

HB

179

Adopted

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 179(JUD), Draft Version "L"

1 Page 1, line 8, following "of":

2 Insert "at least \$200 but not more than"

3

4 Page 1, line 9:

5 Delete "shall suspend the full amount of the fine and"

6 Insert "may suspend a portion of the fine imposed under this subsection that

7 exceeds \$200 if the court requires the person to pay for education or treatment

8 recommended by the court and shall"

*See amendment
#11 too.*

Adopted

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 179(JUD), Draft Version "L"

1 Page 2, lines 19 – 21:

2 Delete "The following conditions of probation apply:

3 (1) the person shall pay for and enroll in a juvenile alcohol safety
4 action program;

5 (2)"

6 Insert "The court may require the person to pay for and enroll in a juvenile alcohol
7 safety action program. The court shall impose the following conditions of probation:

8 (1)"

9

10 Renumber the following paragraphs accordingly.

11

12 Page 7, line 15:

13 Delete "has enrolled"

14 Insert ", if required to participate"

15

16 Page 7, line 16:

17 Delete "and"

18 Insert "has"

19

20 Page 9, line 22:

21 Delete "has enrolled"

22 Insert ", if required to participate"

23

24 Page 9, line 23:

1

Delete "and"

2

Insert ", has"

~~10/1/01~~
Action rescinded

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 179(JUD), Draft Version "L"

1 Page 1, line 10, following "section":

2 Insert "The court may require a person convicted under this subsection
3 to comply with ~~the jurisdiction of~~ a community diversion panel. In this
4 subsection, "community diversion panel" means a group approved for ~~treatment~~ ^{adjudication}
5 of ~~alcoholism~~ ^{of} persons under 21 years of age by the Department of Health and
6 Social Services"

#4. Amendment

Offered by Berkowitz
WITHDRAWN

Amend Section 1:

(b) Upon probable cause of a violation of (a) of this section by a person who has not been previously convicted of such violation or previously subject to an order under this section, a peace officer shall apply to the district court for an injunction against the person. Such injunction shall restrain the person from violating section (a) and may

- (1) order the subject to participate in or comply with the treatment plan of a rehabilitation program;
- (2) prohibit the subject from consuming alcohol, inhalants, or intoxicating substances;
- (3) prohibit the subject from driving or seeking a driver's license;
- (4) order the subject to pay court costs.

Amend Section 2 (Add a new subsection):

(c) Violation of this order may be punishable by a fine of 1,000 and 40 hours of community work.

Adopted

AMENDMENT #5

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG
TO: CS HB 179 (JUD)

Page 2, Line 14

Delete: "by the end of the next business day"

Insert: "within five working days"

Page 3, Line 27, after "revocation"

Insert: "within five working days"

AMENDMENT #6

OFFERED IN THE HOUSE
TO: CS HB 179 (JUD)

BY REPRESENTATIVE ROKEBERG

Conceptual Amendment

Require the driver's license of a repeat minor consumer to be revoked for three months.

Adopted

AMENDMENT #*LeB*

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG
TO: CSHB 179(JUD), Draft Version "L"

1 Page 2, line 3:

2 Delete "and"

3

4 Page 2, line 4, following "(2)":

5 Insert "revoke the person's driver's license for three months;

6 (3) take possession of the person's driver's license; and

7 (4)"

8

9 Page 3, lines 20 - 25:

10 Delete all material.

11 Insert "suspended incarceration. If the person was convicted under (c) or (d) of this
12 section, the court shall revoke the person's driver's license for an additional six months
13 beyond the revocation imposed under (c) or (d) of this section. A court revoking a person's
14 driver's license under this"

15

16 Page 5, line 4:

17 Delete "AS 04.16.050(d)"

18 Insert "AS 04.16.050(c), (d),"

19

20 Page 5, line 10:

21 Delete "AS 04.16.050(d)"

22 Insert "AS 04.16.050(c), (d),"

23

24 Page 5, lines 28 - 31:

1 Delete all material.

2 Insert "AS 04.16.050(c) or (d) shall revoke the person's driver's license or"

3

4 Page 6, line 2:

5 Delete "AS 04.16.050(d)"

6 Insert "AS 04.16.050(c) or (d)"

7

8 Page 9, line 16:

9 Delete "habitual"

10

11 Page 9, line 17:

12 Delete "AS 04.16.050(d)"

13 Insert "AS 04.16.050(c) or (d)"

14

15 Page 9, line 18:

16 Delete "AS 04.16.050(d)"

17 Insert "AS 04.16.050(c) or (d)"

18

19 Page 11, line 27:

20 Delete "habitual"

21

22 Page 11, line 28:

23 Delete "AS 04.16.050(d)"

24 Insert "AS 04.16.050(c) or (d)"

25

26 Page 11, line 30:

27 Delete "AS 04.16.050(d)"

28 Insert "AS 04.16.050(c) or (d)"

Adopted

AMENDMENT # 7

OFFERED IN THE HOUSE
TO: CS HB 179 (JUD)

BY REPRESENTATIVE ROKEBERG

Page 5, Line 24

Delete: "may not"

Insert: "shall"

Adopted

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CS HB 179 (JUD)

BY REPRESENTATIVE ROKEBERG

Page 1, Line 13

Delete: "(e)"

Insert: "(b)"

Page 2, Line 7

Delete: "(e)"

Insert: "(c)"

Page 2, Line 7

Delete: "or under this subsection"

Adopted

AMENDMENT #9

OFFERED IN THE HOUSE
TO: CS HB 179 (JUD)

BY REPRESENTATIVE ROKEBERG

Page 2, Line 19 after "later."

Insert: The defendant may not refuse probation.

Adopted

AMENDMENT #10

OFFERED IN THE HOUSE
TO: CS HB 179 (JUD)

BY REPRESENTATIVE ROKEBERG

Page 3, Line 18

Delete: "shall"

Insert: "may"

Page 3, Line 18 - 219

Delete: "if the person was convicted under (c) of this section"

~~XXXXXXXXXX~~

Amendment # 11

Adopted as Amended

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

(b) A person who violates (a) of this section and who has not been previously convicted or granted a suspended imposition of sentence under (1) of this subsection, is guilty of minor consuming or in possession or control [A VIOLATION]. Upon conviction in the district court, the court [MAY]

(1) may grant a suspended imposition of sentence under AS 12.55.085 and place the person on probation for one year or until the person is 21 years of age, whichever is later, if the person has not been convicted of a prior version of this section. Among the conditions of probation, the court shall, with the consent of a community diversion panel, refer the person to the panel, and require the person to comply with conditions set by the panel which may include counselling, education, treatment, community work service and payment of fees. In this subsection, "community diversion panel" means a youth court or other group approved by the court to dispose of cases involving violations of this section; or

or Dept of H+SS

(2) shall impose a fine of at least \$200 but not more than \$600, shall require the person to attend alcohol information school if the school is available, and shall place the person on probation under (c) of this section. The court may suspend a portion of the fine imposed under this subsection that exceeds \$200 if the person is required to pay for education or treatment required under (c) of this section[NOT LESS THAN \$100].

can "previously convicted" include a diversion panel?

Amendment to
Amendment

~~JY~~

~~OY~~

~~EN~~

~~MY~~

~~KN~~

~~BN~~

~~RY~~

22-LS0564\L
Ford
4/4/01

CS FOR HOUSE BILL NO. 179(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to underage drinking and drug offenses; and providing for an effective
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 (b) A person who violates (a) of this section and who has not been
6 previously convicted is guilty of minor consuming or in possession or control [A
7 VIOLATION]. Upon conviction in the district court, the court shall [MAY] impose a
8 fine of \$600 and require the person to attend alcohol information school if the
9 school is available. The court shall suspend the full amount of the fine and place
10 the person on probation under (e) of this section [NOT LESS THAN \$100].

11 * **Sec. 2.** AS 04.16.050 is amended by adding new subsections to read:

12 (c) A person is guilty of repeat minor consuming or in possession or control if
13 the person is on probation under (e) of this section or has been previously convicted,
14 and the person violates (a) of this section. Upon conviction in the district court, the

1 court shall

2 (1) impose a fine of \$1,000 and require at least 48 hours of community
3 work; and

4 (2) suspend up to \$500 of the fine and place the person on probation
5 under (e) of this section.

6 (d) A person is guilty of habitual minor consuming or in possession or control
7 if the person is on probation under (e) of this section or under this subsection, or has
8 been previously convicted twice, and the person violates (a) of this section. Habitual
9 minor consuming or in possession or control is a class B misdemeanor. Upon
10 conviction, the court may impose an appropriate period of imprisonment and fine and
11 place the person on probation under (e) of this section and shall

12 (1) impose at least 96 hours of community work;

13 (2) revoke the person's driver's license for six months;

14 (3) by the end of the next business day, notify the agency responsible
15 for the administration of motor vehicle laws of the revocation; and

16 (4) take possession of the person's driver's license.

17 (e) The court shall place a person sentenced under (b), (c), or (d) of this
18 section on probation for one year, or until the person is 21 years of age, whichever is
19 later. The following conditions of probation apply:

20 (1) the person shall pay for and enroll in a juvenile alcohol safety
21 action program;

22 (2) the person shall pay for and successfully complete any education or
23 treatment recommended;

24 (3) the person may not consume inhalants or possess or consume
25 controlled substances or alcoholic beverages, except as provided in AS 04.16.051(b);

26 (4) the person shall timely complete any community work ordered, as
27 provided in (f) of this section; and

28 (5) other conditions the court considers appropriate.

29 (f) A person ordered to perform community work under this section shall
30 perform the work within 120 days of the entry of judgment for a conviction. The court
31 may expand the time period for up to 30 days upon a showing of good cause. The

1 person shall submit verification of completion of community work to the clerk of court
2 on a form provided by the court. If the verification is not provided within the time
3 period required by this subsection, the court shall, within 30 days, schedule further
4 proceedings in the case to determine whether a violation of probation has occurred.

5 (g) The treatment recommended by a juvenile alcohol safety action program
6 for a person placed on probation under (e) of this section may include a period of
7 inpatient treatment if the judgment specifies the maximum period of inpatient
8 treatment authorized. A person who has been recommended for inpatient treatment
9 may make a written request to the sentencing court for review of the referral. A
10 person shall make a request for review within seven days after the recommendation
11 and shall specifically set out the grounds upon which the request for review is based.
12 The court may order a hearing on the request for review.

13 (h) The juvenile alcohol safety action program to which a person is referred
14 under this section shall inform the court or a minor's juvenile probation officer if the
15 person fails to submit to evaluation or fails to complete successfully any education or
16 treatment recommended. If the court finds that the person has failed to perform
17 community work as ordered, to submit to evaluation, or to complete successfully the
18 education or treatment recommended, the court shall impose the suspended fine if the
19 person was convicted under (c) of this section, and may impose any period of
20 suspended incarceration. If the person was convicted of repeat minor consuming or in
21 possession under (c) of this section, the court shall revoke the person's driver's license
22 for six months and take possession of the person's license. If the person was convicted
23 of habitual minor consuming or in possession under (d) of this section, the court shall
24 revoke the person's driver's license for an additional six months beyond the revocation
25 under (d) of this section. A court revoking a person's driver's license under this
26 subsection shall notify the agency responsible for the administration of motor vehicle
27 laws of the revocation.

28 (i) When considering the financial resources of a minor for purposes of
29 determining eligibility for court-appointed counsel under this section, the court shall
30 consider the resources of both the defendant and the defendant's parent or guardian,
31 unless the court finds good cause to treat the defendant's or the defendant's parent's or

1 guardian's resources as being unavailable to the defendant.

2 (j) A driver's license revocation under this section is consecutive to a
3 revocation imposed under another provision of law, but is concurrent with a
4 revocation under another provision of law based on a prior conviction, adjudication of
5 delinquency, or informal adjustment under AS 47.12.060.

6 (k) In this section,

7 (1) "driver's license" has the meaning given in AS 28.40.100;

8 (2) "juvenile alcohol safety action program" means

9 (A) a juvenile alcohol safety action program developed and
10 implemented or approved by the Department of Health and Social Services
11 under AS 47.37;

12 (B) any other alcohol education or treatment program approved
13 by the Department of Health and Social Services under AS 47.37 if a program
14 described in (A) of this paragraph is not available in the community in which
15 the person resides; or

16 (C) a program or counseling approved by the court if a program
17 or treatment described in (A) of this paragraph is not available in the
18 community where the person resides;

19 (3) "previously convicted" means a conviction or an adjudication as a
20 delinquent for a violation of AS 11.71, AS 28.35.030, 28.35.032, 28.35.280 -
21 28.35.290, or a law or ordinance in another jurisdiction with substantially similar
22 elements.

23 * Sec. 3. AS 04.16.180(a) is amended to read:

24 (a) Except as provided in AS 04.11.015, AS 04.16.025, 04.16.050
25 [AS 04.16.050(b)], 04.16.051, 04.16.200 - 04.16.210, and AS 04.21.065, a person who
26 violates a provision of this title or a regulation adopted by the board is guilty, upon
27 conviction, of a class A misdemeanor. Each violation is a separate offense.

28 * Sec. 4. AS 21.89.027 is amended to read:

29 **Sec. 21.89.027. Motor vehicle insurance following driver's license**
30 **revocation.** (a) Notwithstanding AS 21.36.210, an insurer offering insurance in this
31 state may not (1) refuse to issue or renew motor vehicle liability insurance coverage;

1 (2) cancel an existing policy of motor vehicle liability insurance; (3) deny a covered
2 claim; or (4) increase the premium on a motor vehicle liability insurance policy if the
3 refusal, cancellation, denial, or increase results only from the fact that the person's
4 driver's license was revoked under AS 04.16.050(d) or (h) [AS 28.15.183 OR
5 28.15.185] for possession or consumption of alcohol in a situation where the person
6 was not driving and was in violation of AS 04.16.050(a) [AS 04.16.050] or a
7 municipal ordinance with substantially similar elements.

8 (b) The provisions of (a) of this section may not prevent an insurer from
9 underwriting or rating based upon loss experience in the same manner as it would for a
10 person who has not had the person's driver's license revoked under AS 04.16.050(d)
11 or (h) [AS 28.15.183 OR 28.15.185].

12 * Sec. 5. AS 28.15 is amended by adding a new section to read:

13 **Sec. 28.15.176. Administrative revocation of license to drive for**
14 **consumption or possession of alcohol or drugs.** (a) The department shall revoke
15 the driver's license or permit, privilege to drive, or privilege to obtain a license of a
16 person not yet 18 years of age for

17 (1) six months when notified of an informal adjustment under
18 AS 47.12.060(b)(4) and shall revoke the person's driver's license or permit, privilege
19 to drive, or privilege to obtain a license for an additional six months when notified of
20 an unsuccessful adjustment under that paragraph;

21 (2) the time period specified in AS 28.15.185(b) when notified of an
22 informal adjustment under AS 47.12.060(b)(5).

23 (b) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, the
24 department may not require proof of financial responsibility before restoring a
25 person's privilege to drive under this section.

26 * Sec. 6. AS 28.15.181 is amended by adding a new subsection to read:

27 (i) A court convicting a person under

28 (1) AS 04.16.050(c) shall revoke the person's driver's license or permit,
29 privilege to drive, or privilege to obtain a license if the person is subject to revocation
30 under AS 04.16.050(h); and

31 (2) AS 04.16.050(d) shall revoke the person's driver's license or

1 permit, privilege to drive, or privilege to obtain a license as provided in
2 AS 04.16.050(d).

3 * Sec. 7. AS 28.15.183(a) is amended to read:

4 (a) If a peace officer has probable cause to believe that a person who is at least
5 14 years of age but not yet 21 years of age has [POSSESSED OR USED A
6 CONTROLLED SUBSTANCE IN VIOLATION OF AS 11.71 OR A MUNICIPAL
7 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS, POSSESSED OR
8 CONSUMED ALCOHOL IN VIOLATION OF AS 04.16.050 OR A MUNICIPAL
9 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS,] operated a
10 vehicle after consuming alcohol in violation of AS 28.35.280, or refused to submit to a
11 chemical test under AS 28.35.285, and the peace officer has cited the person or
12 arrested the person for the offense, the peace officer shall read a notice and deliver a
13 copy to the person. The notice must advise that

14 (1) the department intends to revoke the person's driver's license or
15 permit, privilege to drive, or privilege to obtain a license or permit;

16 (2) the person has the right to administrative review of the revocation;

17 (3) if the person has a driver's license or permit, the notice itself is a
18 temporary driver's license or permit that expires 10 days after it is delivered to the
19 person;

20 (4) revocation of the person's driver's license or permit, privilege to
21 drive, or privilege to obtain a license or permit, takes effect 10 days after delivery of
22 the notice to the person unless the person, within 10 days, requests an administrative
23 review;

24 (5) if the person has been cited under AS 28.35.280 or under
25 AS 28.35.285, that person, under AS 28.35.290, may not operate a motor vehicle,
26 aircraft, or watercraft during the 24 hours following issuance of the citation.

27 * Sec. 8. AS 28.15.183(c) is amended to read:

28 (c) Unless the person has requested an administrative review, the department
29 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
30 obtain a license or permit, effective 10 days after delivery to the person of the notice
31 required under (a) of this section, upon receipt of a sworn report of a peace officer

1 (1) that the officer had probable cause to believe that the person is at
2 least 14 years of age but not yet 21 years of age and has violated one of the offenses
3 described in (a) of this section;

4 (2) that the peace officer has cited or arrested the person for
5 [(A)] a violation of [AS 11.71, AS 04.16.050,] AS 28.35.280 [,]
6 or 28.35.285 [;] or

7 [(B) POSSESSION OR USE OF A CONTROLLED
8 SUBSTANCE OR ALCOHOL IN VIOLATION OF] a municipal ordinance
9 with substantially similar elements;

10 (3) that notice under (a) of this section was provided to the person; and

11 (4) describing the circumstances surrounding the offense.

