	33
Georgia	.10	1,569	32
Hawaii	.08	120	47
Idaho	.08	265	34
Illinois	.08	1,393	43
Indiana	.10	978	39
Iowa	.10	449	36
Kansas	.08	493	35
Kentucky	.10	858	33
Louisiana	.10	922	46
Maine	.08	192	28
Maryland	.10	606	34
Massachusetts	-	406	47
Michigan	.10	1,367	39
Minnesota	.10	650	43
Mississippi	.10	948	37
Missouri	.10	1,169	45
Montana	.10	237	44
Nebraska	.10	316	38
Nevada	.10	361	49
New Hamp.	.08	128	47
New Jersey	.10	743	36
New Mexico	.08	424	45
New York	.10	1,498	24
N. Carolina	.08	1,596	32
N. Dakota	.10	92	47
Ohio	.10	1,422	33
Oklahoma	.10	755	33
Oregon	.08	538	43
Pennsylv.	.10	1,481	42
Rhode Isl.	.10	74	48
S. Carolina	-	1,002	30
S. Dakota	.10	165	41
Tennessee	.10	1,216	41
Texas	.08	3,577	50
Utah	.08	350	14
Vermont	.08	104	37
Virginia	.08	935	37
Washington	.08	660	46
W. Virginia	.10	354	41
Wisconsin	.10	714	42
Wyoming	.10	154	44
U.S. Total		41,471	38

SECTION 3

Effect of BAC on Traffic Crashes

The Effect of Alcohol on Ability

With each drink consumed, a person's blood alcohol concentration increases. Although the outward appearances vary, virtually all drivers are substantially impaired at .08 BAC. Laboratory and on-road research shows that the vast majority of drivers, even experienced drivers, are significantly impaired at .08 with regard to critical driving tasks such as braking, steering, lane changing, judgment and divided attention. In a recent study of 168 drivers, every one was significantly impaired with regard to at least one measure of driving performance at .08 BAC. The majority of drivers (60-94%) were impaired at .08 BAC in any one given measure. This is regardless of age, gender, or driving experience (see chart, "BAC and Impairment," at right).

The risk of being in a motor vehicle crash also increases as the BAC level rises. The risk of being in a crash rises gradually with each BAC level, but then rises very rapidly after a driver reaches or exceeds .08 BAC compared to drivers with no alcohol in their system.

A recent study found that the risk of being killed in a single vehicle crash at .08 to .099 BAC ranged from 11 times the risk at .00 BAC for older drivers to 52 times the risk at .00 BAC for young male drivers.

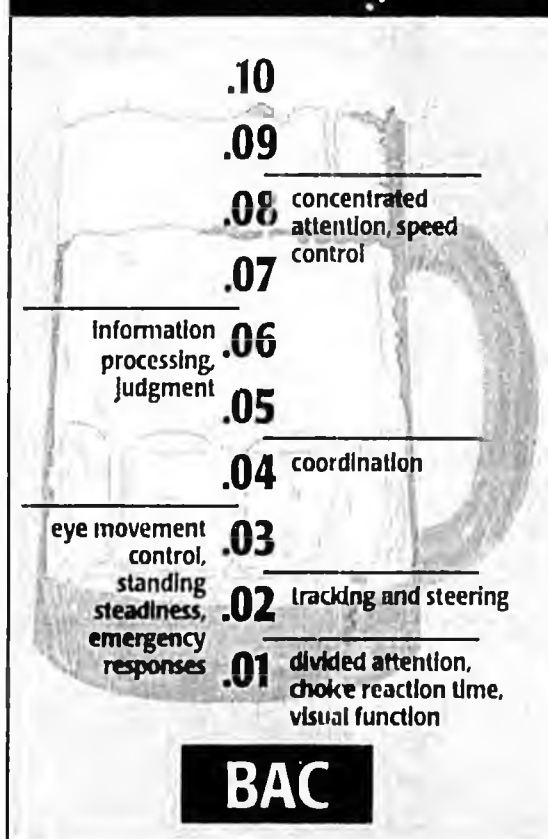
.08 Sets a Reasonable Limit

Setting the BAC limit at .08 is a reasonable response to the problem of impaired driving. This is not a couple of beers after work or a glass or two of wine with dinner. At .08, everyone is impaired to the point that driving skills are degraded. Most states that have lowered their

BAC to .08 have found a measurable drop in impaired driving crashes and fatalities, as have many countries that have adopted .08 (see chart, "BAC Levels in Other Countries," on page 10). .08 also serves to deter driving after drinking. Crash statistics show that even heavy drinkers, who account for a high percentage of DWI arrests, are less likely to drink and drive because of the general deterrent effect of .08. At the same time, lowering the BAC limit to .08 makes it possible to convict seriously impaired drivers whose BAC levels are now considered marginal because they are at or just over .10.

**SETTING THE BAC
LIMIT AT .08 IS A
REASONABLE
RESPONSE TO THE
PROBLEM OF
IMPAIRED
DRIVING.**

"BAC and Areas of Impairment"



SECTION 4

The Case for .08 BAC Laws

.08 Laws Work

The effect of California's .08 law was analyzed by NHTSA, which found that 81% of the driving population knew that the BAC limit was stricter (from a tremendously successful public education effort). The state experienced a 12% reduction in alcohol-related fatalities, although some of this can be credited to the new administrative license revocation law. The state also experienced an increase in DUI arrests.

The second multi-state analysis of the effect of lowering BAC levels to .08 was conducted recently by Ralph Hingson, Sc.D., a professor at Boston University's School of Public Health and Chairman of the school's Social and Behavioral Sciences Department, along with two other researchers. The results of their study were reported in the September 1996 issue of the *American Journal of Public Health*, a peer-reviewed journal.

Hingson compared the first five states to lower their BAC limit to .08 (California, Maine, Oregon, Utah and Vermont) with five nearby states that retained the .10 limit. Overall, the .08 states experienced a 16% reduction in the proportion of fatal crashes with a fatally injured driver whose BAC was .08 or higher, as well as an 18% reduction in such crashes with a fatally injured driver whose BAC was .15 or higher.

The immediate significance of these findings is that, not only did the .08 BAC laws reduce the overall incidence of alcohol fatalities, but also reduced fatalities at the higher BAC levels. The effect on extremely impaired drivers (the "problem drinking drivers") was even greater than the overall affect.

The study concluded that if all states lowered their BAC limits to .08, alcohol-related highway deaths would decrease by 500-600 per year.

In a NHTSA analysis of these five states (Johnson and Fell, 1995), significant reductions in alcohol-related fatal crashes were found in 4 out of the 5 states ranging from 4% to 40% when compared to the rest of the states with .10 BAC laws.

Impaired Driving Affects Us All

About two out of every five Americans will be involved in an alcohol-related crash at some time in their lives, and many of them will be innocent victims. There is no such thing as a drunk driving accident. Virtually all crashes involving alcohol could have been avoided if the impaired person were sober.

As BAC levels rise, so does the risk of being involved in a fatal crash. Recent research has shown that, in single vehicle crashes, the relative fatality risk for drivers with BACs between .08 and .099 is at least eleven times greater than for drivers with a BAC of zero and is 52 times greater for young males.