12 * Sec. 9. AS 28.15.183(g) is amended to read:

13 (g) Except as provided under (h) of this section, the department may not issue
14 a new license or reissue a license to a person whose driver's license, permit, or
15 privilege to drive has been revoked under this section unless the person has enrolled
16 in a juvenile alcohol safety action program, as defined in AS 04.16.050, and
17 successfully completed any education or treatment recommended [IS
18 ENROLLED IN AND IS IN COMPLIANCE WITH, OR HAS SUCCESSFULLY
19 COMPLETED,

20 (1) AN ALCOHOLISM EDUCATION OR REHABILITATION
21 TREATMENT PROGRAM APPROVED UNDER AS 47.37, IF THE
22 REVOCATION RESULTED FROM POSSESSION OR CONSUMPTION OF
23 ALCOHOL IN VIOLATION OF AS 04.16.050 OR A MUNICIPAL ORDINANCE
24 WITH SUBSTANTIALLY SIMILAR ELEMENTS, FROM OPERATING A
25 VEHICLE AFTER CONSUMING ALCOHOL IN VIOLATION OF AS 28.35.280,
26 OR FROM REFUSAL TO SUBMIT TO A CHEMICAL TEST OF BREATH IN
27 VIOLATION OF AS 28.35.285; OR

28 (2) A DRUG EDUCATION OR REHABILITATION TREATMENT
29 PROGRAM, IF THE REVOCATION RESULTED FROM POSSESSION OR USE
30 OF A CONTROLLED SUBSTANCE IN VIOLATION OF AS 11.71 OR A
31 MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS].

1 * Sec. 10. AS 28.15.183(i) is amended to read:

2 (i) A person whose driver's license, permit, or privilege to drive was revoked
3 under this section may apply for reinstatement of the person's driver's license as
4 provided in this subsection. A person may apply to the department for reinstatement
5 by filing a written request for review of the revocation imposed under this section with
6 the department. The department shall issue a new license or reissue the person's
7 driver's license

8 [(1)] as provided under AS 28.15.211(d) if the department finds that

9 (1) [(A)] the application for reinstatement is filed at least one year after
10 the person's license, permit, or privilege was revoked;

11 (2) [(B)] the person complies with (g) of this section; and

12 (3) [(C)] the person has not violated a provision of this title or a
13 regulation of the department since the revocation [; OR

14 (2) IMMEDIATELY IF

15 (A) THE OFFENSE DESCRIBED UNDER (a) OF THIS
16 SECTION FOR WHICH THE PERSON WAS CITED OR ARRESTED IS
17 NOT PROSECUTED OR THE PROSECUTION RESULTS IN DISMISSAL
18 BY A COURT; OR

19 (B) A COURT OR JURY FINDS THAT THE PERSON IS
20 NOT GUILTY OF THE OFFENSE DESCRIBED UNDER (a) OF THIS
21 SECTION FOR WHICH THE PERSON WAS CITED OR ARRESTED].

22 * Sec. 11. AS 28.15.184(g) is amended to read:

23 (g) The hearing for review of a revocation by the department under
24 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
25 of age but not yet 21 years of age and whether the person [POSSESSED OR USED A
26 CONTROLLED SUBSTANCE IN VIOLATION OF AS 11.71 OR A MUNICIPAL
27 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS, OR POSSESSED
28 OR CONSUMED ALCOHOL IN VIOLATION OF AS 04.16.050 OR A
29 MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS,]
30 operated a vehicle after consuming alcohol in violation of AS 28.35.280 [,] or refused
31 to submit to a chemical test of breath in violation of AS 28.35.285.

1 * **Sec. 12.** AS 28.15.185(a) is amended to read:

2 (a) A person [WHO IS AT LEAST 13 YEARS OF AGE BUT NOT OLDER
3 THAN 17 YEARS OF AGE] is subject to revocation, under (b) of this section, of the
4 person's driver's license or permit, privilege to drive, or privilege to obtain a license if
5 the person

6 (1) is at least 13 years of age but not yet 21 years of age and is
7 convicted of or is adjudicated a delinquent minor by a court for

8 [(1)] misconduct involving a controlled substance under AS 11.71 or a
9 municipal ordinance with substantially similar elements; or

10 (2) is at least 13 years of age but not yet 18 years of age and is
11 convicted of or is adjudicated a delinquent minor by a court for an offense
12 involving the illegal use or possession of a firearm that is punishable under AS 11 or a
13 municipal ordinance with substantially similar elements.

14 * **Sec. 13.** AS 28.15.185 is amended by adding a new subsection to read:

15 (e) In addition to revocation imposed under this section, a court that
16 adjudicates a delinquent minor for habitual minor consuming or in possession or
17 control under AS 04.16.050(d) shall revoke the minor's driver's license, privilege to
18 drive, or privilege to obtain a license as provided in AS 04.16.050(d).

19 * **Sec. 14.** AS 28.15.211 is amended by adding a new subsection to read:

20 (g) The department may not issue a new license or reissue a license to a
21 person whose driver's license has been revoked under AS 04.16.050, AS 28.15.183, or
22 28.15.185 unless the person has enrolled in a juvenile alcohol safety action program
23 and successfully completed any education or treatment recommended. In this
24 subsection, "juvenile alcohol safety action program" has the meaning given in
25 AS 04.16.050.

26 * **Sec. 15.** AS 47.12.030(b) is amended to read:

27 (b) When a minor is accused of violating a statute specified in this subsection,
28 other than a statute the violation of which is a felony, this chapter and the Alaska
29 Delinquency Rules do not apply and the minor accused of the offense shall be
30 charged, prosecuted, and sentenced in the district court in the same manner as an
31 adult; if a minor is charged, prosecuted, and sentenced for an offense under this

1 subsection, the minor's parent, guardian, or legal custodian shall be present at all
2 proceedings; the provisions of this subsection apply when a minor is accused of
3 violating

4 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
5 a municipality;

6 (2) AS 11.76.105, relating to the possession of tobacco by a person
7 under 19 years of age;

8 (3) a fish and game statute or regulation under AS 16;

9 (4) a parks and recreational facilities statute or regulation under
10 AS 41.21;

11 (5) AS 04.16.050, relating to possession, control, or consumption of
12 alcohol, except for conduct constituting habitual minor consuming or in
13 possession or control under AS 04.16.050(d); and

14 (6) a municipal curfew ordinance, whether adopted under
15 AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its
16 ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed for
17 the violation of a municipal curfew ordinance, the court shall allow a defendant the
18 option of performing community work; the value of the community work, which may
19 not be lower than the amount of the fine, shall be determined under AS 12.55.055(c);
20 in this paragraph, "community work" includes the work described in AS 12.55.055(b)
21 or work that, on the recommendation of the municipal or borough assembly, city
22 council, or traditional village council of the defendant's place of residence, would
23 benefit persons within the municipality or village who are elderly or disabled.

24 * Sec. 16. AS 47.12.060(b) is amended to read:

25 (b) When the department or the entity selected by it decides to make an
26 informal adjustment of a matter under (a)(2) of this section, that informal adjustment

27 (1) must be made with [MAY NOT BE MADE WITHOUT] the
28 agreement or consent of the minor and the minor's parents or guardian to the terms and
29 conditions of the adjustment; [.]

30 (2) must give [IN ADDITION, THE DEPARTMENT OR ENTITY
31 SHALL GIVE] the minor's foster parent an opportunity to be heard before the

1 informal adjustment is made; [.]

2 (3) must include notice that [AN] informal action to adjust a matter is
3 not successfully completed unless, among other factors that the department or the
4 entity selected by it considers, as to the victim of the act of the minor that is the basis
5 of the delinquency allegation, the minor pays restitution in the amount set by the
6 department or the entity selected by it or agrees as a term or condition set by the
7 department or the entity selected by it to pay the restitution;

8 (4) for a violation of habitual minor consuming or in possession or
9 control under AS 04.16.050(d) must include an agreement that the minor
10 perform 96 hours of community work, provide that the minor's driver's license
11 or permit, privilege to drive, or privilege to obtain a license be revoked for six
12 months, and provide that the driver's license or permit, privilege to drive, or
13 privilege to obtain a license be revoked for an additional six months if the
14 informal adjustment is not successful because the minor has failed to perform
15 community work as ordered, or has failed to submit to evaluation or successfully
16 complete the education or treatment recommended; the department or an entity
17 selected by the department shall notify the agency responsible for issuing driver's
18 licenses of an informal adjustment under this paragraph or of an unsuccessful
19 adjustment described in this paragraph;

20 (5) of an offense described in AS 28.15.185(a)(1) must include an
21 agreement that the minor's driver's license or permit, privilege to drive, or
22 privilege to obtain a license be revoked as provided in AS 28.15.185(b); the
23 department or an entity selected by the department shall notify the agency
24 responsible for issuing driver's licenses of an informal adjustment under this
25 paragraph.

26 * Sec. 17. AS 47.12.120 is amended by adding a new subsection to read:

27 (k) A court that adjudicates a delinquent minor for habitual minor consuming
28 or in possession or control under AS 04.16.050(d) shall revoke the minor's driver's
29 license or permit, privilege to drive, or privilege to obtain a license as provided in
30 AS 04.16.050(d). A court that adjudicates a delinquent minor for an offense involving
31 a controlled substance under AS 11.71 or involving a firearm under AS 11 shall

1 revoke the minor's driver's license or permit, privilege to drive, or privilege to obtain a
2 license as provided in AS 28.15.185.

3 * **Sec. 18.** AS 47.37.040 is amended by adding a new paragraph to read:

4 (20) develop and implement or designate, in cooperation with other
5 state or local agencies, a juvenile alcohol safety action program that provides alcohol
6 and substance abuse screening, referral, and monitoring of persons under 18 years of
7 age who have been referred to it by

8 (A) a court in connection with a charge or conviction of a
9 violation or misdemeanor related to the use of alcohol or a controlled
10 substance;

11 (B) the agency responsible for the administration of motor
12 vehicle laws in connection with a license action related to the use of alcohol or
13 a controlled substance; or

14 (C) the department after a delinquency adjudication that is
15 related to the use of alcohol or a controlled substance.

16 * **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 APPLICABILITY. This Act applies to offenses committed on or after the effective
19 date of this Act, except that references to previous convictions include convictions occurring
20 before, on, or after the effective date of this Act.

21 * **Sec. 20.** This Act takes effect July 1, 2001.

Amendment #1 . Adopted

Delete Section 1 and replace with:

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

(b) A person who violates (a) of this section and who has not been previously convicted is guilty of minor consuming or in possession or control [A VIOLATION].

Upon conviction in the district court, the court shall [MAY] impose a fine of \$600 [NOT LESS THAN \$100]. The court shall suspend the full amount of the fine, and place the person on probation under (e) of this section.

Delete Section 2 and replace with:

***Sec. 2.** AS 04.16.050 is amended by adding new subsections to read:

(c) A person is guilty of repeat minor consuming or in possession or control if the person is on probation under (b) of this section or has been previously convicted, and the person violates (a) of this section. Upon conviction in the district court, the court shall impose a fine of \$1000 and at least 48 hours of community work service. The court shall suspend a portion of the fine up to \$500, and place the person on probation under (e) of this section.

(d) A person is guilty of habitual minor consuming or in possession or control if the person is on probation under (c) of this section or this subsection, or has been twice previously convicted, and the person violates (a) of this section. Habitual minor consuming or in possession or control is a class B misdemeanor. Upon conviction, the court may impose an appropriate period of imprisonment and fine and place the person on probation under (e) of this section, and shall

- (1) impose at least 96 hours of community work service;
- (2) revoke the person's privilege to drive for six months, and by the end of the next business day shall notify the division of motor vehicles of the revocation;
and
- (3) take possession of any driver's license or permit.

(e) A person sentenced under (b), (c) or (d) of this section shall be placed on probation for one year, or until the person turns 21, whichever is later. The conditions of probation are:

- (1) that the person pay for and enroll in a juvenile alcohol safety action program;
- (2) that the person pay for and successfully complete any education or treatment recommended;
- (3) that the person not consume inhalants, or possess or consume controlled substances or alcoholic beverages, except as provided in AS 04.16.051(b);
- (4) that the person timely complete any community work service ordered, as provided in (f) of this section; and
- (5) any other condition the court considers appropriate.

(f) Community work service ordered under this section must be performed within 120 days of the entry of judgment for a conviction. The court may expand the time period for up to 30 days upon a showing of good cause. The person shall submit verification of completion of community work service to the clerk of court on a form provided by the court. If the verification is not provided within the time period required

by this subsection, within 30 days the court shall schedule further proceedings in the case to determine whether a violation of probation has occurred.

(b) The treatment recommended by a juvenile alcohol safety action program under (b), (c) or (d) of this section may include a period of inpatient treatment if the judgment specifies the maximum period of inpatient treatment authorized. A person who has been recommended for inpatient treatment may make a written request to the sentencing court for review of the referral. The request for review shall be made within seven days of the recommendation, and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(h) The juvenile alcohol safety action program to which a person is referred under this section shall inform the court or a minor's juvenile probation officer if the person fails to submit to evaluation or fails to successfully complete any education or treatment recommended. If the court finds that the person has failed to perform community work service as ordered, or has failed to submit to evaluation or successfully complete the education or treatment recommended, the court shall impose the suspended fine and may impose any period of suspended incarceration. If the person was convicted of repeat minor consuming or in possession under (c) of this section, the court shall also revoke the person's privilege to drive for six months, and shall take possession of any driver's license or permit. If the person was convicted of habitual minor consuming or in possession under (d) of this section, the sentencing court or juvenile court shall revoke the person's privilege to drive for an additional six months beyond the revocation under (d) of this section. A court revoking the privilege to drive under this subsection shall notify the division of motor vehicles.

(i) In this section,

(1) "juvenile alcohol safety action program," means

(A) a juvenile alcohol safety action program developed and implemented or approved by the Department of Health and Social Services under AS 47.37;

(B) any other alcohol education or treatment program approved by the Department of Health and Social Services under AS 47.37, if a program described in AS 04.16.050(g)(1) is not available in the community in which the person resides; or

(C) a program or counseling approved by the court, if a program or treatment described in AS 04.16.050(g)(1)(A) or (B) is not available in the community where the person resides;

(2) "previously convicted" means a conviction or an adjudication as a delinquent for a violation of AS 28.35.030, 28.35.032, AS 28.35.280 -- 28.35.290, AS 11.71, or a law or ordinance in another jurisdiction with substantially similar elements;

(3) "privilege to drive" means a driver's license or permit, or privilege to obtain a driver's license or permit.

Delete Section 4 and replace with:

* **Sec. 4.** AS 28.15 is amended by adding a new section to read:

Sec. 28.15.176. Administrative revocation for minors who consume or possess alcohol or drugs. (a) The department shall revoke the privilege to drive of a minor for

(1) six months, when notified of an informal adjustment under AS 47.12.060(b)(4), and shall revoke the minor's privilege to drive for an additional six months when notified of an unsuccessful adjustment under that statute;

(2) the time period specified in AS 28.15.185(b), when notified of an informal adjustment under AS 47.12.060(b)(5).

(b) The department may not issue a new license or reissue a license to a person whose privilege to drive has been revoked under AS 04.16.050, AS 28.15.183 or AS 28.15.185 unless the person has enrolled in a juvenile alcohol safety action program and successfully completed any education or treatment recommended.

(c) A revocation under AS 04.16.050 is consecutive to a revocation imposed under another provision of law, but is concurrent with a revocation under that statute based on a prior conviction, adjudication of delinquency or informal adjustment under AS 47.12.060.

(d) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, the department may not require proof of financial responsibility before restoring a person's privilege to drive under this section.

(e) In this section,

- (1) "juvenile alcohol safety action program," has the meaning given in AS 04.16.050;
- (2) "privilege to drive" has the meaning given in AS 04.16.050;

Delete Section 5 and replace with:

***Sec. 5.** AS 28.15.181 is amended by adding a new subsection to read:

(i) A court convicting a person under AS 04.16.050(c) or (d) shall revoke the person's privilege to drive as provided in AS 04.16.050. As used in this subsection, "privilege to drive" has the meaning given in AS 04.16.050.

Add a new Section:

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

(g) Except as provided under (h) of this section, the department may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person has enrolled in a juvenile alcohol safety action program, as defined in AS 04.16.050, and successfully completed any education or treatment recommended [IS ENROLLED IN AND IS IN COMPLIANCE WITH, OR HAS SUCCESSFULLY COMPLETED,

- (1) AN ALCOHOLISM EDUCATION OR REHABILITATION TREATMENT PROGRAM APPROVED UNDER AS 47.37. IF THE REVOCATION RESULTED FROM POSSESSION OR CONSUMPTION OF ALCOHOL IN VIOLATION OF AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS, FROM] OPERATING A VEHICLE AFTER

CONSUMING ALCOHOL IN VIOLATION OF AS 28.35.280, OR FROM REFUSAL TO SUBMIT TO A CHEMICAL TEST OF BREATH IN VIOLATION OF AS 28.35.285; OR

(2) A DRUG EDUCATION OR REHABILITATION TREATMENT PROGRAM, IF THE REVOCATION RESULTED FROM POSSESSION OR USE OF A CONTROLLED SUBSTANCE IN VIOLATION OF AS 11.71 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS].

Delete Section 13 and replace with

***Sec. 13.** AS 47.12.060(b) is amended to read:

(b) When the department or an entity selected by it decides to make an informal adjustment of a matter under (a)(2) of this section, that informal adjustment **(1) must be made with** [MAY NOT BE MADE WITHOUT] the agreement or consent of the minor and the minor's parents or guardian to the terms and conditions of the adjustment;[.]

(2) must give [IN ADDITION, THE DEPARTMENT OR ENTITY SHALL GIVE] the minor's foster parents an opportunity to be heard before the informal adjustment is made;[.]

(3) must include notice that [AN] informal action to adjust a matter is not successfully completed unless, among other factors that the department or entity selected by it considers, as to the victim of the act of the minor that is the basis of the delinquency allegation, the minor pays restitution in the amount set by the department or the entity selected by it or agrees as a term

or condition set by the department or the entity selected by it to pay the restitution;

(4) for a violation of habitual minor consuming or in possession under AS 04.16.050(d), must include an agreement that the minor perform 96 hours of community work service and that the minor's privilege to drive be revoked for six months, as if the minor had been adjudicated delinquent, and that the privilege to drive be revoked for an additional six months if the informal adjustment is not successful because the minor has failed to perform community work service as ordered, or has failed to submit to evaluation or successfully complete the education or treatment recommended. The department or entity selected by it shall notify the division of motor vehicles of an informal adjustment under this paragraph, and of an unsuccessful adjustment described in this paragraph;

(5) of an offense described in AS 28.15.185(a) must include an agreement that the minor's privilege to drive be revoked as provided in AS 28.15.185(b), as if the minor had been adjudicated delinquent. The department or entity selected by it shall notify the division of motor vehicles of an informal adjustment under this paragraph.

Add a new section:

*Sec. _____. AS 47.37.040 is amended by adding a new paragraphs to read:

(20) develop and implement or designate, in cooperation with other state or local agencies, a juvenile alcohol safety action program that provides alcohol and substance abuse screening, referral, and monitoring of persons under 21 years of age who have been referred to it by a court in connection with a charge or conviction of a violation or misdemeanor related to the use of alcohol or a controlled substance, by the division of motor vehicles in connection with a license action related to the use of alcohol or a controlled substance, or the division of juvenile justice after a delinquency adjudication that is related to the use of alcohol or a controlled substance.

Amendment #2. adopted

Conceptual amendment

delete treatment / JSAP
require education course

} for 1st time offenders
/

Adopted

AMENDMENT #3

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG
TO: HB 179

This is a conceptual amendment.

Add a new subsection to AS 04.16.050 stating:

When considering the financial resources of a minor for purposes of determining the eligibility for court-appointed counsel, the court shall consider the resources of both the defendant and the defendant's parents, unless the court finds good cause to treat their resources as being unavailable to the defendant.

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman
Representative Scott Ogan, Vice-Chairman
Representative John Coghill
Representative Jeannette James
Representative Kevin Meyer
Representative Ethan Berkowitz
Representative Albert Kookesh



State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4990
Fax: (907) 465-2040

Heather M. Nobrega
Counsel to Committee

Sponsor Statement for HB 179

In 1994, the Legislature enacted the "Use It, Lose It" law (AS 28.15.183) for minors who are caught possessing or using alcohol. If a minor is caught using alcohol, his/her driver's license would be administratively revoked for a period of time.

In December, in a case called *State v. Niedermeyer*, the Alaska Supreme Court found that taking away a minor's driver's license for possession or consumption of alcohol or a controlled substance, without giving them a trial, was in violation of a minor's constitutional right to due process.

If a minor is caught using alcohol or drugs, they are sent a letter from the DMV stating that the DMV will not revoke their license until there has been a court conviction for the offense. At present, the district attorney's office is not prosecuting minors caught for consumption of alcohol, because the court system is not prepared to handle jury trials for this type of case.

The effect of the *Niedermeyer* decision is that minors now go virtually unpunished for possessing or consuming alcohol. The maximum penalty that may currently be enforced on minors who are caught consuming or possessing alcohol is a \$100 fine.

This law will impose appropriate punishments on minors who use alcohol, and will be a deterrent to minors when they consider drinking. Statistics show that the earlier a person begins drinking, the more likely they are to have problems with alcohol later in life. By sending a message early to minors that their actions will not go unpunished, we hope to deter alcohol problems in the future.

This bill will establish a graduated system of punishment for minors who are caught consuming, possessing or controlling alcohol. On a minor's first offense, he/she would be subject to a fine of between \$200-600, and at least 24 hours of community work service. On a minor's second offense, the minor would be guilty of repeat minor consuming and would be subject to a fine of between \$500-1000, and at least 48 hours of community work service. A minor's third offense would cause them to be guilty of habitual minor consuming. This is a class B misdemeanor, which results in up to a \$1000 fine and 90 days in jail. In addition, the minor will lose his/her license for a period of six months, will be required to complete at least 96 hours of community work service, and will be required to receive alcoholism treatment.

The committee urges your support of this bill.

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman
Representative Scott Ogan, Vice-Chairman
Representative John Coghill
Representative Jeannette James
Representative Kevin Meyer
Representative Ethan Berkowitz
Representative Albert Kookesh



State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4990
Fax: (907) 465-2040

Heather M. Nobrega
Counsel to Committee

Sectional Analysis for HB 179

- Section 1:** Establishes penalty for first time minors caught consuming, possessing or controlling alcohol.
- Section 2:** Establishes penalty for minors caught consuming, possessing or controlling alcohol for a second time.
- Establishes penalty for minors caught consuming, possessing or controlling alcohol three or more times.
- Sets forth when a license revocation is consecutive vs. concurrent.
- Defines "previously convicted."
- Section 3:** Conforms statute number.
- Section 4:** Creates a statute, AS 28.15.176, that allows for administrative revocation of licenses for minors who consume or possess alcohol or drugs.
- Section 5:** Requires the court convicting a minor of habitual consuming to revoke the minor's license.
- Section 6:** Removes possession or use of a controlled substance, and possession or consumption of alcohol from the current administrative revocation of license statute, AS 28.15.183.
- Section 7:** Same as Section 6.
- Section 8:** Deletes the requirement of immediate renewal of a license if there is no prosecution, the prosecution results in a dismissal, or the person is found not guilty.

- Section 9:** Removes possession or use of a controlled substance, and possession or consumption of alcohol from the administrative hearing process for revocations under AS 28.15.183.
- Section 10:** Amends the ages when a court can revoke a minor's license for misconduct involving a controlled substance, or for an offense involving illegal use or possession of a firearm.
- Section 11:** Adds habitual minor consuming, possessing or control to the list of offenses that require the court to revoke a minor's license.
- Section 12:** Exempts minor consuming, possessing or controlling alcohol from the juvenile justice system. Habitual minor consumers are excluded from this exemption, however, and are to be placed in the juvenile justice system on their third or subsequent offense.
- Section 13:** Requires that when making an informal adjustment of a delinquent minor, the informal adjustment: (1) must be made with the agreement and consent of the minor and minor's parents; (2) must give the minor's foster parents an opportunity to be heard; (3) must include notice that restitution will be necessary; (4) for a violation of habitual consuming, possession or control, must include an agreement that the minor perform 96 hours of community work service, and have their license revoked for six months, and (5) for an offense described in AS 28.15.185 (a)(1), must include an agreement that the minor's license be revoked as if the minor has been adjudicated delinquent.
- Section 14:** Requires the court adjudicating a delinquent minor for possession, consumption or control of alcohol, for an offense involving a controlled substance, or involving a firearm to revoke the minor's license.
- Section 15:** Makes this act applicable to offenses committed on or after the effective date. Except that references to previous convictions includes convictions occurring before, on or after the effective date.
- Section 16:** Effective date is July 1, 2001.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. HB 179

Revision Date/Time (Note if correction) _____ Dept. Affected _____
 Title Minor Consuming BRU Alaska Court System
 Component Trial Courts
 Sponsor House Judiciary
 Requester House Judiciary Component No. 768

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 | 95.1 | 95.1 | 95.1 | 95.1 | 95.1 | 95.1 |
| Travel | | | | | | |
| Contractual | 49.9 | 49.9 | 49.9 | 49.9 | 49.9 | 49.9 |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 145.0 | 145.0 | 145.0 | 145.0 | 145.0 | 145.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 145.0 | 145.0 | 145.0 | 145.0 | 145.0 | 145.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 145.0 | 145.0 | 145.0 | 145.0 | 145.0 | 145.0 |

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | | | | | | |
| Part-time | 2 | 2 | 2 | 2 | 2 | 2 |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

House Bill 179 makes several changes to the minor consuming alcohol (MCA) laws. Sections 1 and 2 of the bill increase the fines for first and second offenses and provide for mandatory community work service (CWS). Section 3 of the bill makes third and subsequent offenses a class B misdemeanor and provides for mandatory CWS, alcohol treatment, and driver's license revocation. The bill removes those provisions in current law that provide for the revocation of an offender's driver's license for non-criminal violations of the MCA law.

The Department of Law estimates that 4800 people a year will fall under the terms of this bill. Because the Department of Law believes that mandatory CWS triggers the right to appointed counsel and a jury trial, this note assumes that all MCA cases will be treated much like misdemeanors. Because MCA cases already require a court appearance, the only significant difference for the court system between a MCA violation and an MCA being treated like a misdemeanor is the costs associated with jury trials. The misdemeanor trial rate is approximately 1%. This note, therefore, reflects the costs associated with 48 misdemeanor jury trials.

Prepared by: Douglas Wooliver Phone 463-4750
 Division: Alaska Court System Date/Time 3/22/01 @ 4:30 P.M.
 Approved by: Stephanie Cole Date _____
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Court System
 Fiscal Note Calculations for HB 179

| <u>District Court:</u> | FY02 | FY03 | FY04 | FY05 | FY06 |
|---|---------|---------|---------|---------|---------|
| 25 Jurors 1.0 Days for Selection | 625 | 625 | 625 | 625 | 625 |
| 7 Jurors for 1.5 Days of Court | 263 | 263 | 263 | 263 | 263 |
| 6 Jurors for .5 Days of Deliberation | 75 | 75 | 75 | 75 | 75 |
| Deliberation Meal \$11/12 jurors + bailiff | 77 | 77 | 77 | 77 | 77 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Total per District Court Trial | 1,040 | 1,040 | 1,040 | 1,040 | 1,040 |
| Proposed # District Court Trials | 48 | 48 | 48 | 48 | 48 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Estimated Cost of District Court Trials | 49,896 | 49,896 | 49,896 | 49,896 | 49,896 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| District Court Judge (7 months*) | 70,586 | 70,586 | 70,586 | 70,586 | 70,586 |
| In-Court Clerk (7 months*) | 24,498 | 24,498 | 24,498 | 24,498 | 24,498 |
| Personnel Costs | 95,085 | 95,085 | 95,085 | 95,085 | 95,085 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Total Jury and Personnel costs for 48 Misdemeanor Trials | 144,981 | 144,981 | 144,981 | 144,981 | 144,981 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |

*48 trials X 3 days/trial = 144 work days/20 workdays per month = 7 months

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: HB 179
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to underage drinking and drug offenses; and providing for an effective date." BRU Criminal Division
 Sponsor House Judiciary Committee Component 3rd Judicial Dist: Anch; 3rd Judicial Dist: Outside Anch; 4th Judicial Dist
 Requester House Judiciary Committee Component No. 2201;61;79

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 | 151.1 | 151.1 | 151.1 | 151.1 | 151.1 | 151.1 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 28.0 | 28.0 | 28.0 | 28.0 | 28.0 | 28.0 |
| Supplies | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| Equipment | 26.0 | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 209.1 | 183.1 | 183.1 | 183.1 | 183.1 | 183.1 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 209.1 | 183.1 | 183.1 | 183.1 | 183.1 | 183.1 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 209.1 | 183.1 | 183.1 | 183.1 | 183.1 | 183.1 |

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 | 4 | 4 | 4 | 4 | 4 | 4 |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*
 HB 179 would change the minor consuming or in possession statutes as follows: For a 1st offense, the fine would be increased from \$100 to between \$200 and \$600, and the minor would be required to perform at least 24 hours of community work service. For a 2nd offense, the fine must be between \$500 and \$1,000, and at least 48 hours of community work service will be imposed. A 3rd and subsequent offense would be a class B misdemeanor, with the penalty of loss of driving privileges for six months, mandatory alcohol treatment, and at least 96 hours of community work service.
 The bill makes numerous other changes relating to minor consuming; however, the changes listed above are the ones that will have a fiscal impact on the Department of Law. This is because the imposition of mandatory community work service for minor consuming or in possession or control, whether for a first or subsequent offense, will entitle all those minors to a jury trial and public counsel.

Prepared by: Joan M. Kasson Phone 465-5370
 Division Attorney General's Office Date/Time 3/22/01 11:22 AM
 Approved by: Kathryn Dauqhettee for Bruce M. Botelho, Attorney General Date 3/22/01
 Agency Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. HB 179

ANALYSIS CONTINUATION

The Division of Motor Vehicles reports that prior to the *Niedermeyer* decision, they revoked about 4,800 drivers' licenses per year for alcohol violations by minors. Not all these violations were pursued in court, because many police officers believed it was better and easier to simply refer the matter to DMV for license revocation. We will assume, however, that now all such violations will result in a citation being filed in court.

Under these circumstances, those citations would come to the Department of Law, and a file would be opened. We believe that in approximately 1 percent of the cases the defendant would request a jury trial. We believe that the estimated 50 new jury trials statewide could be handled within existing Criminal Division resources.

The division could not, however, absorb the increased clerical duties associated with opening nearly 5,000 new files each year, and dealing with the paperwork and pleadings in all those cases. We would need to add four Administrative Clerk II positions: one each in Anchorage, Palmer, Bethel, and Fairbanks, for a total first-year cost of \$209,059, including one-time equipment costs of \$26,000.

| Component | Position | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|--|-------------------------|---------|---------|---------|---------|---------|---------|
| Criminal Division: 3rd Judicial District: Anchorage (2261) | | | | | | | |
| | 100 1 Admin Clerk II | 34.8 | 34.8 | 34.8 | 34.8 | 34.8 | 34.8 |
| | 200 | | | | | | |
| | 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 1004 General Fund | 49.3 | 42.8 | 42.8 | 42.8 | 42.8 | 42.8 |
| Criminal Division: 3rd Judicial District: Outside Anchorage (2279) | | | | | | | |
| | 100 1 Admin Clerk II | 34.8 | 34.8 | 34.8 | 34.8 | 34.8 | 34.8 |
| | 200 | | | | | | |
| | 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 1004 General Fund | 49.3 | 42.8 | 42.8 | 42.8 | 42.8 | 42.8 |
| Criminal Division: 4rd Judicial District (2201) | | | | | | | |
| | 100 2 Admin Clerk II | 81.4 | 81.4 | 81.4 | 81.4 | 81.4 | 81.4 |
| | 200 | | | | | | |
| | 300 | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 |
| | 400 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| | 500 | 13.0 | | | | | |
| | Total 1004 General Fund | 110.4 | 97.4 | 97.4 | 97.4 | 97.4 | 97.4 |
| Total | | 209.1 | 183.1 | 183.1 | 183.1 | 183.1 | 183.1 |

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 179
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: An Act relating to underage drinking and BRU: Alcohol & Drug Abuse Svcs
drug offenses Component: Alcohol/Drug Abuse Grants
Sponsor: House (JUD)
Requester: House (JUD) 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 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 | 1,010.5 |

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 | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

HB 179 creates a class B misdemeanor crime of "habitual minor consuming." Upon conviction the court is to require the individual to receive treatment specified under AS 28.35.030(h). AS 28.35.030(h) is geared toward the sentencing of adult DWI offenders. ASAP is responsible for the screening, referral and subsequent monitoring of person who need substance abuse education or treatment. Those persons needing treatment would be referred to existing treatment providers in their community. This fiscal note would fund the necessary treatment expansion to meet the demand.

The existing service system for youth is under capacity and this new demand must be met with increased service capacity. The need to provide treatment to the expected 1,048 new cases requires expansion of the treatment capacity for youth.

Prepared by: Ernie Turner Phone 465-2071
Division: Alcohol and Drug Abuse Date/Time 3/26/01 1:04 PM
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/26/01 1:04 PM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

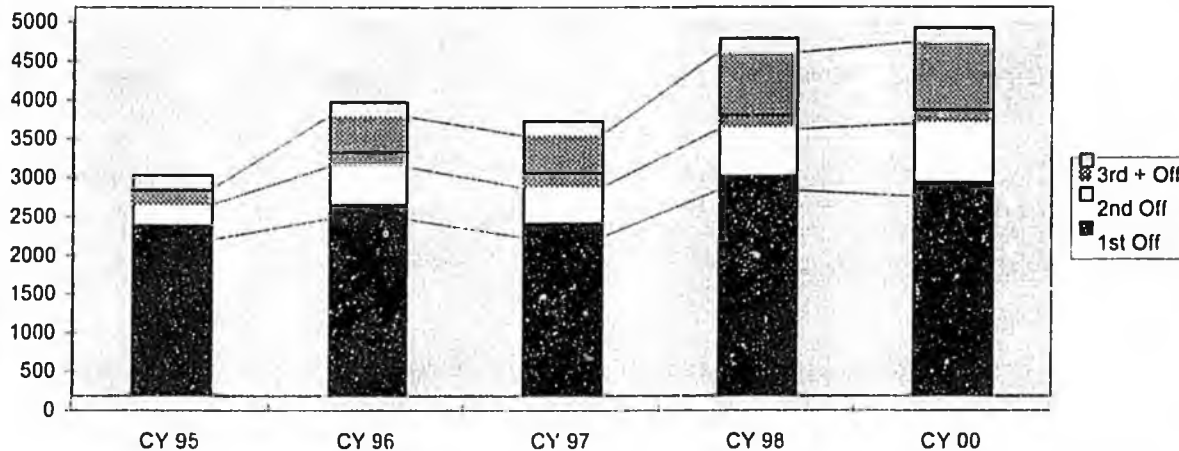
ANALYSIS: (continued)

For youth who have committed their third offense, after the fines and community work services sanction from the first and second offenses, must be considered to be at high risk. Thus all should be referred to some level of treatment. For many youth this may only require brief interventions and for some possible residential placement. It is difficult to predict what the level of care required would be for the expected number of persons. In the Division presentation to the Judiciary committee on HB 4, the Division indicated that the costs per adult treated was \$1,854. This would include care from detox to brief interventions averaged across all levels of care. No similar figures exist for treatment of youth. This request is based on our estimate that we could provide appropriate levels of care for these persons by using an average that would be a little more than half the adult costs. This estimate results in the need for \$975 per youth estimated to be affected by this bill. Thus for the estimated 1,048 new persons needing some level of treatment (third offenses), a total treatment cost of \$1,010,500 is projected.