A RECENT COMPARISON STUDY (COVERING ALL 50 STATES) ANALYZED THE EFFECTS OF .08 BAC AND OTHER LAWS OVER A 16 YEAR PERIOD. THE STUDY ESTIMATED THAT .08 BAC LAWS HAD AN 8% EFFECT IN REDUCING FATAL CRASHES INVOLVING DRIVERS AT BOTH HIGH BACs AND LOWER BACs. IT ESTIMATES THAT IF ALL 50 STATES HAD .08 BAC LAWS IN EFFECT IN 1997 AN ADDITIONAL 590 LIVES WOULD HAVE BEEN SAVED.

States Have the Responsibility

In the United States, BAC limits are set by states. The limit of .10 found in most states is the highest in the industrialized world (see chart, "BAC Levels in Other Countries, on next page).

An eleven state study also examined the effects of .08 BAC (and ALR) laws. It found that .08 BAC legislation was associated with reductions in alcohol-related fatalities, alone or in conjunction with ALR laws, in seven of the eleven states studied. In five of these states (VT, KS, NC, FL, NM), implementation of the .08 BAC law itself was associated with significantly lower rates of alcohol-related fatalities. These results take into account any pre-existing downward trends the states were already experiencing, due to other factors such as the presence of other laws, use of sobriety checkpoints, etc. In two states (CA and VA), significant reductions were associated with the combination of .08 BAC and ALR laws, implemented within 6 months of each other. This study also found evidence of reduced alcohol (beer) consumption in several states following implementation of .08 laws.

The third study analyzed the effects of a .08 BAC law implemented in 1993 in North Carolina, a state which had already been experiencing a sharp decline in alcohol-related fatalities since 1987. This study concluded that there was little clear effect of the lower BAC limit. Results from various analyses suggested that some portion

of the reductions may have been associated with the law but the magnitude of these effects was not sufficient to make this conclusion.

In aggregate, these three recent studies provide additional support for the premise that .08 BAC laws help to reduce alcohol-related fatalities, particularly when they are implemented in conjunction with other impaired driving laws and programs. Nearly all of the findings of these and previous studies show changes that suggest that .08 BAC legislation (as well as .10 BAC laws and ALR laws) have contributed to the trend toward reduced alcohol-related crashes and fatalities that have been experienced across the nation.

NHTSA, the federal agency charged with the safety of motor vehicles and our nation's highway safety, has long supported .08 state laws. In a 1992 Report to Congress, the agency recommended that all states lower their illegal *per se* limit to .08 for all drivers 21 years and

BAC Levels in Other Countries

Austria	.08
Australia	.05
Canada	.08
Finland	.05
Great Britain	.08
Netherlands	.05
Norway	.05
Sweden	.02
Switzerland	.08

above. (NHTSA supports zero tolerance for drivers under the legal drinking age — see Section 1 for more information.) Numerous other federal agencies with an interest in public health and safety issues, as well as dozens of private sector organizations, support NHTSA's call for universal .08 state laws (see box, "Who Supports .08 BAC Laws?," page 13).

Why Some States Don't Have .08

As a public policy to deter impaired driving, .08 has lagged behind other countermeasures such as *per se*, administrative license revocation and zero tolerance for those under 21. Nearly all states have *per se*, the vast majority have ALR and all have zero tolerance.

But the passage of new .08 laws have been few and far between, despite consistent evidence that they work, because some organizations in the alcohol and hospitality industries oppose any and all such proposals at the state level. This is both sad and ironic, since these industries have not only been strong supporters of many other anti-impaired driving laws, but have also been crucial partners in getting safety messages out to hard-to-reach audiences.

Promotions such as designated driver programs and sober ride/call-a-cab efforts showcase their concern, generate enormous goodwill from the general public and raise awareness. It is tragic that some of the same companies and trade associations that have launched excellent server training programs, public information campaigns and other efforts to reduce impaired driving so vigorously oppose legislation when it comes to .08 (see box, "What the Hospitality Industry Can Do," on page 18).

A recently released report by the General Accounting Office (GAO), which reviewed the currently available .08 BAC studies stated that, while the evidence of impact of .08 BAC laws is not conclusive, "there are strong indications that

"Who Supports .08 BAC Laws?"

The following organizations support a BAC limit of .08 or lower:

ADVOCATES FOR HIGHWAY AND AUTO SAFETY
 ALLSTATE INSURANCE
 AMERICAN ALLIANCE FOR RIGHTS AND RESPONSIBILITIES
 AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS
 AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS
 AMERICAN AUTOMOBILE ASSOCIATION
 AMERICAN AUTOMOBILE MANUFACTURERS ASSOCIATION
 AMERICAN COALITION FOR TRAFFIC SAFETY
 AMERICAN INSURANCE ASSOCIATION
 AMERICAN MEDICAL ASSOCIATION
 AMERICAN SPINAL CORD INJURY ASSOCIATION
 AMERICAN SPINAL INJURY ASSOCIATION
 AMERICAN TRUCKING ASSOCIATIONS
 ASSOCIATION FOR THE ADVANCEMENT OF AUTOMOTIVE MEDICINE
 CENTER FOR SUBSTANCE ABUSE PREVENTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
 DAIMLER-CHRYSLER CORPORATION
 FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION
 FORD MOTOR COMPANY
 INSURANCE INFORMATION INSTITUTE
 INSURANCE INSTITUTE FOR HIGHWAY SAFETY
 INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
 KEMPER INSURANCE GROUP
 MOTHERS AGAINST DRUNK DRIVING (MADD)
 NATIONAL ASSOCIATION OF GOVERNORS HIGHWAY SAFETY REPRESENTATIVES
 NATIONAL COMMISSION AGAINST DRUNK DRIVING
 NATIONAL COMMITTEE ON UNIFORM TRAFFIC LAWS AND ORDINANCES
 NATIONAL DISTRICT ATTORNEYS ASSOCIATION
 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION
 NATIONAL INSTITUTE FOR ALCOHOL ABUSE AND ALCOHOLISM
 NATIONAL SAFETY COUNCIL
 NATIONAL SHERIFFS ASSOCIATION
 NATIONWIDE INSURANCE
 OPERATION LIFESAVER
 REMOVE INTOXICATED DRIVERS
 STUDENTS AGAINST DESTRUCTIVE DECISIONS (SADD)
 USAA INSURANCE
 U.S. DEPARTMENT OF JUSTICE
 U.S. SURGEON GENERAL

.08 BAC laws, in combination with other drunk driving laws (particularly license revocation laws), sustained public education and information efforts, and vigorous and consistent enforcement, can save lives.”

We commend GAO for reaching the sound and accurate conclusion that a .08 blood alcohol concentration (.08 BAC) law can be an important component of a state’s overall highway safety program. We agree that highway safety research shows that the best countermeasure against drunk driving is a combination of laws, including .08 BAC, sustained public education, and vigorous enforcement and we agree that there are strong indications the .08 BAC laws, when added to existing laws and programs, are associated with reductions in alcohol-related fatalities.

With regard to whether the studies are “conclusive,” it must be pointed out that all research is equivocal and therefore, by that definition,

inconclusive. In context, however, particularly with the addition of the recently released studies conducted by NHTSA, the evidence is consistent and convincing that, in most states where .08 BAC laws have been added to existing impaired driver control efforts, they have been associated with reductions in alcohol-related fatalities.