The Division of Motor Vehicles has been keeping records of the number of youth who lose their driver's license under existing statutes since CY 95. As review of this data indicates that in CY 2000 1,048 youth lost their driver's license due to having had their third minor consuming or minor in possession offense. Since the number of youth with a third offense has grown each year since CY 95 we would project that under this crime we could expect to see that many youth being sent to ASAP under this bill.

As can be seen by the data from the Division of Motor Vehicles (shown in the chart below), it indicates that over the past years the number of youth losing their driving licenses for minor consuming has been increasing. The number that have lost their license for second and third or more offenses has also risen. The chart below is from this data and clearly shows that the number of youth that could be determined to be guilty of "habitual minor consuming" would be high.

Comparison of the number of youth who have lost their driver's license due to 1st, 2nd, or 3rd MC/MIP offense in CY 1995, 1996, 1997, 1998 and 2000



FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: HB 179
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: An Act relating to underage drinking and BP.U: Alcohol & Drug Abuse Svcs
drug offenses Component: Alcohol Safety Action Program
 Sponsor: House (JUD)
 Requester: House (JUD) 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 | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| 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 | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 | 63.5 |

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)

HB 179 creates a class B misdemeanor crime of "habitual minor consuming." Upon conviction the court is to require the individual to receive treatment specified under AS 28.35.030(h). AS 28.35.030(h) is geared toward the sentencing of adult DWI offenders. The existing Alcohol Safety Action Program (ASAP) program does not serve minors (persons under 18). ASAP functions not as treatment but as the monitor of compliance with conditions of the court as part of the sentence. The ASAP office in Anchorage provides the ASAP services in Anchorage as well as providing oversight and technical assistance to other grantee ASAP statewide. This position will work on establishing new standards for dealing with youth under this program for both Anchorage and other programs statewide. These standards would establish how the ASAP programs will make certain that the screening and referral process is appropriate for these person convicted under this new crime.

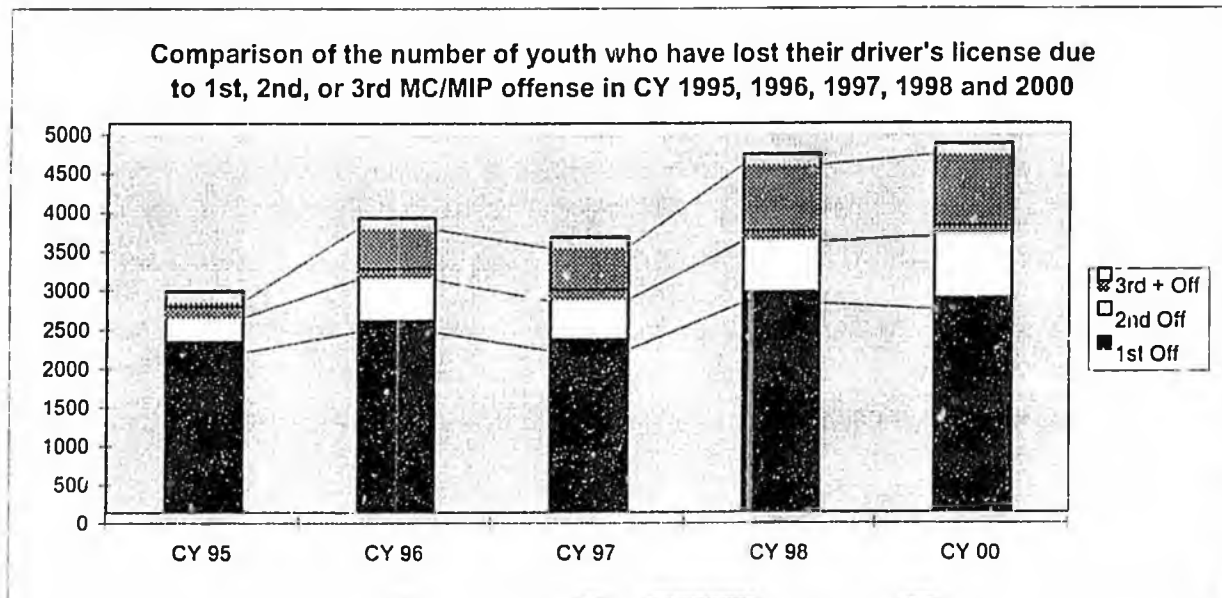
Prepared by: Ernie Turner Phone 465-2071
 Division: Alcohol and Drug Abuse Date/Time 3/26/01 1:08 PM
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/26/01 1:08 PM
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

The Division of Motor Vehicles has been keeping records of the number of youth who lose their driver's license under existing statutes since CY 95. As review of this data indicates that in CY 2000 1,048 youth lost their driver's license due to having had their third minor consuming or minor in possession offense. Since the number of youth with a third offense has grown each year since CY 95 we would project that under this crime we could expect to see that many youth being sent to ASAP under this bill.

As can be seen by the data from the Division of Motor Vehicles (shown in the chart below), it indicates that over the past years the number of youth losing their driving licenses for minor consuming has been increasing. The number that have lost their license for second and third or more offenses has also risen. The chart below is from this data and clearly shows that the number of youth that could be determined to be guilty of "habitual minor consuming" would be high.



FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 179
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: An Act relating to underage drinking and BRU: Alcohol & Drug Abuse Svcs
drug offenses Component: CAASA Grants
 Sponsor: House (JUD)
 Requester: House (JUD) Component Number: 1413

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 | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 |

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 | 426.0 |

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)

HB 179 creates a class B misdemeanor crime of "habitual minor consuming." Upon conviction the court is to require the individual to receive treatment specified under AS 28.35.030(h). AS 28.35.030(h) is geared toward the sentencing of adult DWI offenders. Alcohol Safety Action Program (ASAP) functions not as treatment but as the monitor of compliance with conditions of the court as part of the sentence. The existing ASAP program does not serve minors (persons under 18). Based on DMV data about youth the lose their driver's license due to MC/MIP, we are projecting that an additional 1,048 person statewide would be found guilty under this bill and referred to ASAP programs. Current ASAP programs are under funded and could not absorb this increase without increased funding. These funds would allow the Division to fund programs that would be specific for the person guilty of "habitual minor consuming."

Prepared by: Ernie Turner Phone 465-2071
 Division: Alcohol and Drug Abuse Date/Time 3/26/01 1:12 PM
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/26/01 1:12 PM
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

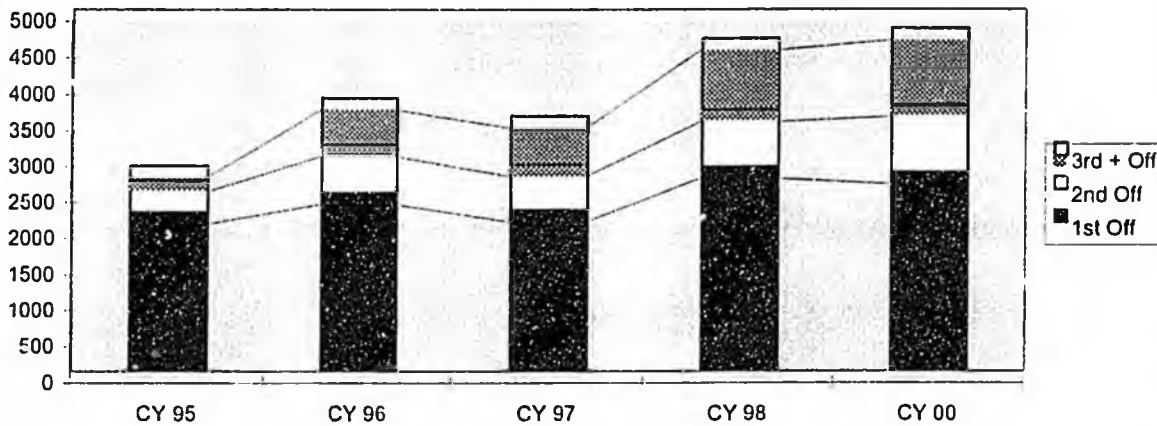
ANALYSIS: (continued)

AS 47.37.045 established the Community Action Against Substance Abuse program. Under this program 47.37.045(7) allows for the funding of "youth assessment and referral programs that provide substance abuse screening services to and monitor compliance with a minor required to participate in..." alcohol or drug education or treatment. As such these funds are requested under that grant component.

The Division of Motor Vehicles has been keeping records of the number of youth who lose their driver's license under existing statutes since CY 95. As review of this data indicates that in CY 2000 1,048 youth lost their driver's license due to having had their third minor consuming or minor in possession offense. Since the number of youth with a third offense has grown each year since CY 95 we would project that under this crime we could expect to see that many youth being sent to ASAP under this bill.

As can be seen by the data from the Division of Motor Vehicles (shown in the chart below), it indicates that over the past years the number of youth losing their driving licenses for minor consuming has been increasing. The number that have lost their license for second and third or more offenses has also risen. The chart below is from this data and clearly shows that the number of youth that could be determined to be guilty of "habitual minor consuming" would be high.

Comparison of the number of youth who have lost their driver's license due to 1st, 2nd, or 3rd MC/MIP offense in CY 1995, 1996, 1997, 1998 and 2000



FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 179
 () Publish Date: _____
 Dept. Affected: Administration
 BRU: Legal & Advocacy Service
 Component: Public Defender Agency
 Component Number: 1631

Revision Date/Time (Note if correction): _____
 Title: "An Act relating to underage drinking and drug offenses; and providing for..."
 Sponsor: House Judiciary Committee
 Requester: House Judiciary Committee

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 | 273.1 | 273.1 | 502.6 | 502.6 | 502.6 | 502.6 |
| Travel | 9.3 | 9.3 | 16.8 | 16.8 | 16.8 | 16.8 |
| Contractual | 68.9 | 68.9 | 124.6 | 124.6 | 124.6 | 124.6 |
| Supplies | 5.8 | 5.8 | 10.6 | 10.6 | 10.6 | 10.6 |
| Equipment | 22.8 | 2.2 | 21.7 | 4.1 | 4.1 | 4.1 |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 379.9 | 359.3 | 676.3 | 658.7 | 658.7 | 658.7 |

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 379.9 | 359.3 | 676.3 | 658.7 | 658.7 | 658.7 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 379.9 | 359.3 | 676.3 | 658.7 | 658.7 | 658.7 |

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 3 | 3 | 6 | 6 | 6 | 6 |
| Part-time | 1 | 1 | 1 | 1 | 1 | 1 |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would increase the penalties for the offense of Minor Consuming or in Possession of Alcohol (MCA). Under current law, MCA is a violation punishable by a \$100 fine. A minor cited for MCA was also subject to an administrative drivers license revocation under AS 28.15.183 (the "use it, lose it" law). However, in a recent Alaska Supreme Court case, State v. Niedermeyer, the "use it, lose it" law was found to violate due process. The court decided that a minor has a right to a jury trial and court-appointed counsel before a license can be revoked for MCA.

Under this bill, for a first offense, the fine would be increased from a mandatory minimum of \$100 to \$200-\$600. A mandatory minimum of at least 24 hours of community work service would also be imposed.

Continued on Page Two

Prepared by: Barbara Brink, Director Phone 907 334-4414
 Division: Public Defender Agency Date/Time 03/28/01
 Approved by: Jim Duncan, Commissioner Date 3/28/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

HB 179, Fiscal Note continued

For a second offense, the mandatory minimum fine is \$500. (The maximum fine would be \$1,000.) The mandatory minimum community work service is 48 hours.

A third offense (habitual MCA) would be a class B misdemeanor. A mandatory minimum of at least 96 hours of community work service would also need to be imposed. The court also must revoke a minor's drivers license or privilege to drive for six months.

The juvenile delinquency statutes would be amended so that habitual (third offense) MCA would be handled by the Division of Juvenile Justice and juvenile courts.

The Public Defender Agency will have a major fiscal impact from this bill the way it is currently drafted. The Alaska Court of Appeals in *Booth v. State*, 903 P.2d 1079 (Alaska App. 1995) decided that before community work service can be imposed a defendant has a right to a jury trial and court-appointed counsel. Therefore, because minors convicted of first and second offense MCA would have to perform community work service as part of their sentence, the Public Defender Agency would be appointed in these cases as well as the habitual (third offense) MCA's.

Another factor that must be taken into account is whether minors who have prior convictions under the current law would be subject to prosecution under the second offense or habitual MCA provisions should this bill become law. The Public Defender Agency does not believe that this would happen because the prior convictions would have been obtained without minors being advised that they had a right to court-appointed counsel.

The Division of Motor Vehicles reported that prior to the Niedermeyer decision, about 4,800 driver's licenses were revoked under the "use it, lose it" statutes. This figure is about the same as the number of court cases noted in a recent needs assessment study done by the Department of Health and Social Services (DHSS). According to the DHSS study, 4300 MCA cases were filed in 1998 and 4983 were filed in 1999. Therefore, the Public Defender Agency estimates there will be 4,800 new cases filed per year.

It is difficult to estimate how many of these cases the Public Defender Agency will be appointed to. In the initial year (FY 2002), there will probably be mostly first offenses, although some minors will accumulate second and third offenses as the year goes on. The penalties are not as great, but, with a prospect of a \$200 mandatory minimum fine and 24 hours of community work service, there will be a significant percentage of minors who will request an attorney. Even if only 30% of the minors request an attorney, the Public Defender Agency will have 1440 new cases. Under national standards, a Public Defender attorney should handle no more than 400 new misdemeanor cases per year. These cases will be less difficult than the average misdemeanor, so we will increase this number to 600 new first and second offense MCA's per year per attorney. To handle this caseload, the Public Defender Agency will need two full-time attorneys and one half-time attorney. According to the DHSS report, the majority of these cases are filed in Anchorage, Fairbanks, and Palmer. We would place the half-time attorney in Anchorage because it would be easier to hire a part-time attorney for Anchorage. The other two attorneys would be placed in Fairbanks and Palmer.

By FY 2004, we can expect that a greater percentage of the cases will be third-offense habitual MCA's. We will be appointed in more of these cases, and our lawyers will be able to handle fewer of these more difficult cases. Assuming Public Defender Agency appointment in 50% of 4800 cases, we will have 2400 new cases. If each attorney can handle 500 new cases per year, we will need two additional lawyers, for a total of four full-time and one half-time attorney. We would place the two additional attorneys in our Anchorage and Bethel offices.

The cost per attorney includes clerical support and one-time equipment costs in the initial year.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 179
 () Publish Date: _____

Revision Date/Time(Note if Correction): _____ Dept. Affected: Corrections
 Title: An Act relating to underage drinking and drug BRU: Administration & Operations
offenses; and providing for an effective date. Component: Institutions
 Sponsor: House Judiciary Committee
 Requester: House Judiciary Committee Component Number: 1381

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 | *** | *** | *** | *** | *** |

| | | | | | | |
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| 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 | *** | *** | *** | *** | *** |

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)

This bill would make a 3rd time conviction for minor consuming or in possession or control a class B Misdemeanor. It also provides graduated sanctions for 1st and 2nd time offenders and requires treatment for 3rd time offenders. It is anticipated that the first year, the Department of Corrections would be able to absorb any incarceration associated with this legislation since the bill will not encompass those with convictions prior to the effective date of the legislation.

It is the Department of Corrections' position that providing JSAP and making it a requirement of probation, in concert with graduated sanctions, will lessen the ultimate fiscal impact on the Department. Early intervention is believed to aid in prevention of further drinking and concomitant dependence. If the treatment component is not required/available, it is likely that Corrections will be taxed in subsequent years and may require additional funding. It is unclear at this time what that impact would be but court records indicate that there were 1,744 unduplicated individuals who were 18 or older as of 1/1/01 and had 2 convictions for MCA and 1,427 who had 3 or more convictions. Depending on what sanctions the court

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 3/29/01/4:30 pm
 Approved by: Marqaret Pugh Date 3/29/01
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

22nd Legislative Session

HB 179 cont.

3/29/01

Page 2

would impose for these B misdemeanants, there could become a serious influx of these offenders who were previously dealt with by violations/citations. It is hoped that graduated sanctions and education/treatment will provide the deterrence necessary to prevent incarceration in the future.

HB 179 Underage Drinking
Administration Proposal

| | First Offense | Second Offense | Third+ Offense (Age 18 or older) | Third+ Offense (Under 18) |
|--|---|--|--|--|
| Fine | \$600 - all suspended | \$1000 - up to half suspended | up to \$1000, all can be suspended | Referred to Juvenile Court |
| Jail | not available | not available | up to 90 days, all can be suspended | Referred to Juvenile Court |
| License Revocation | not available | 6 months, but only if treatment is not completed or community work not performed | 6 months upon conviction, plus 6 more months if treatment is not completed or community work not performed | 6 months upon conviction, plus 6 more months if treatment is not completed or community work not performed |
| Community Work | not available | 48 hours | 96 hours | 96 hours |
| Referral to Juvenile Alcohol Safety Action Program | Yes, offender must pay for screening and any education or treatment | Yes, offender must pay for screening and any education or treatment | Yes, offender must pay for screening and any education or treatment | Yes, offender must pay for screening and any education or treatment |
| <p>Note: This proposal "wipes the slate clean" and only applies to minor consuming offenses after the effective date of the Act.</p> | | | | |

FASAP MISDEMEANOR SERVICES

911 CUSHMAN, Suite 205

FAIRBANKS, AK. 99701

Phone 907-452-8144
 Fax 907-452-7845

Minor Consuming/Possession Pilot Program**Static's for FY 2000 and to date for FY 2001**

| | *FY2000 | **FY2001 |
|-----------------------------|----------------|-----------------|
| New Cases Open | 317 | 319 |
| Cases Completed | 192 | 225 |
| No Priors | 82% | 78% |
| One Prior | 13% | 13% |
| Two Priors | 3% | 6% |
| Three or more Priors | 2% | 3% |
| Caucasian | 73% | 72% |
| Black | 5% | 7% |
| Indian | 10% | 11% |
| Eskimo | 6% | 3% |
| Other | 6% | 2% |
| Male | 72% | 53% |
| Female | 28% | 47% |
| Type of Treatment Completed | | |
| AIS | 78% | 78% |
| Outpatient | 21% | 20% |
| Residential | 1% | 2% |

* FY2000 - September 1999 - June 2000

** FY2001 - July 2000 - February 2001

- 66% - 70% have completed some form of treatment
- Out of 417 completions 4 have re-offended for Minor Consuming
- Out of 417 completions 2 have re-offended with the charge of DWI

Without funding, it makes a program like this difficult if not impossible to operate.

New research indicates that teenagers who drink too much may lose as much as 10 percent of their brainpower—the difference between passing and failing in school . . . and in life

g e t t i n g

Stupid

By Bernice Wuethrich Photographs by Danielle Levitt

Sarah, a high school senior, drinks in moderation, but many of her friends do not. At one party, a classmate passed out after downing more than 20 shots of hard liquor and had to be rushed to a local emergency room. At another party a friend got sick, so Sarah made her drink water, dressed her in a sweatshirt to keep her warm, and lay her in bed, with a bucket on the floor. Then she brushed the girl's long hair away from her face so that it wouldn't get coated with vomit. "Every weekend, drinking is the only thing people do. Every single party has alcohol," says Sarah. (The names of the teenagers in these stories have been changed to protect their privacy.)

THE MOST RECENT STATISTICS FROM THE U.S. Substance Abuse and Mental Health Services Administration's National Household Survey on Drug Abuse indicate that nearly 7 million youths between the ages of 12 and 20 binge-drink at least once a month. And despite the fact that many colleges have cracked down on drinking, Henry Wechsler of the Harvard School of Public Health says that two of every five college students still binge-drink regularly. For a male that means downing five or more drinks

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Jason, 19

DRINKING HISTORY:
First drink: age 14, at a party with 18-year-olds. Now drinks three or four times a week.

MOST ALCOHOL EVER CONSUMED: "In school we play beer for beer. I think I got up to 17 beers. One night when I was 15, I had 14 shots of whatever there was, until my friend got really sick and I had to take care of her."

AFTEREFFECTS: "I have been sick from drinking, but I have never blacked out. My social life affects my schoolwork, but drinking does not."

Sofia, 18

DRINKING HISTORY:
First drink: age 14, "Kahlua in warm milk to help me sleep." Now drinks "once every couple of weeks."

MOST ALCOHOL EVER CONSUMED:
"I'm not sure. I drink until I'm buzzed, stop until my buzz wears off, then maybe have more. I've never had enough to be out of control or even be hungover."

AFTEREFFECTS: "I'm a pretty conscientious student, and I don't drink enough to affect my schoolwork."

Terry, 19

DRINKING HISTORY:
First drink: age 13, stole wine from liquor cabinet. Drinks about two or three times a week.

MOST ALCOHOL EVER CONSUMED: nine shots of liquor.

AFTEREFFECTS: "I have been sick many times, but I always remember what I did. Sometimes if I know I've had too much to drink, it feels better to get it out of my system. If I felt that my drinking was at all hindering my work, I would stop."

Stanley, 19

DRINKING HISTORY:
First drink: age 14, at a friend's house. Now drinks every weekend.

MOST ALCOHOL EVER CONSUMED: two 40 oz. beers and three shots of liquor.

AFTEREFFECTS: "I've been sick and blacked out. After a night of drinking I don't get out of bed until 12:00 or 1:00 p.m. So I'm unable to do all my schoolwork."

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in a row; for a female it means consuming four drinks in one session at least once in a two-week period.

Few teens seem to worry much about what such drinking does to their bodies. Cirrhosis of the liver is unlikely to catch up with them for decades, and heart disease must seem as remote as retirement. But new research suggests that young drinkers are courting danger. Because their brains are still developing well into their twenties, teens who drink excessively may be destroying significant amounts of mental capacity in ways that are more dramatic than in older drinkers.

Scientists have long known that excessive alcohol consumption among adults over long periods of time can create brain damage, ranging from a mild loss of motor skills to psychosis and even the inability to form memories. But less has been known about the impact alcohol has on younger brains. Until recently, scientists assumed that a youthful brain is more resilient than an adult brain and could escape many of

the brain that is similar in rats and humans. Six years ago, when Swartzwelder published his first paper suggesting that alcohol disrupts the hippocampus more severely in adolescent rats than in adult rats, "people didn't believe it," he says. Since then, his research has shown that the adolescent brain is more easily damaged in the structures that regulate the acquisition and storage of memories.

Learning depends on communication between nerve cells, or neurons, within the hippocampus. To communicate, a neuron fires an electrical signal down its axon, a single fiber extending away from the cell's center. In response, the axon releases chemical messengers, called neurotransmitters, which bind to receptors on the receiving branches of neighboring cells. Depending on the types of neurotransmitters released, the receiving cell may be jolted into action or settle more deeply into rest.

But the formation of memories requires more than the simple firing or inhibition of nerve cells. There must be

lescent brain tissue much more than in adult tissue. Next, Swartzwelder identified a likely explanation. Long-term potentiation—and thus memory formation—relies in large part on the action of a neurotransmitter known as glutamate, the brain's chemical kingpin of neural excitation. Glutamate strengthens a cell's electrical stimulation when it binds to a docking port called the NMDA receptor. If the receptor is blocked, so is long-term potentiation, and thus memory formation. Swartzwelder found that exposure to the equivalent of just two beers inhibits the NMDA receptors in the hippocampal cells of adolescent rats, while more than twice as much is required to produce the same effect in adult rats. These findings led him to suspect that alcohol consumption might have a dramatic impact on the ability of adolescents to learn. So he set up a series of behavioral tests.

First, Swartzwelder's team dosed adolescent and adult rats with alcohol and ran them through maze-learning tests.

The younger the brain, the more it may be at risk

the worst ills of alcohol. But some researchers are now beginning to question this assumption. Preliminary results from several studies indicate that the younger the brain is, the more it may be at risk. "The adolescent brain is a developing nervous system, and the things you do to it can change it," says Scott Swartzwelder, a neuropsychologist at Duke University and the U.S. Department of Veterans Affairs.

Teen drinkers appear to be most susceptible to damage in the hippocampus, a structure buried deep in the brain that is responsible for many types of learning and memory, and the prefrontal cortex, located behind the forehead, which is the brain's chief decision maker and voice of reason. Both areas, especially the prefrontal cortex, undergo dramatic change in the second decade of life.

Swartzwelder and his team have been studying how alcohol affects the hippocampus, an evolutionarily old part of

some physical change in the hippocampal neurons that represents the encoding of new information. Scientists believe that this change occurs in the synapses, the tiny gaps between neurons that neurotransmitters traverse. Repeated use of synapses seems to increase their ability to fire up connecting cells. Laboratory experiments on brain tissue can induce this process, called long-term potentiation. Researchers assume that something similar takes place in the intact living brain, although it is impossible to observe directly. Essentially, if the repetitive neural reverberations are strong enough, they burn in new patterns of synaptic circuitry to encode memory, just as the more often a child recites his ABCs, the better he knows them.

Swartzwelder's first clue that alcohol powerfully disrupts memory in the adolescent brain came from studying rat hippocampi. He found that alcohol blocks long-term potentiation in ado-

Compared with the adult rats, the adolescents failed miserably. To see whether similar results held true for humans, Swartzwelder recruited a group of volunteers aged 21 to 29 years old. He couldn't use younger subjects because of laws that forbid drinking before age 21. He chose to split the volunteers into two groups: 21 to 24 years old and 25 to 29 years old. "While I wouldn't argue that these younger folks are adolescents, even in their early twenties their brains are still developing," Swartzwelder says. After three drinks, with a blood-alcohol level slightly below the National Highway Traffic Safety Administration's recommended limit—.08 percent—the younger group's learning was impaired 25 percent more than the older group's.

Intrigued by these results, Swartzwelder's colleague Aaron White, a biological psychologist at Duke, set out to discover how vulnerable the adolescent brain is to long-term damage. He gave



Alcohol triggers "a lower sedative response" in the brains of adolescents than in adults, says Fulton Crews, director of the Center for Alcohol Studies at the University of North Carolina at Chapel Hill. As a result, teenagers "can drink more and damage their brains more."



"We think that a blackout is alcohol shutting down the hippocampus. During that time, the hippocampus can no longer form new memories," says biological psychologist Aaron White (right), with neuropsychologist Scott Swartzwelder in their Duke University lab.

adolescent and adult rats large doses of alcohol every other day for 20 days—the equivalent of a 150-pound human chugging 24 drinks in a row. Twenty days after the last binge, when the adolescent rats had reached adulthood, White trained them in a maze-memory task roughly akin to that performed by a human when remembering the location of his car in a parking garage.

Both the younger and older rats performed equally well when sober. But when intoxicated, those who had binged as adolescents performed much worse. "Binge alcohol exposure in adolescence appears to produce long-lasting changes in brain function," White says. He suspects that early damage caused by alcohol could surface whenever the brain is taxed. He also suspects that the NMDA receptor is involved, because just as alcohol in the system inhibits the receptor, the drug's withdrawal overstimulates it—which can kill the cell outright.

During the fall semester last year, at least 11 college students died from alcohol-related causes—at California State University at Chico, Colgate University in New York, Old Dominion University in Virginia, the University of Michigan,

Vincennes University in Kentucky, Washington and Lee University in Virginia, and Washington State University. No one knows how many other students were rushed to emergency rooms for alcohol poisoning, but at Duke, 11 students had visited local ERs in just the first three weeks of school, and in only one night of partying, three students from the University of Tennessee were hospitalized.

STUDENTS WHO DRINK HEAVILY sometimes joke that they are killing a few brain cells. New research suggests that this is not funny. Some of the evidence is anatomical: Michael De Bellis at the University of Pittsburgh Medical Center used magnetic resonance imaging to compare the hippocampi of subjects 14 to 21 years old who abused alcohol to the hippocampi of those who did not. He found that the longer and the more

a young person had been drinking, the smaller his hippocampus. The average size difference between healthy teens and alcohol abusers was roughly 10 percent. That is a lot of brain cells.

De Bellis speculates that the shrinkage may be due to cell damage and death that occurs during withdrawal from alcohol. Withdrawal is the brain's way of trying to get back to normal after prolonged or heavy drinking. It can leave the hands jittery, set off the classic headache, generate intense anxiety, and even provoke seizures, as neurons that had adjusted to the presence of alcohol try to adjust to its absence. Because alcohol slows down the transmission of nerve signals—in part by stopping glutamate from activating its NMDA receptors—nerve cells under the influence react by increasing the number and sensitivity of these receptors. When drinking stops, the brain is suddenly stuck with too many hyperactive receptors.

Mark Prendergast, a neuroscientist at the University of Kentucky, recently revealed one way these hyperactive receptors kill brain cells. First, he exposed rat hippocampal slices to alcohol for 10

that if overexcitability during alcohol withdrawal was causing cell death, blocking the receptors should minimize the carnage. It did, by about 75 percent.

Now Prendergast is examining what makes the receptors so lethal. By tracking radioactive calcium, he found that the overexcited receptors open floodgates that allow calcium to swamp the cell. Too much calcium can turn on suicide genes that cause the neuron to break down its own membrane. Indeed, that is exactly what Prendergast observed during alcohol withdrawal: Overactive receptors opened wide, and the influx of calcium became a raging flood.

Prendergast says that four or five drinks may cause a mild withdrawal. And, according to Harvard's Wechsler, 44 percent of college students binge in this manner. More alarming, 23 percent of them consume 72 percent of all the alcohol that college students drink.

Chuck was 15 the first time he binged—on warm beers chugged with friends late at night in a vacant house. Six years later, celebrating his 21st birthday, he rapidly downed four shots of vodka in his dorm

Brown, Susan Tapert, and Gregory Brown have been following alcohol-dependent adolescents for eight years. Repeated testing shows that problem drinkers perform more poorly on tests of cognition and learning than do nondrinkers. Furthermore, "the single best predictor of neuropsychological deficits for adolescents is withdrawal symptoms," says principal investigator Sandra Brown.

The psychologists recruited a group of 33 teenagers aged 15 and 16, all heavy drinkers. On average, each teen had used alcohol more than 750 times—the equivalent of drinking every day for two and a half years. Bingeing was common: The teens downed an average of eight drinks at each sitting. The researchers matched drinkers with nondrinkers of the same gender and similar age, IQ, socioeconomic background, and family history of alcohol use. Then, three weeks after the drinkers had their last drink, all the teens took a two-hour battery of tests.

The teens with alcohol problems had a harder time recalling information, both verbal and nonverbal, that they had learned 20 minutes earlier. Words such as *apple* and *football* escaped them. The

Hyperactive receptors

can cause cell death

days, then removed the alcohol. Following withdrawal, he stained the tissue with a fluorescent dye that lit up dead and dying cells. When exposed to an alcohol concentration of about .08 percent, cell death increased some 25 percent above the baseline. When concentrations were two or three times higher, he wrote in a recent issue of *Alcoholism: Clinical and Experimental Research*, the number of dead cells shot up to 100 percent above the baseline.

Prendergast says that the younger brain tissue was far more sensitive. Preadolescent tissue suffered four to five times more cell death than did adult tissue. In all cases, most of the death occurred in hippocampal cells that were packed with NMDA receptors. To home in on the cause, he treated another batch of brain slices with the drug MK-801, which blocks NMDA receptors. He reasoned

room. Then he and his friends drove through the snowy night to a sorority party at a bar, where he consumed another 16 drinks. Chuck's friends later told him how the rest of the night unfolded. He danced in a cage. He spun on the floor. He careened around the parking lot with a frierl on his back. Halfway home, he stumbled out of the car and threw up. A friend half carried him home down frozen roads at 2 a.m. "I don't remember any of this," Chuck says. But he does remember the hangover he lived with for two days, as his brain and body withdrew from the booze.

RECENT HUMAN STUDIES SUPPORT a conclusion Prendergast drew from his molecular experiments: The greatest brain damage from alcohol occurs during withdrawal. At the University of California at San Diego and the VA San Diego Health Care System, Sandra

performance difference was about 10 percent. "It's not serious brain damage, but it's the difference of a grade, a pass or a fail," Tapert says. Other tests evaluated skills needed for map learning, geometry, or science. Again, there was a 10 percent difference in performance.

"The study shows that just several years of heavy alcohol use by youth can adversely affect their brain functions in ways that are critical to learning," Sandra Brown says. She is following the group of teenagers until they reach age 30, and some have already passed 21. "Those who continue to use alcohol heavily are developing attentional deficits in addition to the memory and problem-solving deficits that showed up early on," Brown says. "In the past we thought of alcohol as a more benign drug. It's not included in the war on drugs. This study clearly demonstrates



Cindy, 18

DRINKING HISTORY: First drink: age 14, at a party. "In high school I drank every weekend."
MOST ALCOHOL EVER CONSUMED: three shots vodka, four shots rum, two screwdrivers, one strawberry daiquiri, and one beer.
AFTEREFFECTS: "In high school I had all B+'s and A-'s. I don't drink that much in college, and I have a B/B- average. Go figure. I put more effort into my college work though because I'm not rushing out at 6 o'clock to get a good six hours in of drinking."

that the most popular drug is also an incredibly dangerous drug."

Brown's research team is also using functional magnetic resonance imaging to compare the brain function of alcohol abusers and nondrinkers. Initial results show that brains of young adults with a history of alcohol dependence are less active than the brains of nondrinkers during tasks that require spatial working memory (comparable to the maze task that White conducted on rats). In addition, the adolescent drinkers seem to exhibit greater levels of brain activity when they are exposed to alcohol-related stimuli. For instance, when the drinkers read words such as *wasted* or *tequila* on a screen, the nucleus accumbens—a small section of the brain associated with craving—lights up.