The Time is Now

Recent research by NHTSA and past studies by the Boston University School of Public Health and the California Department of Motor Vehicles have shown impaired driving reductions already attributable to .08, as well as the potential for saving additional lives if all states adopted .08 BAC laws. Not only would deaths and injuries go down, but costs would as well. Alcohol-related crashes cost society \$45 billion every year, not including pain, suffering and lost quality of life. For more information on these enormous costs, see the fact sheet “Economic Issues” in the appendix.

SECTION 5

Myths about .08 BAC

Myths about .08 abound, many proliferated by those who actively oppose .08 laws. Here are a few of the commonly heard myths, countered by research-based facts from the National Highway Traffic Safety Administration, academic and scientific institutions, and credible private sector organizations such as Mothers Against Drunk Driving.

MYTH:

"If you lower the BAC limit to .08, it means I can't even have a couple of drinks with my dinner."

FACT: While there is no "safe" amount of alcohol for drivers, most people can drink moderately and drive legally when the illegal *per se* limit is set at .08. A 170-pound male typically would have to consume more than four drinks in one hour on an empty stomach to reach a BAC of .08. A 135-pound female typically would have to consume three drinks in the same time frame.

MYTH:

"I know when I'm 'too drunk to drive' – I don't need to be concerned about my blood alcohol concentration."

FACT: Your driving skills can be seriously compromised even when your behavior is not observably "drunk." Alcohol causes impairment in reaction time, attention, tracking, comprehension and other skills essential for safe driving. Even when attempting to drive carefully, an impaired driver cannot compensate for those reduced abilities. In addition, alcohol affects your ability to judge whether or not you are impaired.

MYTH:

"The American public does not support .08 because most people have no idea how much alcohol it would take to put them over the legal limit."

FACT: According to several national surveys, most Americans would not drive after having two or three drinks in one hour, an amount that would put them below .08. Most people know how much alcohol it takes to impair their driving ability and they accept lower limits such as .08 for adults.

MYTH:

".08 BAC legislation will not affect problem drinker drivers who have high BAC levels."

FACT: The latest research shows that .08 laws not only reduce the incidence of impaired driving at lower BACs, they also reduce the incidence of impaired driving at high BACs over .10 (Voas and Tippetts, 1999). A .08 law serves as a general deterrent to drinking and driving, sends a message that the state is getting tougher on impaired driving, and makes people think twice about getting behind the wheel after they've had too much to drink. .08 is a key part of a complete package to reduce impaired driving. While problem drinker drivers do account for a significant part of the DWI problem, most fatally injured drinking drivers (70-80%) had no prior alcohol-related offenses. A comprehensive anti-impaired driving program must use all available laws and programs to reduce DWI.

A .08 LAW SERVES AS A GENERAL DETERRENT TO DRINKING AND DRIVING, SENDS A MESSAGE THAT THE STATE IS GETTING TOUGHER ON IMPAIRED DRIVING, AND MAKES PEOPLE THINK TWICE ABOUT GETTING BEHIND THE WHEEL AFTER THEY'VE HAD TOO MUCH TO DRINK.

MYTH:

"Lowering the BAC limit to .08 places an unnecessary strain on the law enforcement community by forcing officers to monitor the behavior of currently legal drivers and pay less attention to the real problem, repeat offenders and those with high BACs."

FACT: Lowering the *per se* limit to .08 does not place an unnecessary strain on police. Officers still must have probable cause to stop and test drivers to determine if they are impaired. A .08 law will actually make it easier for police to arrest drivers at .10 or .11 BACs because these are no longer "borderline" cases.

MYTH:

"If you start arresting people driving with a .08 BAC, you will clog up the court system."

FACT: In the largest state, California, the .08 law has had little impact on the state's judicial system. No increases have been reported in the proportion of arrested drivers who plead guilty, request jury trials or appeal convictions. .08 is a deterrent to impaired driving, especially when coupled with other effective anti-DWI measures. Anything that reduces the incidence of DWI reduces the overall burden on society, including the judicial system.

MYTH:

".08 is just the first step toward even lower BACs and eventually another attempt at prohibition."

FACT: Widely accepted public health research has identified .05 as the BAC level at which driving

skills begin to deteriorate. Because of this, some organizations – most notably the American Medical Association – officially support .05 as the safest limit. However, safety professionals generally do not believe such laws would have any reasonable chance politically in this country. Even those organizations that have adopted such policies accept .08 as the best reasonable and acceptable compromise that will save lives, prevent injuries and reduce costs to society. The notion that safety organizations seek a return to prohibition is unfounded.

MYTH:

"The United States General Accounting Office (GAO) says .08 BAC laws do not work."

FACT: The GAO report actually stated the following: "Overall, the evidence does not conclusively establish that .08 BAC laws, by themselves, result in reductions in the number or severity of alcohol-related crashes." They went on to say: "There are, however, strong indications that .08 BAC laws in combination with other drunk driving laws (particularly licence revocation laws), sustained public education and information efforts, and vigorous and consistent enforcement can save lives." Of course, .08 BAC laws do not save lives by "themselves". They must be publicized as enforced and work in combination with the other laws of the state. The evidence shows that, in aggregate, when states adopt .08 BAC laws, they can save lives, especially in combination with administrative licence revocation laws which 40 states already have.

SECTION 6

Consumer Education and Public Support

Polls Support Anti-DWI Efforts

The American public overwhelmingly supports legislation and programs to curb impaired driving. In a poll conducted for Mothers Against Drunk Driving (MADD), the Gallup Organization found that the vast majority of the American public considers drunk driving the number one major highway safety problem and most support tough laws and sanctions to reduce impaired driving.

All of the approaches to deal with impaired driving do well in public opinion polls, but the programs that have received more attention in the media and other public forums — ALR, zero tolerance, sobriety checkpoints and vehicle confiscation for repeat offenders — poll higher than .08. The likely reason is that people do not understand the technical aspects of how BACs are determined and what .08 means in real terms. When it comes to their own tolerance for alcohol and their own abilities, however, the American public is certain: most say they would not drive after consuming two or three drinks in one hour.

.08 is a Public Health Policy

The challenge for .08 supporters is to help people make a connection between their own common sense and the public policy that would define impaired driving as .08. Clearly, the more people know about the problem and the potential solutions, the more they support changes to bring about those solutions. .08 is a key part of any public health initiative that aims to reduce society's burden from impaired driving.

Supporters of .08 have many allies and resources to call upon, both at the national level and in the states. A list of resource organizations is included in the appendix.

Help is Available

Federal and State Governments and several private sector organizations hold workshops, publish idea samplers and planners, and offer other helpful organizing tools that may help .08 supporters achieve their public policy goals.