The nucleus accumbens is integral to the brain's so-called pleasure circuit, which scientists now believe undergoes major remodeling during adolescence. Underlying the pleasure circuit is the neurotransmitter dopamine. Sex, food, and many drugs, including alcohol, can all induce the release of dopamine, which

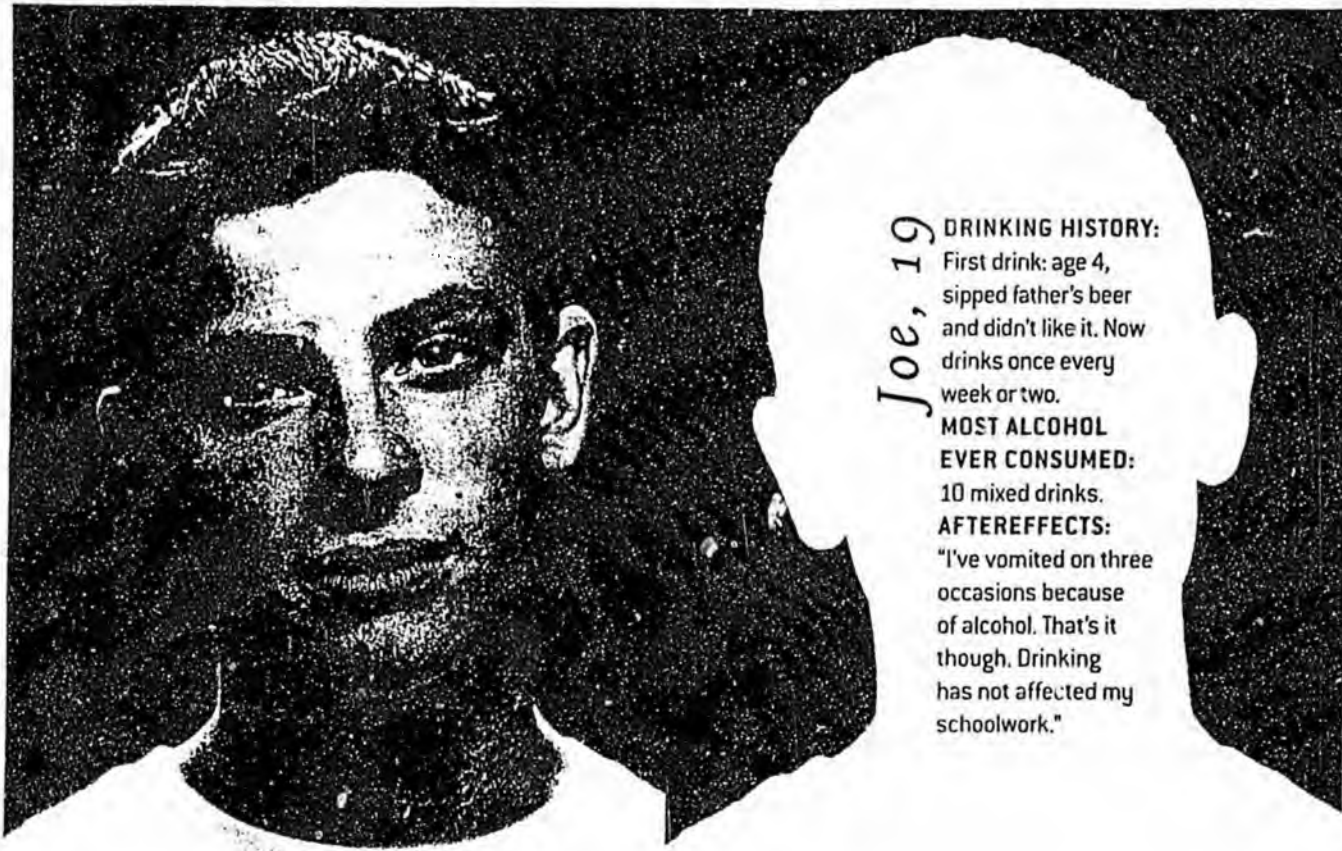
creates feelings of pleasure and in turn encourages repetition of the original behavior. During adolescence, the balance of dopamine activity temporarily shifts away from the nucleus accumbens, the brain's key pleasure and reward center, to the prefrontal cortex. Linda Spear, a developmental psychobiologist at Binghamton University in New York, speculates that as a result of this shift in balance, teenagers may find drugs less rewarding than earlier or later in life. And if the drugs produce less of a kick, more will be needed for the same effect. "In the case of alcohol, this may lead to binge drinking," she says.

When Lynn was a freshman in high school, she liked to hang out at her friend John's apartment. More often than not, his father would be drinking beer. "He was like, 'Help yourself,'" Lynn says. Friends would come over and play drinking games until four or five in the morning. The longer the games continued, the tougher the rules became, doubling and tripling the number of drinks consumed. One night, Lynn came home drunk. Her

mother talked her through her options, sharing stories of relatives who had ruined their lives drinking. Lynn struggled with her choices. A year later she still drinks, but she's kept a pact with her girlfriends to stop bingeing.

DURING ADOLESCENCE, THE PREFRONTAL cortex changes more than any other part of the brain. At around age 11 or 12, its neurons branch out like crazy, only to be seriously pruned back in the years that follow. All this tumult is to good purpose. In the adult brain, the prefrontal cortex executes the thought processes adolescents struggle to master: the ability to plan ahead, think abstractly, and integrate information to make sound decisions.

Now there is evidence that the prefrontal cortex and associated areas are among those most damaged in the brains of bingeing adolescents. Fulton Crews, director of the Center for Alcohol Studies at the University of North Carolina at Chapel Hill, has studied the patterns of cell death in the brains of adolescent and adult rats after four-day drinking



Joe, 19

DRINKING HISTORY:

First drink: age 4, sipped father's beer and didn't like it. Now drinks once every week or two.

MOST ALCOHOL EVER CONSUMED: 10 mixed drinks.

AFTEREFFECTS:

"I've vomited on three occasions because of alcohol. That's it though. Drinking has not affected my schoolwork."

bouts. While both groups showed damage in the back areas of the brain and in the frontally located olfactory bulb, used for smell, only the adolescents suffered brain damage in other frontal areas.

That youthful damage was severe. It extended from the rat's olfactory bulb to the interconnected parts of the brain that process sensory information and memories to make associations, such as "This smell and the sight of that wall tell me I'm in a place where I previously faced down an enemy." The regions of cell death in the rat experiment corresponded to the human prefrontal cortex and to parts of the limbic system.

The limbic system, which includes the hippocampus, changes throughout adolescence, according to recent work by Jay Giedd at the National Institute of Mental Health in Bethesda, Maryland. The limbic system not only encodes memory but is also mobilized when a person is hungry or frightened or angry; it helps the brain process survival impulses. The limbic system and the prefrontal cortex must work in concert for a person to make sound decisions.

Damage to the prefrontal cortex and the limbic system is especially worrisome because they play an important role in the formation of an adult personality. "Binge drinking could be making permanent long-term changes in the final neural physiology, which is expressed as personality and behavior in the individual," Crews says. But he readily acknowledges that such conclusions are hypothetical. "It's very hard to prove this stuff. You can't do an experiment in which you change people's brains."

Nonetheless, evidence of the vulnerability of young people to alcohol is mounting. A study by Bridget Grant of the National Institute on Alcohol Abuse and Alcoholism shows that the younger someone is when he begins to regularly drink alcohol, the more likely that individual will eventually become an alcoholic. Grant found that 40 percent of the drinkers who got started before age 15 were classified later in life as alcoholic, compared with only 10 percent of those who began drinking at age 21 or 22. Overall, beginning at age 15, the risk of future alcohol de-

pendence decreased by 14 percent with each passing year of abstinence.

The study leaves unanswered whether early regular drinking is merely a marker of later abuse or whether it results in long-term changes in the brain that increase the later propensity for abuse. "It's got to be both," Crews says. For one thing, he points out that studies of rats and people have shown that repeated alcohol use makes it harder for a person—or a rat—to learn new ways of doing things, rather than repeating the same actions over and over again. In short, the way alcohol changes the brain makes it increasingly difficult over time to stop reaching for beer after beer after beer.

Ultimately, the collateral damage caused by having so many American adolescents reach for one drink after another may be incalculable. "People in their late teens have been drinking heavily for generations. We're not a society of idiots, but we're not a society of Einsteins either," says Swartzwelder. "What if you've compromised your function by 7 percent or 10 percent and never know the difference?"

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Varying tactics, same violent results for Mardi Gras cities

By BERNARD MCGHEE
THE ASSOCIATED PRESS

SEATTLE - Cities may have tried different tactics to control Mardi Gras violence, but the results were similar to those in Seattle, where 70 people were injured and one died.

Police Chief Gil Kerlikowske met Sunday with police from Philadelphia, Austin, Texas, and Fresno, Calif., which all saw Fat Tuesday festivities turn into drunken melees, ripe with violence, looting and vandalism.

"We're not going to end today with a conclusion," Kerlikowske said. "This is a much larger, more significant, societal problem that involves alcohol-fueled youth violence."

Rick Coy, assistant chief of the Austin Police Department, said he could barely distinguish between video footage of Austin and violence elsewhere.

Austin police used tear gas and

rubber bullets to break up a crowd of 100,000 in which 31 were injured in pre-Mardi Gras reveling.

In all cities, police said crowds consumed a large amount of alcohol and found a trend toward teenagers taking part in the violence.

Philadelphia didn't even sponsor a Mardi Gras celebration, but radio stations encouraged youths to come out and have a good time, said Frank Pryor, chief inspector for the Philadelphia Police Department.

"It was a booze-fest, a drunk-fest," Pryor said.

Some 40,000 people converged on South Street and Philadelphia police arrested 83 people in connection with fights, vandalism, underage drinking and store looting. Philadelphia's decision to use barricades backfired when an inebriated crowd knocked the barricades down, hindering police from clearing the area.

In Fresno, one person was stabbed when a crowd stormed the

city's Tower District, overturning portable toilets, smashing windows and hurling bottles at police officers.

Critics have assailed Seattle police for not moving in immediately as Mardi Gras celebrations turned ugly and groups began randomly attacking people. The crowds were estimated at about 4,000.

By contrast, the more notorious pre-Lenten partying in New Orleans was largely peaceful, even though about a million people jammed the streets. During the city's 12-day parade season, police made 512 arrests, fewer than the 589 arrests made last year.

Kerlikowske said that talking to fellow police from other cities reaffirmed that his force made the right decisions on that night.

Following the meeting, Kerlikowske joined the mayor in a peace march to Pioneer Square, the site of Seattle's Feb. 28 violence.

Curbing student drinking

This spring I am asking our students to help educate their peers about the devastating effects certain social activities typically associated with college life can have on academic careers and personal lives. I'm talking about binge drinking.

University of Alaska Fairbanks students are among Alaska's most valuable resources. At UAF, we are not alone in our efforts to find effective ways to educate our students about the risks they face when they drink too much. University presidents and chancellors nationwide are searching for the right formula that will stamp out binge drinking on their campuses.

Research indicates that there

Marshall Lind

Guest Opinion



is a significant disparity between student estimates of binge drinking and actual campus behavior. Binge drinking is typically defined as five or more drinks in a row for men, four or more for women and is depicted as traditional student behavior in movies like "Animal House."

After more traditional alcohol abuse prevention efforts failed to change drinking behavior on college campuses across the nation, places like Northern Illinois University and the University of Oregon implemented campus-based mass media campaigns to change student perceptions of drinking norms. They found that they were able to reduce binge drinking, some by as much as 35 percent over a six-year period.

Most students think that most of their peers binge drink. Surveys at the UAF indicate that one in four of our students typically do not drink and 77 percent report that they do not binge drink; this is based on a survey of a statistically significant random sample of students conducted in

November 1999. The survey was sponsored by Akeela Treatment Services Inc. and the Alaska Council on Prevention of Alcohol and Drug Abuse, and was conducted by the Battle of the Binge Coalition, representing UAF, the University of Alaska Southeast and Alaska Pacific University.

UAF already has several programs in place aimed at educating our students about the risks associated with alcohol and substance abuse. As with our alcohol awareness and education programs, information about drug abuse is a key component of our outreach efforts and has been for a very long time. We encourage our students to make healthy choices in all aspects of their lives and we are committed to providing an environment in which faculty, staff and students can live, work and learn in a safe environment.

Our university is a reflection of the society in which we live. While we encourage students to make healthy choices, our crime statistics are sobering. Incidents involving alcohol are the biggest problem university police and student services staff have to deal with on campus. Students need to know that alcohol abuse increases the chances of being victim of robbery, assault and sexual assault.

There are things we can do to reduce alcohol-related incidents and ensure the safety of our students. Our residence life program requires a party permit for students who want to have a gathering in residence halls. We have established a coalition that partners hospital practitioners with university staff to offer students specialized evaluation, direct intervention and rapid treatment referral for alcohol or other drug problems. The program is a joint effort by UAF Student Services, the Center for Health and Counseling and the Family Recovery Center at Fairbanks Memorial Hospital.

The Fairbanks community has an opportunity to be a partner in protecting our students by carding students who frequent their alcoholic establishments, providing non-alcoholic beverages for designated drivers, encouraging frequent cab rides and making sure that all bartenders are certified to recognize the effects of alcohol and how to deal with patrons who may have had too much to drink.

Marshall Lind is chancellor of the University of Alaska Fairbanks.



**Volunteers
of America**

Alaska

441 W. 5th Ave., Suite 301
Anchorage, AK 99501

Phone: (907) 279-9634
Fax: (907) 276-5489
Email: lauragoss@ak.net

Fax Transmittal Form

To:

Name:

State of AK

Organization Name/Dept: *Legislative Ofc*

Phone number:

Fax number:

269-0229

From:

Laura J. Goss

Community Outreach Coordinator
and VCG Advisor

Phone: (907) 279-9634

Fax: (907) 276-5489

Email: lauragoss@ak.net

Urgent

For Review

Please Comment

Please Reply

Date sent: *3-30-01*

Time sent: *4:10pm*

Number of pages including cover page: *3*

Message:

Here is the testimony of Volunteers
of America Alaska regarding House
Bill 179 - underage drinking. I
have included the statistics
Chairman requested after I testified
this afternoon.

(H)Jod



Volunteers of America
Alaska

My name is Laura Goss and I am the Community Outreach Coordinator for Volunteers of America Alaska's Adolescent Alcohol and other Drug Treatment Programs. Volunteers of America Alaska offers a Youth Intervention Program for first time offenders aged 13-21, Outpatient and Intensive Outpatient Treatment Programs in Anchorage for youths aged 12 - 18, and a Residential Treatment Center serving adolescents aged 12 - 18 from statewide.

Thank you for allowing me this opportunity to convey our opinions on House Bill 179.

House Bill 179 does not go far enough. It is attempting to get tougher on underage drinking, but it fails to address the underlying issues that lead to that behavior. Youths who are misusing alcohol and other substances need to be screened for dependency and educated about the choices they are making early on, before they develop into problem drinkers, before they escalate and become a danger to those around them on the roads and in their homes.

It is imperative for the well being of each individual in the community to intervene on youth that are engaging in high-risk behaviors. To allow a known substance abuser to continue in life without the benefit of learning just how consequential his or her behavior can be is nothing but irresponsible. Not only is it irresponsible toward that youth, but it is irresponsible toward the entire community.

We would like to see a provision added to the Act that would allow the courts to offer first and second time violators an incentive for participating in alcohol screening and any education or treatment recommendations indicated. Incentives would include fine reduction or offset screening costs and citation dismissal, if appropriate. Such a provision would allow the courts to respond to the problem of underage drinking in a more flexible manner, and would help to ensure that the youth appearing before them received appropriate intervention at an earlier, more treatable stage.

For youth charges with driving under the influence or driving while intoxicated, it is further proposed that the individual's driving privileges not be reinstated until the youth complies with the assessment process and follows through on the subsequent recommendation.

In addition, we would ask that you consider the impact of the community work service component upon the first and second time offenders. As written, it is an unenforceable consequence. There is little or no recourse in those instances where the youth fail to comply. That sends the wrong message to youth that have already shown a disregard for the law. Should it be left in the act, we encourage you to consider the creation of a

juvenile monitoring program, similar to the adult monitoring program, to track compliance and report back to the court.

The importance of consistent imposition of sanctions and adequate monitoring cannot be emphasized enough. We as a community have the responsibility to clearly and consistently convey the message that substance abuse is a high-risk behavior that has potentially deadly consequences and will not be tolerated as simply a matter of "kids will be kids". We want our kids to be kids, and we want them to grow up to be happy, functional, and productive adults. We certainly do not want our children's behavior to be the factor in the loss of life in our community.

In summary, we believe that intervention and education are of paramount importance in combating the problem of underage drinking and should be included at an earlier stage. We also urge you to include a diversion provision into the act.

Thank you.

* Mr. Chairman, you asked me some statistical and financial information about our programs after my testifying. I'd like to accurately address that information:

- Volunteers of America Alaska is a non-profit organization funded by grants from the State of AK Division of Alcoholism and Drug Abuse, and by private donations. Assessments for all of our programs are FREE of charge.
- ARCH, our residential treatment program, served 46 youths in fiscal year 2000. It is a 16-bed facility, with 12 male beds and 4 female beds. The length of stay ranges from 4 - 6 months. Monthly cost varies from \$5,500 to \$6,500 depending on activities client and parents participate in. We bill insurance, Medicaid/Denali Kid Care, offer a sliding fee scale, and do not turn anyone away for the inability to pay for services.
- Assist, our Outpatient and Intensive Outpatient programs, served 152 clients in fiscal year 2000. The average length of treatment for Outpatient is 12 weeks and for Intensive Outpatient it is 24 weeks (6 months). Average cost of Outpatient treatment per month is about \$650 and average cost of Intensive Outpatient per month is about \$2,400, depending on activities the client and parents participate in. We bill insurance, Medicaid/Denali Kid Care, offer a sliding fee scale, and do not turn anyone away for the inability to pay for services.
- Youth Intervention Program is a 10-hour reality and experiential-based substance abuse education class and served 256 youths in fiscal year 2000. It costs \$125.00. Scholarships are available to those who cannot afford the course fee.

March 27, 2001

Representative Norm Rokeberg
Chairman of House Judiciary Committee
Juneau, Alaska

MAR 27 2001

Representative Rokeberg,

I am writing in response to HB 179 "relating to underage drinking... " I have been coordinating a very committed group of judicial officers, social workers, parents, DMV administrators, Division of Alcohol and Drug Abuse for *2 years and 7 months* because we know that underage drinking is a precursor to all future alcohol related problems. We have followed legislation and its impact on minor consuming since 1996, when the "Use it and Loose It" legislation was passed. Recent Alaska studies report that minor consuming continues to increase.

Though this bill tries to build on increasing monetary sanctions, it does not go far enough for 1st and/or 2nd alcohol infractions. We would like to see a provision that allows the therapeutic model to be offered right away. Magistrates, statewide, need to be able to offer incentives to youth who agree to comply with an alcohol screening, specific for adolescents, and treatment or education recommendations. Recommendations may include an approved adolescent alcohol education/intervention program or treatment if so recommended. Recommendations can be flexible to allow for regional differences. A Juvenile Monitoring Program, like we have for adults, is needed to communicate compliance back to the courts. Incentives should include the option of allowing for a reduction in the fine to offset the costs screening and treatment or education and, in appropriate cases, dismissal of the charges upon proof of compliance with the screening recommendations.

We have personally seen the escalation of young people, who drink before 15 years, never held accountable, and become the problem drinkers who drive and assault the people around them. We encourage some changes to the bill that reflect a mandatory screening (specific for adolescents) and compliance with recommendations that include monitoring of effective education/intervention and/or treatment.

Attached is a list of people who are involved on the Teenage Alcohol Infractions Working Committee. We will be available at the hearing on March 28, 2001 at 1:00PM.

Sincerely,

Joan Diamond
Public Health, Injury Prevention, 343-6583
Anchorage, Alaska 99519

Teenage Alcohol Infractions Working Group

| Name | Organization | Phone | Fax | Email |
|--|--|----------------------|----------|---|
| Joan Diamond Box 19-6650 Anchorage, AK.99519 | MOA/DHHS Injury Prevention | 343-6583 | 343-6564 | diamondjw@ci.anchorage.ak.us |
| Mark Mew | APD, Deputy Chief | 786-8552 | 786-8638 | mnew@ci.anchorage.ak.us |
| Tamara Venator 441 W. 5 th Ave. #201 Anchorage, Alaska 99501 | Youth Rest. Program (VOA) | 279-9686 | 276-5489 | yvp@alaska.net |
| Bill Hitchcock 303 K. St., Rm 280 Anchorage, AK. 99501 | Juvenile Master | 264-0421 | 264-0522 | whitchcock@courts.state.ak.us |
| Kerry Hennings 2150 E. Dowling Rd. Anchorage, Alaska 99505 | DMV | 269-3771 | 269-3774 | <u>kerry_hennings@admin.state.ak.us</u> |
| Karen Schaft (McCallister) Kate Howl 441 W. 5 th Ave. Suite 201 Anchorage, Alaska 99501-2340 | VOA | 279-9634 279-9677 | 279-5489 | |
| Bruce Roberts, JR Richards 420 L. St. Ste. 100 Anchorage, AK. 99501 | Municipal attorneys, MOA, prosecution | 343-6445 | 274-6689 | |
| Susan Soule Tony Piper PO 240249 3601 C. St. Ste.352 Anchorage, AK. 99524 | Alcoholism/Drug Abuse | 269-3792 269-3781 | 269-3786 | susan_soule@health.state.ak.us apiper@health.state.ak.us |

| | | | | |
|---|----------------------------------|----------------------|----------|--|
| Jennifer Wells | Standing Masters | | | jwells@courts.state.ak.us |
| Suzanne Cole | Standing Masters | 264-0691 | 264-0522 | srcole@courts.state.ak.us |
| Wendy Lyford | Court Admin. | 264-0415 | | wlyford@courts.state.ak.us |
| Cynthia Cooper | Attorney General's | 269-6379 | | cynthia_cooper@law.state.ak.us |
| Brant McGee | Office of Public Advocacy | 269-3501 | | |
| Ron Taylor/Harvey Homan 303 K. St. Anchorage, AK. 99501 | Alcohol Safety Action Program | 264-0776 264-0779 | 264-0786 | ronald_taylor@health.state.ak.us |
| Linda Moffitt 2600 Providence Dr. Anchorage, AK. 99508 | Juvenile Intake | 261-4527 | 261-4555 | linda_moffitt@health.state.ak.us |
| Sbaron Leon 310 K. St. Anchorage, AK. 999501 | Youth Court Director | 274-5986 | 272-0491 | ayc@alaska.net |
| Peter Ashman 825 W. 4 th St. Anchorage, AK 99501-2004 | District Court Judge | 264-0643 | 264-0503 | pashman@courts.state.ak.us |
| Marty Greesen 3600 Arctic Blvd. Anchorage, AK 99503 | MADD | 522-6233 | 562-6896 | madd@corecom.net |

STATE OF ALASKA

ALCOHOL COURSES APPROVED FOR DEFENSIVE DRIVING (2PT) DT2

Alaska Human Services
3305 Arctic Blvd. Ste 105
Anchorage, AK 99523
561-4345

Aurora Consultants
3701 E. Tudor, #201
Anchorage, AK 99507
563-7669

Starting Point (562-6116)
341 W. Tudor Suite 205
Anchorage, AK 99503

APIA (Aleutian Pribilof
Island Assoc).
201 E, 3rd Ave
Anchorage, AK 99501

Pacific Rim Consultants
4141 B. Street #210
Anchorage, AK 99503
561-5252

RITE
Rational Insight Treatment)
301 E Firweed. #102
Anchorage, AK 99503
562-7483

Starting Point
Old Glenn Hwy, #105
Eagle River, AK 99577

Pacific Rim Consultants
529-6th Ave, #200
Fairbanks, AK 99701
800-478-5252

Ralph Purdue Center (PNA)
PO Box 74450
Fairbanks, AK 99707
452-8251

Creative Living
Publications
PO Box 620
Girdwood, AK 99587

CICADA-Homer
(Cook Inlet Council)
PO Box 2352
Homer, AK 99603
235-8001

Gastineau Human Services
5597 Aizak St.
Juneau, AK 99801
780-4135

National Council
on Alcoholism
211-4th St. #102
Juneau, AK 99801
463-3755

Tongass Safety Council
PO Box 6251
Ketchikan, AK 99901
247-3469

Gateway Center for
Human Services
3050-3052 5th Avenue
Ketchikan, AK 99901
225-4135

CICADA-Homer
(Cook Inlet Council)
PO Box 882
Kanni, AK 99611
283-3658

Safe Harbor
115 Mill Bay Road
Kodiak, AK 99615

Starting Point
415 S. Bailey St. #B
Palmer, AK 99645

Changing Tides Counseling
PO Box 1066
Petersonburg, AK 99833

Mrs. Catherine Gage
Providence Breakthrough
2401 E. 42nd Avenue #103
Anchorage AK 99508

Sea View Comm. Serv
PO Box 1045
Seward, AK 99664

Starting Point
1075 Creek St. #102
Wasilla, AK 99654

RITE (Rational Insight
Treatment)
851 E West Point Dr. #207
Wasilla, AK 99654
373-7480

Avenues
PO Box 1108
Wrangell, AK 99929
874-3338

Mat-Su Concil
Recovery Center
291 E. Swabson Ave
Wasilla, AK 99654
376-4000

Gregory Smith
Norton Sound Hosp. Behav. Health Svcs.
P.O. Box 966
Nome AK 99762

Carlos Salazar
Manilaq Association
P.O. Box 256
Kotzebue AK 99572

Lonnie Walters
C.O.H.O
P.O. box 805
Craig AK 99201

Anchorage Area Approved Treatment Programs for Minors
Compliance letter (first offense)
Completion letter (2 or more offenses)
Letters must be on the approved programs letterhead

Alaska Human Services
3305 Arctic Blvd Suite 105
Anchorage, AK 99503
561-4535

The Recovery Connection
1251 Muldoon Road Suite 104B
Anchorage AK
332-7660

Aleutian/Pribiloff Island Assc.
401 E. Fireweed Lane
Anchorage, Alaska 99503
276-2700

RITE, Inc
301 E. Fireweed, #102
Anchorage, AK 99508
562-7483

The Arc of Anch./Bryn Mawr
Substance Abuse Program
2211 Arca Drive(18 Yrs-Above)
Anchorage, Alaska 99508
338-3688

Starting Point
341 W. Tudor Rd., Suite 205
Anchorage, AK 99503
582-6116

Booth Memorial Youth & Family
Services
3600 E. 20th Avenue
Anchorage, Alaska 99508
279-0522



Volunteers of America (ASSIST)
441 W. 5th Ave., Suite 301
Anchorage, AK 99501-2340
279-9634

Clltheroe Center/Reflections
The Salvation Army (18 Yrs-Above)
1709 South Bragaw, Ste. B
Anchorage, Alaska 99519-0567
276-2898

**Approved for Military personal and
their dependents:**
Community Counseling Center
Fort Richardson
384-7370

Genesis Recovery Service, Inc.
2825 W. 42nd Place
Anchorage, AK 99517-2840
243-5130

Pacific Rim Counseling
4141 B Street, Suite 210
Anchorage, Alaska 99507
561-5262

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001** Policies and  Procedures related to delivering services to ASAP clients:
Alcohol and Drug Information School (ADIS)****Scope, purpose, and goal**

The Division of Alcoholism and Drug Abuse (ADA) has statutory authority under AS 47.37.040 (14) and AS 28.15.253 to develop and approve Alcohol and Drug Information School (ADIS) programs. ADIS programs provide education to first-time Driving While Intoxicated (DWI) offenders, as well as to non-abusive offenders convicted of alcohol and/or other drug-related misdemeanors. ADIS programs cover the effects of alcohol and other drugs on driving and social behavior. **These programs are educational only and are not considered treatment.** Their goal is to reduce subsequent alcohol and/or other drug-related offenses among adults. ADIS programs are designed to be available to all Alaskans involved in alcohol and/or other drug-related misdemeanors.

How ADIS works

The court may require that anyone convicted of an alcohol/drug-related misdemeanor be referred to the Alcohol Safety Action Program (ASAP) for screening and monitoring. If screening indicates no underlying substance abuse problem, ASAP refers the offender to an ADIS program. If no ASAP office exists in the area, the court may refer potential students to ADIS directly. Students referred by the court may have received no screening other than a court determination that they have no previous offenses or, alternatively, an evaluation from an approved substance abuse program that they are non-abusive.

When an ADIS course has been conducted, the ADIS program reports to referring agencies [ASAP, the court, Division of Motor Vehicles (DMV), and/or treatment programs] the names of students who passed or failed the course. Students seeking a two-point reduction on their license must be reported to the DMV. The DMV records an individual's course completion and credits his or her driving record toward re-issuance of a driver's license. A first-time DWI offender may receive credit only for ADA-approved ADIS programs.

Approved ADIS programs are built around the ADIS Core Curriculum Student Journal developed by the Division of Alcoholism and Drug Abuse (which includes a pre-test and post-test that must be passed with a score of 70% or better). Except for "itinerant" programs (see below), approved ADIS programs are at least 12 hours long, with no more than 4 hours presented on a single day. Itinerant programs may deliver two 3-hour sessions on the same day, with a 1-hour break between sessions. Approved ADIS classes are limited to no more than 20 students.

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

Approved programs demonstrate compliance with ADIS standards, health and safety regulations, and policies and procedures described in their program manual. Program manuals also accurately describe overall curriculum and program operations and include procedures for reporting required information to ASAP, DMV, and/or the court, as applicable, in prescribed formats. Approved ADIS programs may be delivered at fixed sites, at temporary "itinerant" sites, or through correspondence. Approved programs use trained instructors with appropriate knowledge of alcohol rehabilitation. Instructors must receive initial training in the ADIS Core Curriculum and continuing education in substance abuse.

Approval process

A program wishing to provide approved ADIS services applies for approval through the ADA ADIS Coordinator by requesting and submitting an application packet. If the program meets ADA standards, ASAP and DMV list it as an approved program. Only course certificates (and/or letters of completion) from approved programs will be recognized by ASAP, DMV, or the court.

To be approved, a program must submit to the ADIS Coordinator an acceptable program design (which must be based on the ADIS Core Curriculum Student Journal) and specified policies and procedures, which are outlined in the following tables. Following review of these materials, and a possible site visit, approval may be granted for one year initially and two years upon renewal. The ADIS Coordinator must approve any change in an approved program's curriculum at least 30 days prior to its implementation.

Initial application procedure and renewal

A program seeking approval requests application materials from the ADIS Coordinator. An ADIS application packet is sent to the program, which completes the packet and returns it to the ADIS Coordinator with supporting documents and an outline of its curriculum. The ADIS Coordinator reviews submitted materials within 30 days of receipt and either grants or denies approval. As part of this process, the ADIS Coordinator or a designate may visit the program. When approved, the program is notified by mail. ASAP and DMV are then notified of approval so that the program may be placed on the approved program list. Application materials are obtained from and returned to:

Division of Alcoholism and Drug Abuse
ADIS Coordinator
P.O. Box 240249
3601 C Street, Suite 358
Anchorage, AK 99524-0249

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

Although initial program approval is granted for one year, subsequent renewals may be granted for two. A program applies for renewal in writing to the ADIS Coordinator. The Coordinator then reviews submitted materials, including any program changes made since prior approval, and may again conduct a site visit. If renewal is approved, a letter is sent to the program, and ASAP and DMV are notified. The ADIS Coordinator remains available for technical assistance throughout the approval process.

ADIS program models

An ADIS program may operate as a fixed site, an itinerant service, or a correspondence course. Fixed site and itinerant programs follow the same rules and guidelines. A fixed site typically provides a home base for an itinerant program. An itinerant program provides a traveling counselor who delivers courses at various sites in a region. Rules for reporting, health and safety, capacity, and course content are the same for fixed and itinerant programs. ADIS standards for session length differ between the two. A program may develop a correspondence course for individuals who cannot be reached by an itinerant counselor nor reasonably travel to a fixed site. ADIS Core Curriculum remains the basis for such programs.

Itinerant programs may choose to deliver their services as part of a larger event, either on a one-time or an occasional basis. Court diversion programs, spirit camps, or health fairs are typical venues for itinerant ADIS programs. Such programs must meet all ADIS Core Curriculum, health and safety, and recording and reporting standards, and must be approved by the ADIS Coordinator at least 30 days prior to their implementation.

ADIS curriculum

The ADIS Core Curriculum Student Journal combines appropriate "best practices" from programs throughout the nation and reflects current trends in service delivery and research. It is designed to be relevant to all segments of Alaska's diverse population while ensuring uniformity of ADIS program content throughout the state. Responsible Decisions, Inc. (RDI), which has assisted many states in developing ADIS curricula, worked with ADA to develop the ADIS Core Curriculum. Each ADIS program purchases the ADIS Core Curriculum Student Journal from RDI for a nominal fee, which is passed on to program participants. RDI can be reached at:

Responsible Decisions, Inc.
6795 East Tennessee Ave., Suite 250
Denver, CO 80224
1-888-831-0046

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

The ADIS Core Curriculum Student Journal ensures that each successful student will:

- Take a standardized pre-test and pass a post-test based on the ADIS Core Curriculum, (70% represents a passing score);
- Learn Alaska laws and sanctions pertaining to DWI (applicable to all motor vehicles on land, water, and air);
- Apply learned sanctions to himself or herself;
- Describe his or her substance use patterns and behavior;
- Demonstrate an understanding of the effects of increased blood alcohol levels on his or her functioning;
- Be able to state some of the effects on human behavior of common combinations of drugs;
- State the cost to his or her own person, family, and community of his or her alcohol and other drug use;
- Be able to describe the progressive symptoms of addiction;
- Demonstrate an understanding of the disease concept of addiction;
- Demonstrate an understanding of the role of substance abuse in FAS/FAE, STDs, HIV/AIDS, and domestic violence;
- Demonstrate an understanding of the impact of substance abuse on relationships with significant others, children, and other family members;
- Demonstrate refusal skills for substance use;
- Complete a self-evaluation of substance abuse behavior;
- Develop an action plan for avoiding a subsequent DWI or other substance-related incident;
- Be able to identify an available substance abuse and/or mental health treatment resource and how to contact it;
- Where possible, the student should attend a Victims Panel;
- Complete a program evaluation.

ADA role

The Division of Alcoholism and Drug Abuse/ADIS Coordinator is responsible for approval of ADIS programs. ADA sets standards for curriculum and operation, monitors program activity, and evaluates program compliance. ADA supports development of new programs, as well as approval for existing programs, and acts as a clearinghouse for information and technology related to substance abuse education.

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

The Alaskan Court must be assured that an offender will receive the same quality of services, requested under a sentencing sanction, regardless of location or ADIS program. ADA approval ensures program consistency, as well as quality of each program's instruction, record keeping, and procedures for reporting to the court, ASAP, and DMV.

Reports of program completions are sent on DMV form DI-16-75, rev. 5/95, or the ASAP Referral form to the referring ASAP program or, where an ASAP program is not involved, directly to DMV at:

Driver Improvement Bureau
2150 Dowling Road
Anchorage, AK 99507

VI. Substance Abuse Treatment Resources for Minors.

A. Introduction to Treatment Concepts. Substance abuse treatment is a subject that gets a great deal of mention in literature, interviews, and discussions of underage drinking. While treatment is often referred to generically, there is a wide range of activities and services that constitute substance abuse treatment. Any given community can have some, none, or all of these services available in the community as well as access to other services through the use of itinerant professionals and patient transfer to other communities. The following is an overview to the principles of substance abuse treatment.