"What You Can Do"

Around the country, voluntary efforts are underway by concerned citizens who support adoption of .08 BAC laws. To become part of the activities in your state:

FIND OUT YOUR STATE'S BAC LIMIT, AND WHETHER THERE IS AN ILLEGAL PER SE LAW, BY CALLING YOUR GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE, YOUR LOCAL SAFETY COUNCIL OR YOUR LOCAL MADD CHAPTER (SEE RESOURCE SECTION):

IF YOUR STATE DOESN'T HAVE AN ILLEGAL PER SE LAW OF .08, CONTACT EXISTING GRASSROOTS AND GOVERNMENT ORGANIZATIONS INVOLVED IN PREVENTION EFFORTS TO FIND OUT HOW YOU CAN HELP:

JOIN OR HELP FORM A COALITION TO SUPPORT LEGISLATIVE EFFORTS IN YOUR STATE TO LOWER THE BAC LIMIT:

SPREAD THE WORD ABOUT THE IMPORTANCE OF .08 LAWS, THROUGH NEWSLETTER ARTICLES, PRESS RELEASES, CONFERENCES, SPEECHES TO LOCAL ORGANIZATIONS, ETC.; COOPERATE WITH STATE HIGHWAY AND PUBLIC HEALTH AGENCIES TO DRAW ATTENTION TO YOUR EFFORT:

LET YOUR GOVERNOR AND STATE LEGISLATORS KNOW ABOUT THE EFFECTIVENESS OF .08 LAWS IN SAVING LIVES AND TAXPAYER DOLLARS.

A MADD/GALLUP POLL FOUND THAT THE VAST MAJORITY OF THE AMERICAN PUBLIC CONSIDERS DRUNK DRIVING THE NUMBER ONE MAJOR HIGHWAY SAFETY PROBLEM AND MOST SUPPORT TOUGH LAWS AND SANCTIONS TO REDUCE IMPAIRED DRIVING.

Contact information on these and other organizations is available in the appendix. Here are just a few suggestions:

Campaign Safe and Sober – The National Highway Traffic Safety Administration publishes a quarterly planner with useful facts, tips and suggestions for state and community-based highway safety programs, particularly in the area of impaired driving, occupant protection and speed. For copies of past planners or to receive future quarterly planners, contact your NHTSA Regional Administrator.

Drunk and Drugged Driving (3D) Prevention Month Program Planner – The annual 3D planner is chock full of ideas and helpful information on organizing grassroots efforts around the December 3D Month as well as other times of the year. The planner is produced by NHTSA in cooperation with a national coalition of anti-drunk driving organizations and is available through your NHTSA Regional Administrator.

Mothers Against Drunk Driving – MADD offers many resources to local activists through chapters in every state, including Impaired Driving Issues Workshops, publications and training materials, victim support services, and community programs such as Project MADD Ribbon, Operation Prom/Graduation and Team Spirit. Contact your local MADD chapter or the national office.

National Safety Belt Coalition – Although not directly involved in impaired driving issues, the Coalition and its parent organization, the National Safety Council, have published several useful books for local organizers, including *Patterns for Partnerships – A Guide to Creating and Nurturing Grassroots Coalitions* and *Building Traffic Safety Partnerships – A Guide for State Highway Safety Professionals to Work with Local Government Associations*.

"What the Hospitality Industry Can Do"

The restaurant and hospitality industries have plenty of incentives to bring customers into their establishments while helping reduce the risk of impaired driving. Here are some of the ideas many establishments already have used successfully.

PROMOTING DESIGNATED DRIVER PROGRAMS BY PROVIDING FREE OR REDUCED-PRICE NON-ALCOHOLIC BEVERAGES AND FOOD TO DESIGNATED DRIVERS;

PROMOTING NON-ALCOHOLIC BEERS AND WINES;

PROVIDING FREE RIDES HOME TO DRIVERS WHO APPEAR IMPAIRED (OR PARTICIPATING IN AND PROMOTING FREE RIDE PROGRAMS SPONSORED BY SAFETY GROUPS, TAXI COMPANIES, ETC.);

ENGAGING IN RESPONSIBLE ALCOHOL SERVICE BY TRAINING SERVERS, MAKING FOOD AVAILABLE TO PATRONS, NOT SERVING INTOXICATED CUSTOMERS, OR THOSE UNDER THE AGE OF 21.



SECTION 7

Law Enforcement

Enforcing .08

One of the arguments used against .08 is the impact on the law enforcement and judicial system. However, when the largest state, California, lowered the BAC limit to .08, there was little impact on court administrators or judges.

The main impact in California has been on prosecutors' decisions concerning whether or not cases should be filed. Previously, those arrested for DWI with BACs below .12 typically were allowed to plea to reduced charges. Since the limit was changed, this plea-bargain "cut off" has dropped to about .10 BAC. No increases were reported in the proportion of DWI defendants pleading guilty, requesting jury trials, or appealing convictions.

Quick and Easy Testing

Modern breath analysis equipment is easy to use during a roadside stop, whether the legal limit is .08 or any other limit. The devices are small enough and inexpensive enough that every patrol car on traffic duty can be equipped with one. Law enforcement officers can administer the test quickly and easily, without the driver even leaving the car. If the preliminary breath test shows the person is not impaired, motorists can be on their way and police can continue their duties. .03 does not change the fact that law enforcement officers can conduct these roadside tests quickly and easily.

Law Enforcement Supports .08

.08 is supported by law enforcement organizations, including two of the largest: the International Association of Chiefs of Police and the National Sheriffs' Association. These organizations and others like them would not support a law that is unenforceable, ineffective or burdensome on police officers.

Treatment Can Help

Medical treatment programs for repeat offenders – and sometimes even first time offenders – have become an increasingly popular part of the sentencing process. Some states require certain treatments while others recommend but do not require them.

This leads to concern that programs will be overcrowded with long waiting lists. Most safety organizations recommend that impaired driving programs be self-supporting. Fines and fees paid by offenders should cover the cost of all sentencing, including treatment for alcoholism or alcohol abuse. This reduces the burden on taxpayers while helping to ensure that offenders get the help they need.

Medical treatment for impaired drivers, whether required by law or ordered at the discretion of a judge, correctly positions impaired driving as a public health problem. .08 laws do not contribute to burdens on society but help to identify those with a problem and get them into programs to reduce the chance they will eventually kill or injure themselves or someone else.

**.08 IS SUPPORTED
BY LAW
ENFORCEMENT
ORGANIZATIONS . . .
[GROUPS THAT]
WOULD NOT
SUPPORT A
LAW THAT IS
UNENFORCEABLE,
INEFFECTIVE OR
BURDENSOME ON
POLICE OFFICERS.**

SECTION 8

Summary

.08 is Reasonable

.08 is a reasonable BAC level. A .08 BAC is not reached with a couple of beers after work or a glass or two of wine with dinner. The public supports .08, and surveys show that most people would not drive after consuming two or three drinks.

.08 Works

As a public health initiative and a traffic safety policy, .08 works and works well, especially in combination with other laws and programs. A .08 BAC *per se* law will:

- INCREASE THE ARREST AND CONVICTION RATES FOR IMPAIRED DRIVERS AT .08, AND ABOVE;
- RAISE THE PERCEIVED RISK OF ARREST FOR DRIVING AFTER DRINKING;
- IMPROVE PUBLIC AWARENESS ABOUT HOW MUCH ALCOHOL IT TAKES TO BE DANGEROUSLY IMPAIRED; AND
- BRING THE U.S. CLOSER TO *PER SE* LIMITS OF MOST INDUSTRIALIZED NATIONS.

.08 Could Save Your Life

If every state adopted a .08 *per se* law, hundreds of lives could be saved every year, with thousands of injuries prevented and millions of dollars saved. But even more important would be all the extra birthday candles that would get blown out, the graduation ceremonies that would be attended, the weddings that would be celebrated and the millions of everyday smiles that would be exchanged.