1. Range of Services. Substance abuse treatment services include all of the services on a continuum from alcohol screening to long-term residential care. The following is a brief description of the major components in a comprehensive substance abuse treatment program. Targeted services for special populations will be covered in the following sub-paragraphs.

a. **Alcohol Screening.** Alcohol screening is a service designed to "screen out" individuals who have an indication of alcohol involvement but who obviously do not need treatment. Given that alcohol consumption is legal (for adults), it is logical that a certain percentage of these will experience an incident or adverse consequences in which alcohol plays a role. Not all of these individuals, however, need substance abuse treatment. Screening is a process designed to provide a quick overview of the alcohol involvement of these individuals and eliminate those individuals who apparently do not need treatment. Those who do not "screen out" are provided with a more detailed assessment.

b. **Assessment.** For individuals who appear to have a problem with alcohol that might be well served through treatment services, a comprehensive assessment is performed to determine (1) the extent of their problem, and (2) needed treatment services. It is a more detailed and exhaustive process than the screening. A variety of assessment tools and instruments are used to help ensure that appropriate treatment referrals are made. One of the things accomplished in a thorough assessment is the assignment of a diagnosis, which formally identifies the type and severity of the problem.

c. **Alcohol Information School.** While not formally a component of treatment, alcohol information school is typically the first level of intervention in alcohol abuse (other than population-based prevention). It is generally appropriate for individuals without a history of alcohol abuse, those individuals who have experienced a problem for the first or even second time. Although the length of alcohol information school varies from program to program, they are typically between eight and 20 hours long. The goal of alcohol information school is to provide individuals with sufficient information to make good decisions about alcohol use. It is not generally considered to be appropriate for persons who are alcohol dependent since the only accepted choice for those individuals is to not consume alcohol at all.

d. **Outpatient Treatment.** Outpatient treatment services include one-to-one counseling, group counseling, and education. It is appropriate for persons that do not need the structure of a residential program and who are functional enough to manage their own affairs, keep appointments, and maintain a day-to-day life. Outpatient treatment is the least restrictive of



Mothers Against Drunk Driving • Juneau Chapter
211 Fourth St. Suite 102 • Juneau, AK 99801

April 18, 2001

MADD thanks the Judiciary committee for sponsoring HB 179 and we wish to speak in support of it.

MADD believes there should be more effective and stringent enforcement of the minimum drinking age law, by means of administrative, civil and criminal measures, to further limit illegal underage access to alcohol and thus reduce youthful involvement in alcohol and other drug-related traffic crashes.

MADD advocates that it be illegal for those under 21 to drive with any measurable level of blood alcohol. Zero tolerance shall establish as a maximum legal limit, a blood alcohol level of .02 BAC.

MADD advocates that each state adopt and implement laws which provide driver's license sanctions for underage persons convicted of purchasing or possession of alcoholic beverages.

MADD advocates that each state adopt laws providing that persons under 21 receive driver's licenses which are more restrictive than full licenses, under which violations would result in driver improvement actions and license revocation and civil sanctions in addition to any criminal sanctions and penalties. MADD advocates that each state adopt laws providing for graduated licensing privileges to persons under 21. Early driving experiences must be acquired in lower risk environment through extended restriction of no alcohol use, primary belt enforcement, limitation on night time driving and teenage passengers. Appropriate restriction should be lifted in stages, base in clean driving records.

MADD feels HB 179 addresses some of the above statements and therefore would make a difference in preventing underage drinking as well as drinking & driving in the #2 state in the nation for drunk driving fatalities.

To Heather (Judiciary
Committee)
Representative
Norm Rokeberg

MAR 22 2001

Re: HB179 Underage drinking

| | | |
|------------------------------------|-------------------|--------------|
| Post-It [®] Fax Note 7871 | Date 3/22/01 | # of pages 2 |
| To Heather (Rokeberg) | From Joan Diamond | |
| Co/Dept. | Co. OGDHS | |
| Phone # | Phone # 7343-6583 | |
| Fax # 465-7840 | Fax # 734-7376 | |

Attention to
"Offenses alcohol"
42% are repeat offenders

Under 21 Violations

DMV

| UNDER 21 VIOLATIONS 2000 | | | | | | | | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | ANNUAL |
| ANCHORAGE | | | | | | | | | | | | | |
| PD | 67 | 71 | 79 | 52 | 82 | 191 | 131 | 168 | 100 | 106 | 104 | 156 | 1307 |
| AST | 1 | | | | | | 4 | | | | | | 5 |
| TOTAL | 68 | 71 | 79 | 52 | 82 | 191 | 135 | 168 | 100 | 106 | 104 | 156 | 1312 |
| ANCH AIR PATROL | | | | | | | | | | | | | |
| PD | | | | | | 1 | | 3 | 2 | 4 | 1 | | 11 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 2 | 4 | 1 | 0 | 11 |
| BETHEL | | | | | | | | | | | | | |
| PD | 3 | | 3 | | 2 | | 3 | | | | 3 | | 14 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 3 | 0 | 3 | 0 | 2 | 0 | 3 | 0 | 0 | 0 | 3 | 0 | 14 |
| CORDOVA | | | | | | | | | | | | | |
| PD | 2 | 23 | | 6 | 1 | 10 | | 9 | 2 | | | | 53 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 2 | 23 | 0 | 6 | 1 | 10 | 0 | 9 | 2 | 0 | 0 | 0 | 53 |
| CRAIG | | | | | | | | | | | | | |
| PD | 1 | 2 | 4 | 6 | 8 | 10 | 18 | 11 | 4 | 1 | 4 | 2 | 71 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 1 | 2 | 4 | 6 | 8 | 10 | 18 | 11 | 4 | 1 | 4 | 2 | 71 |
| DILLINGHAM | | | | | | | | | | | | | |
| PD | 1 | | 1 | | 2 | 1 | | 3 | | 1 | | 1 | 10 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 1 | 0 | 1 | 0 | 2 | 1 | 0 | 3 | 0 | 1 | 0 | 1 | 10 |
| FAIRBANKS | | | | | | | | | | | | | |
| PD | 13 | 39 | 33 | 18 | 26 | 70 | 42 | 32 | 25 | 18 | 29 | 22 | 367 |
| AST | 21 | 15 | 33 | 50 | 21 | 29 | 33 | 35 | 20 | 10 | 11 | 12 | 290 |
| TOTAL | 34 | 54 | 66 | 68 | 47 | 99 | 75 | 67 | 45 | 28 | 40 | 34 | 657 |

PAGE 02

COMM HEALTH PROMOTIO

9873434884

16:59

03/22/2001

Under 21 Violations

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | ANNUAL |
|-----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| FBK AIR PATROL | | | | | | | | | | | | | |
| PD | | | | | 3 | 4 | | 2 | 1 | | | 1 | 11 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 3 | 4 | 0 | 2 | 1 | 0 | 0 | 1 | 11 |
| HAINES | | | | | | | | | | | | | |
| PD | 1 | 4 | | | | | | 2 | 1 | 5 | 1 | 7 | 21 |
| AST | | | | | | | | | 3 | | 2 | 1 | 6 |
| TOTAL | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 2 | 4 | 5 | 3 | 8 | 27 |
| HOMER | | | | | | | | | | | | | |
| PD | 2 | 2 | 5 | 1 | 9 | 2 | 5 | 3 | 6 | 6 | 7 | 9 | 57 |
| AST | | | | | 5 | 1 | | 2 | 1 | 1 | 3 | 1 | 14 |
| TOTAL | 2 | 2 | 5 | 1 | 14 | 3 | 5 | 5 | 7 | 7 | 10 | 10 | 71 |
| JUNEAU | | | | | | | | | | | | | |
| PD | 26 | 20 | 18 | 16 | 21 | 39 | 13 | 33 | 20 | 11 | 13 | 35 | 285 |
| AST | | | | 1 | | | | | | | | | 1 |
| TOTAL | 26 | 20 | 18 | 17 | 21 | 39 | 13 | 33 | 20 | 11 | 13 | 35 | 266 |
| KENAI | | | | | | | | | | | | | |
| PD | 3 | 7 | 1 | 5 | 9 | 4 | 5 | 15 | 2 | 3 | 2 | 2 | 58 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 3 | 7 | 1 | 5 | 9 | 4 | 5 | 15 | 2 | 3 | 2 | 2 | 58 |
| KETCHIKAN | | | | | | | | | | | | | |
| PD | 26 | 13 | 24 | 16 | 14 | 19 | 43 | 28 | 16 | 21 | 18 | 9 | 247 |
| AST | | | 2 | 7 | | 2 | 4 | 2 | | | | | 17 |
| TOTAL | 26 | 13 | 26 | 23 | 14 | 21 | 47 | 30 | 16 | 21 | 18 | 9 | 264 |
| KODIAK | | | | | | | | | | | | | |
| PD | 19 | 13 | 7 | 8 | 7 | 4 | 2 | 16 | 20 | 15 | 5 | 10 | 126 |
| AST | 7 | | | 1 | 1 | 6 | 8 | 5 | 35 | 17 | 10 | 3 | 91 |
| TOTAL | 26 | 13 | 7 | 9 | 8 | 10 | 8 | 21 | 55 | 32 | 15 | 13 | 217 |
| KOTZEBUE | | | | | | | | | | | | | |
| PD | 5 | 3 | 12 | 9 | 18 | 31 | 21 | 8 | 13 | 18 | 9 | 17 | 164 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 5 | 3 | 12 | 9 | 18 | 31 | 21 | 8 | 13 | 18 | 9 | 17 | 164 |
| NOME | | | | | | | | | | | | | |
| PD | | | 1 | | | | 2 | | | 3 | | 2 | 8 |

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Under 21 Violations

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | ANNUAL |
|-------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 3 | 0 | 2 | 8 |
| NORTH POLE | | | | | | | | | | | | | |
| PD | 13 | 2 | 10 | 5 | 2 | 14 | 3 | | 1 | 1 | 6 | 3 | 60 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 13 | 2 | 10 | 5 | 2 | 14 | 3 | 0 | 1 | 1 | 6 | 3 | 60 |
| NORTH SLOPE (BARROW) | | | | | | | | | | | | | |
| PD | 3 | 3 | 1 | 5 | 3 | 4 | 11 | 2 | 14 | 17 | 4 | 5 | 72 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 3 | 3 | 1 | 5 | 3 | 4 | 11 | 2 | 14 | 17 | 4 | 5 | 72 |
| PALMER | | | | | | | | | | | | | |
| PD | 1 | | 4 | 6 | 10 | 4 | 5 | 11 | 17 | 1 | 1 | 7 | 67 |
| AST | 1 | 10 | 22 | 17 | 38 | 89 | 55 | 42 | 36 | 14 | 23 | 7 | 354 |
| TOTAL | 2 | 10 | 26 | 23 | 48 | 93 | 60 | 53 | 53 | 15 | 24 | 14 | 421 |
| PETERSBURG | | | | | | | | | | | | | |
| PD | 1 | 4 | 3 | 5 | 2 | 4 | 7 | 7 | 1 | 1 | 1 | 1 | 37 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 1 | 4 | 3 | 5 | 2 | 4 | 7 | 7 | 1 | 1 | 1 | 1 | 37 |
| SEWARD | | | | | | | | | | | | | |
| PD | 1 | 1 | 6 | 3 | 3 | 3 | 5 | 2 | 2 | 3 | 8 | 6 | 43 |
| AST | 1 | | | 2 | 1 | | 3 | | 1 | 2 | 4 | | 14 |
| TOTAL | 2 | 1 | 6 | 5 | 4 | 3 | 8 | 2 | 3 | 5 | 12 | 6 | 57 |
| SITKA | | | | | | | | | | | | | |
| PD | 33 | 14 | 37 | 33 | 27 | 42 | 42 | 37 | 21 | 16 | 15 | 9 | 326 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 33 | 14 | 37 | 33 | 27 | 42 | 42 | 37 | 21 | 16 | 15 | 9 | 326 |
| SOLDOTNA | | | | | | | | | | | | | |
| PD | | 14 | 9 | 4 | 9 | 13 | 7 | 8 | 6 | 23 | 7 | 6 | 106 |
| AST | 6 | 6 | 5 | 1 | 2 | 16 | 4 | 8 | 2 | 6 | 3 | 1 | 60 |
| TOTAL | 6 | 20 | 14 | 5 | 11 | 29 | 11 | 16 | 8 | 29 | 10 | 7 | 166 |
| UNIVERSITY - ANCHORAGE | | | | | | | | | | | | | |
| PD | 9 | 13 | 18 | 3 | 10 | | 3 | | 15 | 11 | 32 | 10 | 124 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 9 | 13 | 18 | 3 | 10 | 0 | 3 | 0 | 15 | 11 | 32 | 10 | 124 |

Under 21 Violations

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | ANNUAL |
|-------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| UNIVERSITY - FAIRBANKS | | | | | | | | | | | | | |
| PD | 3 | 23 | 14 | 15 | 12 | 3 | 2 | 4 | 14 | 25 | 18 | 3 | 136 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 3 | 23 | 14 | 15 | 12 | 3 | 2 | 4 | 14 | 25 | 18 | 3 | 136 |
| US MILITARY | | | | | | | | | | | | | |
| PD | 8 | 1 | 2 | 10 | 4 | 5 | 7 | 12 | 11 | 11 | 7 | 9 | 87 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 8 | 1 | 2 | 10 | 4 | 5 | 7 | 12 | 11 | 11 | 7 | 9 | 87 |
| VALDEZ | | | | | | | | | | | | | |
| PD | 2 | | 5 | 7 | 1 | 5 | 13 | 4 | 15 | 1 | 6 | 2 | 61 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 2 | 0 | 5 | 7 | 1 | 5 | 13 | 4 | 15 | 1 | 6 | 2 | 61 |
| WASILLA | | | | | | | | | | | | | |
| PD | 6 | 5 | 12 | 16 | 5 | 19 | 11 | 8 | 8 | 23 | 7 | 8 | 128 |
| AST | | | 1 | | | | | | | | | | 1 |
| TOTAL | 6 | 5 | 13 | 16 | 5 | 19 | 11 | 8 | 8 | 23 | 7 | 8 | 129 |
| WRANGELL | | | | | | | | | | | | | |
| PD | 3 | 8 | 8 | 3 | 15 | 8 | 17 | 6 | 5 | 4 | 2 | 4 | 83 |
| AST | | | | | | | | | | | | | 0 |
| TOTAL | 3 | 8 | 8 | 3 | 15 | 8 | 17 | 6 | 5 | 4 | 2 | 4 | 83 |
| OTHER | | | | | | | | | | | | | |
| PD | 13 | 7 | 15 | 10 | 5 | 31 | 25 | 32 | 12 | 3 | 13 | 9 | 175 |
| AST | 15 | 7 | 4 | 14 | 20 | 25 | 21 | 10 | 7 | 15 | 20 | 5 | 163 |
| TOTAL | 28 | 14 | 19 | 24 | 25 | 56 | 46 | 42 | 19 | 18 | 33 | 14 | 338 |
| TOTALS | | | | | | | | | | | | | |
| PD | 265 | 292 | 332 | 262 | 310 | 541 | 443 | 466 | 354 | 352 | 323 | 355 | 4295 |
| AST | 52 | 38 | 67 | 93 | 88 | 168 | 130 | 104 | 105 | 65 | 77 | 30 | 1017 |
| GRAND TOTAL | 317 | 330 | 399 | 355 | 398 | 709 | 573 | 570 | 459 | 417 | 400 | 385 | 5312 |
| OFFENSES: ALCOHOL | | | | | | | | | | | | | |
| FIRST | 135 | 187 | 214 | 176 | 208 | 390 | 288 | 324 | 281 | 204 | 193 | 192 | 2752 |
| SECOND | 56 | 58 | 55 | 75 | 73 | 136 | 105 | 93 | 76 | 67 | 74 | 69 | 937 |
| THIRD + UP | 71 | 58 | 88 | 69 | 82 | 137 | 140 | 72 | 78 | 97 | 85 | 71 | 1048 |
| TOTAL | 262 | 283 | 357 | 320 | 363 | 663 | 533 | 489 | 415 | 368 | 352 | 332 | 4737 |

Under 21 Violations

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | ANNUAL |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| OFFENSES: DRUG | | | | | | | | | | | | | |
| FIRST | 17 | 24 | 29 | 26 | 12 | 32 | 22 | 36 | 9 | 42 | 31 | 29 | 309 |
| SECOND | 2 | 9 | 7 | 8 | 13 | 5 | 5 | 5 | 5 | 5 | 9 | 4 | 77 |
| THIRD + UP | 0 | 4 | 3 | 6 | 2 | 5 | 4 | 5 | 6 | 6 | 3 | 5 | 49 |
| TOTAL | 19 | 37 | 39 | 40 | 27 | 42 | 31 | 46 | 20 | 53 | 43 | 38 | 435 |
| OFFENSES: FRAUDULENT USE | | | | | | | | | | | | | |
| FIRST | 10 | 2 | 3 | 2 | 5 | 11 | 8 | 6 | 7 | 3 | 5 | 6 | 68 |
| SECOND | | | | | | | 1 | | | | | | 1 |
| THIRD + UP | | | | | | | | | | | | | 0 |
| TOTAL | 10 | 2 | 3 | 2 | 5 | 11 | 9 | 6 | 7 | 3 | 5 | 6 | 69 |
| OFFENSES: ZERO TOLERANCE AND REFUSAL | | | | | | | | | | | | | |
| FIRST | 12 | 8 | 12 | 20 | 14 | 22 | 21 | 24 | 11 | 10 | 10 | 15 | 179 |
| SECOND | 4 | 1 | 5 | 9 | 7 | 8 | 5 | 22 | 5 | 3 | 4 | 3 | 76 |
| THIRD + UP | 2 | 6 | 6 | 4 | 2 | 3 | 4 | 2 | 7 | 3 | 4 | 7 | 50 |
| TOTAL | 18 | 15 | 23 | 33 | 23 | 33 | 30 | 48 | 23 | 16 | 18 | 25 | 305 |
| TOTAL OFFENSES | 309 | 337 | 422 | 395 | 418 | 749 | 603 | 589 | 485 | 440 | 418 | 401 | 5546 |
| * Discrepancy between citation totals and offense totals due to multiple charges stemming from single incidents. | | | | | | | | | | | | | |
| MINOR DWI W/BAC OVER .10 | | | | | | | | | | | | | |
| Data on U21 DWI's is incomplete | | | | 14 | 18 | 22 | 12 | 3 | 3 | 32 | | | |

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COMM HEALTH PROMOTIO

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