No one will ever know if they or one of their loved ones will be the next victim of impaired driving, just as no one will ever know if they are the one who was spared thanks to good public policy. .08 is sensible, reasonable and effective. It's time to adopt .08 in every state.

**IF EVERY STATE
ADOPTED A .08 PER
SE LAW, HUNDREDS
OF LIVES COULD BE
SAVED EVERY YEAR,
WITH THOUSANDS
OF INJURIES
PREVENTED AND
MILLIONS OF
DOLLARS SAVED.**

APPENDIX A

Facts on The Impaired Driving Problem

According to the US Department of Transportation's Fatality Analysis Reporting System and the National Highway Traffic Safety Administration's National Center for Statistical Analysis:

- In 1998, 41,471 people were killed in highway crashes. Another 3 million were injured. These crashes cost society \$150 billion every year.
- Of those killed on our highways in 1998, 15,935 died in alcohol-related crashes (38%).
- Approximately one million people are injured in alcohol-related traffic crashes annually.
- Alcohol involvement is the single greatest factor in motor vehicle deaths and injuries. While about 5% of all crashes involve the use of alcohol, 38% of fatal crashes do.
- Anti-impaired driving efforts work. From 1988 to 1998, alcohol-related fatalities dropped 33%. This drop is generally attributed to stronger laws, tougher enforcement, and good consumer education.
- Among all drivers involved in fatal crashes in 1998, 23% had been drinking.
- Many states now are lowering the BAC defining impaired driving from .10 to .08. A BAC as low as .02 has been shown to affect driving ability and crash likelihood.
- The probability of a crash increases significantly at .05 and even more rapidly at .08.
- Among drivers with BACs above .15 on weekend nights, the likelihood of death in a single-vehicle crash is more than 380 times higher than it is for nondrinking drivers.
- The highest proportion of driver deaths involving BACs at or above .08 in 1998 occurred in passenger vehicles. The group of drivers with the lowest proportion was tractor-trailer drivers.
- In 1998, 29 percent of all fatal crashes during the week were alcohol-related, compared to 52 percent on weekends. For all crashes, the alcohol involvement rate was 5 percent during the week and 12 percent during the weekend.
- The highest rates of drivers involved in fatal crashes in 1998 with BACs at or above .10 were recorded for drivers 21-24 years old (28 percent), followed by ages 25-34 (24 percent) and 35-44 (21 percent).

Facts on the Economic Issues

According to the National Highway Traffic Safety Administration:

- In 1998, 41,471 people were killed in highway crashes. Another 3 million were injured.
- Motor vehicle crashes cost society \$150 billion each year in emergency and acute health care costs, long-term care and rehabilitation, police and judicial services, insurance, disability and workers compensation, lost productivity, and social services for those who cannot return to work and support their families.
- Alcohol-related crashes cost society over \$45 billion every year. Just one alcohol-related fatality is estimated to cost society about \$950,000. Each alcohol-related injury averages about \$20,000.
- Almost a quarter of first-year medical costs for persons hospitalized as a result of a crash are paid by tax dollars, about two-thirds through Medicaid and one-third through Medicare.
- Employers pay for approximately half the cost of motor vehicle crashes, through insurance, disability, worker's compensation, and lost productivity. Eventually, we all bear the costs through tax-payer supported services and programs, higher insurance costs, and higher prices on goods and services.

According to a 1994 study by economist Ted R. Miller of the National Public Services Research Institute:

- *The indirect costs of alcohol-related crashes (pain, suffering and lost quality of life) increase the toll for alcohol-related crashes to \$134 billion a year.*
- *Alcohol-related crashes cost society \$1.00 per drink or \$2.20 per ounce of alcohol consumed. This figure includes drinks consumed in the home.*
- *Crash costs are \$5.54 for every mile driven drunk. This includes \$2.34 to people other than the drunk driver. By comparison, crash costs are \$.10 per mile driven while sober.*
- *Alcohol-related crashes account for 19% of auto insurance payments in 1993 (a decline from 26% in 1990).*
- *A drunk driving crash costs each innocent victim \$36,000. Comparable crime costs per victim are: assault – \$30,000; robbery – \$16,000; motor vehicle theft – \$4,000. Yet, the drunk driving crash is the only one of these crimes that is often not considered a felony upon the first offense.*

The Facts About .08

- A law making .08 BAC the legal limit is a reasonable, sensible approach to the problem of impaired driving.
- .08 laws increase the arrest and conviction rates for impaired drivers at .10 and above while raising the perceived risk of arrest for driving after drinking.
- .08 laws raise public awareness about how much alcohol it takes to be dangerously impaired.
- Most other industrial nations already set their legal limit at .08 or lower.
- Supporters of .08 BAC laws include federal and state agencies, consumer and victim's organizations, highway safety groups, law enforcement organizations, medical and public health groups, insurance companies and other business interests, and many others.
- According to a recent poll by the Gallup Organization for Mothers Against Drunk Driving, 97% of Americans believe drunk driving is a major highway safety problem.
- If every state had adopted a .08 *per se* law in 1997, i. stead of the 15 states that had .08 laws, an additional 590 lives could have been saved, according to a recent study conducted by researchers at the Pacific Institute for Research and Evaluation.
- It takes about 3-4 drinks in one hour on an empty stomach to reach a .08 BAC. This does not affect the casual, social drinker who may have a couple of beers after work or a glass or two of wine with dinner once in a while.
- On average, alcohol metabolizes in the body and dissipates from the blood at a rate of about .015 BAC per hour.
- At .08, virtually all drivers are impaired to the point that critical driving skills such as reaction time, attention, tracking and comprehension are degraded.

What You Can Do About Impaired Driving

Mothers Against Drunk Driving (MADD) offers the following suggestions to help fight impaired driving:

- *Your best defense against a drunk driver is to wear your safety belt and be sure children are properly secured in child safety seats.*
 - *Be a responsible host. Serve food and have non-alcoholic drinks available. Don't let your guests drive after drinking alcohol and never serve alcohol to someone under the age of 21.*
 - *Write letters to the editor of local newspapers expressing your concern over drunk driving and underage drinking in your community.*
 - *Never ride in a car operated by someone who has been drinking - call a cab or ask a friend to drive you home.*
- *Support measures to strengthen drunk driving and victims rights laws by contacting elected officials.*
 - *Report drunk drivers immediately to area law enforcement from a car phone or pay phone with the license plate number, description of the vehicle, and the direction in which it was traveling. Keep a safe distance from anyone driving erratically and do not try to intervene yourself.*

If you or someone you love becomes the victim of a drunk driving crash, call 800-GET-MADD or your local MADD chapter for victim assistance and support.

APPENDIX B

Resources

The Federal Government

The National Highway Traffic Safety Administration (NHTSA), an agency of the US Department of Transportation, is responsible for anti-impaired driving and other highway safety programs. NHTSA maintains statistics and fact sheets, and provides information to the media, grassroots organizations, other government agencies, and the general public. Check out their homepage on the World Wide Web (<http://www.nhtsa.dot.gov>) for more information about the agency's services and publications, as well as highway safety facts.

NHTSA also has ten regional offices to serve the safety community and the general public. The NHTSA regional administrator that serves your state is a great resource for those working to fight impaired driving.

NHTSA Region I

(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont)

Volpe National Transportation Systems Center
Kendall Square, Code 903
Cambridge, MA 02142
Phone 617/494-3427
Fax 617/494-3646

NHTSA Region II

(New Jersey, New York, Puerto Rico, Virgin Islands)

222 Mamaroneck Avenue, Suite 204
White Plains, NY 10605
Phone 914/682-6162
Fax 914/682-6239

NHTSA Region III

(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

10 South Howard Street, Suite 4000
Baltimore, MD 21201
Phone 410/962-0077
Fax 410/962-2770

NHTSA Region IV

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Atlanta Federal Center
61 Forsyth Street, Suite 17T30
Atlanta, GA 30303
Phone 404/562-3739
Fax 404/562-3763

NHTSA Region V

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

19900 Governor Drive, Suite 201
Olympia Fields, IL 60461
Phone 708/503-8822
Fax 708/503-8991

NHTSA Region VI

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Indian Nations)

819 Taylor Street, Room 8A38
Fort Worth, TX 76102
Phone 817/334-3653
Fax 817/334-8339

NHTSA Region VII

(Iowa, Kansas, Missouri, Nebraska)

901 Locust Street
Kansas City, MO 64106
Phone 816/329-3900
Fax 816/329-3910

NHTSA Region VIII

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

555 Zang Street, 4th Floor
Lakewood, CO 80228
Phone 303/969-6917
Fax 303/969-6294

NHTSA Region IX

(Arizona, California, Hawaii, Nevada, American Samoa, Guam, Northern Mariana Islands)

201 Mission Street, Suite 2230
San Francisco, CA 94105
Phone 415/744-3089
Fax 415/744-2532

NHTSA Region X*(Alaska, Idaho, Oregon, Washington)*

3140 Jackson Federal Building
 915 Second Street
 Seattle, WA 98174
 Phone 206/220-7640
 Fax 206/220-7651

Two other federal agencies are also good sources of information:

National Clearinghouse for Alcohol and Drug Information
Center for Substance Abuse Prevention
US Department of Health and Human Services
 PO Box 2345
 Rockville, MD 20847-2345
 Phone: 800/729-6686
 Web site: <http://www.health.org>

National Transportation Safety Board
 490 L'Enfant Plaza, SW
 Washington, DC 20594
 Phone: 202/314-6000
 Web site: <http://www.nts.gov>

State Governments

Each governor appoints a highway safety representative to manage the state's highway safety program, including administration of the federal Highway Safety Community Grant program. The governor's representative also serves as a liaison between the governor and the highway safety community. These professionals and their staffs are a great resource on all highway safety issues, particularly impaired driving. The governor's representatives have a national organization in Washington:

National Association of Governors' Highway Safety Representatives
 750 First Street, NE, Suite 720
 Washington, DC 20002
 Phone: 202/789-0942
 Fax: 202/789-0946

The following are the offices of the governors' highway safety representatives:

Alabama Department of Economic & Community Affairs
Law Enforcement/Traffic Safety Division
 PO Box 5690
 Department of Economic & Community Affairs
 401 Adams Avenue, Suite 580
 Montgomery, AL 36103-5690
 Phone: 334/242-5803
 Fax: 334/242-0712

Highway Safety Planning Agency
Alaska Department of Public Safety
 PO Box 111200
 Juneau, AK 99811-1200
 Phone: 907/465-4374
 Fax: 907/463-5860

Governor's Representative/Commissioner of Public Safety
American Samoa Government
 PO Box 1086
 Pago Pago, AS 96799
 Phone: 011-684-633-1111
 Fax: 011-684-633-5111

Governor's Office of Community and Highway Safety
Arizona Department of Public Safety
 3030 North Central, Suite 1550
 Phoenix, AZ 85012
 Phone: 602/255-3216
 Fax: 602/255-1265

Highway Safety Program
Arkansas Highway & Transportation Department
 PO Box 2261
 11300 Baseline Road
 Little Rock, AR 72203
 Phone: 501/569-2648
 Fax: 501/569-2651

Office of Traffic Safety California Business, Transportation, & Housing Agency
 7000 Franklin Boulevard, Suite 410
 Sacramento, CA 95823
 Phone: 916/262-0990
 Fax: 916/262-2960

Colorado Office of Transportation Safety
Department of Transportation
 Headquarters Complex
 4201 East Arkansas Avenue
 Denver, CO 80222
 Phone: 303/757-9381
 Fax: 303/757-9439

Division of Highway Safety
Connecticut Department of Transportation
 2800 Berlin Turnpike
 PO Box 317546
 Newington, CT 06131-7546
 Phone: 860/594-2363
 Fax: 860/594-2374

Office of Highway Safety
Delaware Department of Public Safety
 PO Box 1321
 Dover, DE 19903-1321
 Phone: 302/739-3295
 Fax: 302/739-5995

Transportation Safety Branch
DC Department of Public Works
 2000 14th Street, NW, 7th floor
 Washington, DC 20009
 Phone: 202/939-8018
 Fax: 202/939-7185

Safety Office Florida Department of Transportation
605 Suwannee Street, MS 53
Tallahassee, FL 32399-0450
Phone: 904/488-3546
Fax: 904/922-2935

Georgia Governor's Office of Highway Safety
1 Park Tower
34 Peach Tree Street, Suite 1600
Atlanta, GA 30303
Phone: 404/656-6936
Fax: 404/651-9107

Highway Safety Coordinator
Guam Department of Public Works
PO Box 2950
Agana, GU 96910
Phone: 011-671-646-3211
Fax: 011-671-649-3733

Operator Assisted Calls: 01-671-646-3211
Motor Vehicle Safety Office
Hawaii Department of Transportation
601 Kamokila Boulevard, Suite 511
Kapolei, HI 96707
Phone: 808/692-7650
Fax: 808/692-7665

Office of Highway Safety
Idaho Transportation Department
PO Box 7129, 3311 West State Street
Boise, ID 83707-1129
Phone: 208/334-8101
Fax: 208/334-3858

Division of Traffic Safety
Illinois Department of Transportation
PO Box 19245
3215 Executive Park Drive
Springfield, IL 62794-9245
Phone: 217/782-4972
Fax: 217/782-9159

Indiana Governor's Council on Impaired and Dangerous Driving
150 West Market Street, Suite 330
Indianapolis, IN 46204
Phone: 317/232-1299
Fax: 317/232-5150

Indian Highway Safety Program
Bureau of Indian Affairs
Department of the Interior
PO Box 2006
Albuquerque, NM 87103
Phone: 505/248-5053
Fax: 505/248-5064

Governor's Traffic Safety Bureau
Iowa Department of Public Safety
307 East 7th Street
Des Moines, IA 50319-0248
Phone: 515/281-3907
Fax: 515/281-6190

Kansas Bureau of Traffic Safety
Thacher Building, 2nd Floor
217 S.E. 4th
Topeka, KS 66603-3504
Phone: 913/296-3756
Fax: 913/291-3010

Highway Safety Standards Branch
Kentucky State Police Headquarters
919 Versailles Road
Frankfort, KY 40601
Phone: 502/695-6356
Fax: 502/573-1634

Highway Safety Commission
Louisiana Department of Public Safety
PO Box 66336
Baton Rouge, LA 70896
Phone: 504/925-6991
Fax: 504/922-0083

Bureau of Highway Safety
Maine Department of Public Safety
164 State House Station
Augusta, ME 04333
Phone: 207/624-8756
Fax: 207/624-8768

Northern Mariana Islands
Department of Public Safety
PO Box 791
Saipan, M.P. 96950
Phone: 011-670-034-6505
Fax: 011-670-234-8531

Office of Traffic & Safety
Maryland State Highway Administration
7491 Connelley Drive
Hanover, MD 21076
Phone: 410/787-5822
Fax: 410/787-5823

Massachusetts Governor's Highway Safety Bureau
100 Cambridge Street, Room 2104
Boston, MA 02202
Phone: 617/727-5073
Fax: 617/727-5077

Michigan Office of Highway Safety Planning
4000 Collins Road, PO Box 30633
Lansing, MI 48909-8133
Phone: 517/333-5291
Fax: 517/333-5756

Office of Traffic Safety
Minnesota Department of Public Safety
Town Square, Suite 100-B
444 Cedar Street
St. Paul, MN 55101-2128
Phone: 612/296-3804
Fax: 612/297-4844

Highway Safety Office
Mississippi Department of Public Safety
PO Box 23039
401 North West Street, 8th Floor
Jackson, MS 39225-3039
Phone: 601/359-7842
Fax: 601/359-7832

Missouri Division of Highway Safety
PO Box 104808
Jefferson City, MO 65110-4808
Phone: 573/751-7643
Fax: 573/634-5977

Highway Traffic Safety
Montana Department of Justice
 P.O. Box 201001
 2701 Prospect Avenue, Room 109
 Helena, MT 59620-1001
 Phone: 406/444-3412
 Fax: 406/444-7303

Office of Highway Safety
Nebraska Department of Motor Vehicles
 PO Box 94612
 301 Centennial Mall South
 Lincoln, NE 68509-4789
 Phone: 402/471-3900
 Fax: 402/471-3865

Office of Traffic Safety Nevada Department of
Motor Vehicles & Public Sa.
 555 Wright Way
 Carson City, NV 89711-0900
 Phone: 702/687-3243
 Fax: 702/687-5328

New Hampshire Highway Safety Agency
 Pine Inn Plaza
 117 Manchester Street
 Concord, NH 03301
 Phone: 603/271-2131
 Fax: 603/271-3790

Division of Highway Traffic Safety
New Jersey Dept. of Law & Public Safety, CN 948
 225 East State Street
 Trenton, NJ 08625
 Phone: 609/633-9300
 Fax: 609/633-9020

Traffic Safety Bureau New Mexico State Highway &
Transportation Department
 PO Box 1149
 Santa Fe, NM 87504-1149
 Phone: 505/827-0429
 Fax: 505/827-0431

New York State Governor's Traffic Safety Committee
 Empire State Plaza, Swan St. Bldg., Room 521
 Albany, NY 12228
 Phone: 518/474-0858
 Fax: 518/473-0041

North Carolina Governor's Highway Safety Program
 215 East Lane Street
 Raleigh, NC 27601
 Phone: 919/733-3083
 Fax: 919/733-0604

Driver Licensing & Traffic Safety
North Dakota Department of Transportation
 608 East Boulevard Avenue
 Bismarck, ND 58505-0700
 Phone: 701/328-2601
 Fax: 701/328-4545

Office of the Ohio Governor's Highway Safety
Representative
 PO Box 182081
 1970 W. Broad Street
 Columbus, OH 43218-2081
 Phone: 614/466-3250
 Fax: 614/466-0433

Highway Safety Office
Oklahoma Department of Public Safety
 3223 N. Lincoln
 Oklahoma City, OK 73105
 Phone: 405/521-3314
 Fax: 405/524-4906

Transportation Safety Section
Oregon Department of Transportation
 555 13th Street, N.E.
 Salem, OR 97310-1333
 Phone: 503/986-4192
 Fax: 503/986-4189

Pennsylvania Bureau of Highway & Traffic Engineering
 555 Walnut Street, 7th Floor, Forum Place
 Harrisburg, PA 17105-2047
 Phone: 717/787-7350
 Fax: 717/783-8012

Traffic Safety Commission
Puerto Rico Department of Public Works
 Box 41289, Minillas Station
 Santurce, PR 00940
 Phone: 809/723-3590
 Fax: 809/727-0486

Rhode Island Governor's Office of Highway Safety
 345 Harris Avenue
 Providence, RI 02909
 Phone: 401/277-3024
 Fax: 401/277-2086

South Carolina Department of Public Safety
Office of Safety & Grants
 5400 Broad River Road
 Columbia, SC 29210
 Phone: 803/896-7896
 Fax: 803/896-8393

South Dakota Office of Highway Safety
 118 West Capital
 Pierre, SD 57501
 Phone: 605/773-4493
 Fax: 605/773-6893

Tennessee Governor's Highway Safety Program
Department of Transportation
 505 Deaderick Street, Suite 600
 James K. Polk State Office Bldg
 Nashville, TN 37243-0341
 Phone: 615/741-7590
 Fax: 615/741-9673

Traffic Operations Division
Texas Department of Transportation
 125 E. 11th Street
 Austin, TX 78701-2483
 Phone: 512/416-3167
 Fax: 512/416-3349

Utah Department of Public Safety
Highway Safety Office
 5263 South 300 West, Suite 202
 Salt Lake City, UT 84107
 Phone: 801/293-2481
 Fax: 801/293-2498

Governor's Highway Safety Program
Vermont Department of Public Safety
 103 South Main Street
 Waterbury, VT 05671-2101
 Phone: 802/244-1317
 Fax: 802/244-1106

**Virginia Department of Motor Vehicles
Transportation Safety Office**
PO Box 27412
2300 West Broad Street
Richmond, VA 23269
Phone: 804/367-8140
Fax: 804/367-6631

**Governor's Representative
Virgin Islands Office of Highway Safety**
Lagoon Street Complex, Fredricksted
St. Croix, VI 00840
Phone: 809/776-5820
Fax: 809/772-2626

Washington Traffic Safety Commission
PO Box 40944
1000 South Cherry Street
Olympia, WA 98504-0944
Phone: 360/753-6197
Fax: 360/586-6489

**Governor's Highway Safety Program West Virginia
Criminal Justice & Highway Safety Division**
Capito Complex, Building 3, Room 118
Charleston, WV 25301
Phone: 304/558-6080
Fax: 304/558-0391

**Bureau of Transportation Safety
Wisconsin Department of Transportation**
PO Box 7936
4802 Sheboygan Avenue, Room 809
Madison, WI 53707
Phone: 608/266-0402
Fax: 608/267-0441

**Highway Safety Program
Wyoming Transportation Department**
PO Box 1708
Cheyenne, WY 82003-1708
Phone: 307/777-4450
Fax: 307/777-4250

The Private Sector

The National Safety Council, with chapters all over the country, can provide information on a wide range of occupational, home and traffic safety issues. The Council produces dozens of publications and provides services and educational opportunities in these areas.

National Safety Council
1121 Spring Lake Drive
Itasca, IL 60143
Phone: 630/285-1121
Fax: 630/285-1315
Web site: <http://www.nsc.org>

Mothers Against Drunk Driving is a non-profit, grass roots organization with more than 400 chapters nationwide. It "is not a crusade against alcohol consumption;" its focus is "to look for effective solutions to the drunk driving and underage drinking problems, while supporting those who have already experienced the pain of these senseless crimes." To join, find a chapter in your area or for more information, contact the National Office at:

Mothers Against Drunk Driving
511 E. John Carpenter Freeway., #700
Irving, Texas 75062
Phone: 214/744-MADD (6233)
Fax: 972/869-2206/2207
Web site: <http://www.madd.org>

Other private sector groups may be helpful. Here is a list of some of the national organizations that support .08 BAC laws.

Advocates for Highway and Auto Safety
750 First Street, NE, Suite 901
Washington, DC 20002
Phone: 202/408-1711
Web site: <http://www.saferoads.org>

American Automobile Association
1000 AAA Drive
Heathrow, FL 32746
Phone: 407/444-7000
Web site: <http://www.aaa.com>

American Automobile Manufacturers Association
1401 H Street, NW, Suite 900
Washington, DC 20005
Phone: 202/326-5500
Web site: <http://aama.com>

American Coalition for Traffic Safety
1110 N. Glebe Road, Suite 1020
Arlington, VA 22201
Phone: 703/243-7501

American Insurance Association
1130 Connecticut Avenue, Suite 1000
Washington, DC 20036
Phone: 202/828-7100
Web site: <http://www.aladc.org>

American Medical Association
515 North State Street
Chicago, IL 60610-4379
312/464-5000
Web site: <http://www.ama-assn.org>

Insurance Institute for Highway Safety
1005 North Glebe Road
Arlington, VA 22201
Phone: 703/247-1500
Web site: <http://www.hwysafety.org>

International Association of Chiefs of Police
515 North Washington Street
Alexandria, VA 22314
Phone: 703/836-6767
Web site: <http://www.iaicp.org>

National Commission Against Drunk Driving
1900 L Street NW, Suite 705
Washington, DC 20036
Phone: 202/452-6004
Web site: <http://www.ncadd.com>

Remove Intoxicated Drivers (RID)
PO Box 520
Schenectady, NY 12301
Phone: 518/393-4357
Web site: TBA

Students Against Destructive Decisions (SADD)
PO Box 800
Marlboro, MA 01752
Phone: 508/481-3568
Web site: www.sadd.org

APPENDIX C

Model Law

The Uniform Vehicle Code, published by the National Committee on Uniform Traffic Laws and Ordinances, is a document developed by transportation and highway safety professionals to serve as a guideline for those developing state motor vehicle legislation. Inclusion of this model law here should not be interpreted as a formal endorsement by the National Safety Council or the National Highway Traffic Safety Administration. The entire Uniform Vehicle Code is available on the World Wide Web at <http://www.ncutlo.org>.

CHAPTER 11 - Rules of the Road

ARTICLE IX – SERIOUS TRAFFIC OFFENSES

11-902 – Driving while under the influence of alcohol or drugs

(a) A person shall not drive or be in actual physical control of any vehicle while:

1. The alcohol concentration in such person's blood or breath is 0.08 or more based on the definition of blood and breath units in [Section 11-903(a)(5)].

Optional 1. The alcohol concentration in such person's blood or breath as measured within three hours of the time of driving or being in the actual physical control is 0.08 or more based on the definition of blood and breath units in [Section 11-903]. If proven by a preponderance of evidence, it shall be an affirmative defense to a violation of this subsection that the defendant consumed a sufficient quantity of alcohol after the time of driving or actual physical control of a

vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to be 0.08 or more. The foregoing provision shall not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than three hours after such alleged violation.

2. Under the influence of alcohol;

3. Under the influence of any other drug or combination of other drugs to a degree which renders such person incapable of safely driving; or

4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drug shall not constitute a defense against any charge of violating this section.

(c) In addition to the provisions of [Section 11-904], every person convicted of violating this section shall be punished by imprisonment for not less than 10 days or more than one year, or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment and on a second or subsequent conviction, such person shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.

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.08 BAC Limit Saves Lives – Why Every State Needs a .08 BAC Law (brochure); National Safety Council, Itasca, IL, and National Highway Traffic Safety Administration, Washington, DC; 1994.

.08 BAC Illegal Per Se Level (State Legislative Fact Sheet); National Highway Traffic Safety Administration, Washington, DC; September 1996.

.08 – Save Lives in Your State, 11-minute video produced by USAA, San Antonio, TX, for the National Highway Traffic Safety Administration, Washington, DC; 1985.

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Mothers Against Drunk Driving, press release dated September 20, 1996.

"The Impact of Lowering the Illegal BAC Limit to .08 in Five States in the U.S.," by Delmas Johnson and James Fell, National Highway Traffic Safety Administration, Washington, DC, 39th Annual Proceedings of the Association for the Advancement of Automotive Medicine, Chicago, IL, October 16-18, 1995.

Too Impaired to Drive?, 12-minute video on impairment at .08 BAC by USAA, San Antonio, TX, for the National Highway Traffic Safety Administration, Washington, DC, 1999.

The Relationship of Alcohol Safety Laws to Drinking Drivers in Fatal Crashes, by Robert B. Voas and A. Scott Tippetts, Pacific Institute for Research and Evaluation, Bethesda, MD, for the National Highway Traffic Safety Administration, April, 1999.

The Effects of .08 BAC Laws, by Robert Apsler, A.R. Choat, and Wayne M. Harding, Rainbow Technology, and Terry M. Klein, National Highway Traffic Safety Administration, March, 1999, DOT HS 808 892.

Evaluation of the Effects of North Carolina's .08 BAC Law, by Robert D. Foss, J. Richard Stewart, and Donald W. Reinfort, Highway Safety Research Center, University of North Carolina, for the National Highway Traffic Safety Administration, March, 1999.

Validation of the Standardized Field Sobriety Test Battery at BACs Below 0.10 Percent, by Jack W. Stuster and Marcelline Burns, Anacapa Science, Santa Barbara, CA, for the National Highway Traffic Safety Administration, August 1998, DOT HS 808 839.

Effectiveness of State .08 Blood Alcohol Laws, General Accounting Office (GAO) Report to Congressional Committees, June 1999, GAO/RCED-99-179.

A Review of the Scientific Literature Regarding the Effects of Alcohol on Driving-Related Behavior at Blood Alcohol Concentration of 80 mg/dl and Lower, by Herbert Moskowitz and Dary Fiorentino, Southern California Research Institute, for the National Highway Traffic Safety Administration, 1999, in press.

Alcohol-Related Relative Risk of Driver Fatalities and Driver Involvement in Fatal Crashes in Relation to Age and Sex: An Update Using 1996 Data, by Paul Zador and Sheila Krawchuk of Westat, OInc, and Robert B. Voas of Pacific Institute for Research and Evaluation, May 1999, in press.

Driver Characteristics and Impairment at Various BACs, by Herbert Moskowitz, et al, Southern California Research Institute, for the National Highway Traffic Safety Administration, 1999, in press.

For additional copies of this publication please contact NHTSA at (202) 366-2727.