

HB

42

22-LS0043P

Ford

4/16/01

CS FOR HOUSE BILL NO. 42(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the consumption, purchase, furnishing, delivery, offer for sale, and
2 sale of alcoholic beverages, and to driver's licenses and identification cards used to
3 purchase alcoholic beverages."

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

5 * Section 1. AS 04.11.491 is amended by adding a new subsection to read:

6 (g) In addition to the options provided under (a) and (b) of this section. if a
7 majority of the persons voting on the question vote to approve the option, a
8 municipality shall adopt an ordinance and an established village shall exercise a local
9 option to require an identification check by licensees as provided under AS 04.16.167.
10 A ballot question to adopt a local option under this subsection must at least contain
11 language substantially similar to "Shall (name of municipality or village) adopt a local
12 option to require an identification check by licensees as provided under AS 04.16.167?
13 (yes or no)."

14 * Sec. 2. AS 04.11.495 is amended by adding a new subsection to read:

1 (d) In addition to the option provided under (a) of this section, if a majority of
 2 the persons voting on the question vote to approve the option, a municipality or an
 3 established village shall remove the option set out in AS 04.11.491(g) to require an
 4 identification check by licensees as provided under AS 04.16.167. Notwithstanding
 5 (b) of this section, a ballot question to remove a local option under this subsection
 6 must at least contain language substantially similar to "Shall (name of municipality or
 7 village) remove the local option to require an identification check by licensees as
 8 provided under AS 04.16.167 so that there is no longer a requirement of an
 9 identification check in effect? (yes or no)."

10 * Sec. 3. AS 04.11.509(a) is amended to read:

11 (a) If a majority of the voters vote to impose [PROHIBIT], change, or remove
 12 a local option under AS 04.11.491 - 04.11.495, the clerk of the municipality [,] or, if
 13 the election is in an established village, the lieutenant governor shall notify the board
 14 of the results of the election immediately after the results are certified. The board
 15 shall immediately notify the Department of Law and the Department of Public Safety
 16 of the results of the election.

17 * Sec. 4. AS 04.16 is amended by adding new sections to read:

18 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) A person
 19 who is 21 years of age or older has a privilege to purchase alcoholic beverages, unless
 20 the privilege is revoked as provided under (b) of this section, is voluntarily
 21 relinquished as provided under (c) of this section, or as otherwise provided by law.

22 (b) If a person is convicted of operating a motor vehicle, aircraft, or watercraft
 23 while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test
 24 under AS 28.35.032, the court may revoke the person's privilege to purchase alcoholic
 25 beverages. If a person is convicted of operating a motor vehicle, aircraft, or watercraft
 26 while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test
 27 under AS 28.35.032 or is convicted of a different offense and consumption of an
 28 alcoholic beverage was a substantial factor in the commission of the offense and the
 29 person has, within five years preceding the date of the present conviction, been
 30 convicted of violating AS 28.35.030 or 28.35.032, the court shall revoke the person's
 31 privilege to purchase alcoholic beverages. A revocation imposed under this

1 subsection shall be for the following periods:

- 2 (1) for a first offense, one year;
3 (2) for a second offense, three years;
4 (3) for a third or subsequent offense, five years.

5 (c) A person may volunteer to relinquish the person's privilege to purchase
6 alcoholic beverages. A voluntary relinquishment shall continue until the person elects
7 to end the relinquishment.

8 (d) A person whose privilege to purchase alcoholic beverages is revoked
9 under (b) or relinquished under (c) of this section may not knowingly possess,
10 consume, or purchase an alcoholic beverage, or solicit another person to purchase an
11 alcoholic beverage. This subsection does not apply to sacramental wine used for
12 religious purposes.

13 (e) For purposes of (b) of this section, a prior conviction of any of the offenses
14 described under (b) of this section subjects the person to the penalties described under
15 (b)(2) or (3) of this section.

16 ~~Sec. 04.16.165. Prohibition relating to persons with revoked privilege to~~
17 ~~purchase.~~ (a) A person may not knowingly furnish or deliver an alcoholic beverage
18 to a person whose privilege to purchase alcoholic beverages is revoked under
19 AS 04.16.160.

20 (b) If a person is convicted of violating (a) of this section, the court shall
21 impose a civil penalty of \$500.

22 **Sec. 04.16.167. Identification check by licensees.** If a local option to require
23 an identification check is adopted under AS 04.11.491(g), a licensee or an agent or
24 employee of a licensee within that municipality or established village may not
25 knowingly sell or offer for sale an alcoholic beverage unless the licensee, agent, or
26 employee first examines the identification of the person purchasing the alcoholic
27 beverage and determines that the person's privilege to purchase alcoholic beverages is
28 not revoked.

29 **Sec. 04.16.169. Required notice.** A court that revokes a privilege to purchase
30 alcoholic beverages shall promptly notify the Department of Public Safety and the
31 component of the Department of Administration that administers motor vehicle and

1 driver's license laws of the revocation.

2 * Sec. 5. AS 04.16.180(a) is amended to read:

3 (a) Except as provided in AS 04.11.015, AS 04.16.025, 04.16.050
4 [AS 04.16.050(b)], 04.16.051, 04.16.165, 04.16.200 - 04.16.210, and AS 04.21.065, a
5 person who violates a provision of this title or a regulation adopted by the board is
6 guilty, upon conviction, of a class A misdemeanor. Each violation is a separate
7 offense.

8 * Sec. 6. AS 28.15.111(a) is amended to read:

9 (a) Upon successful completion of the application and all required
10 examinations, and upon payment of the required fee, the department shall issue to
11 every qualified applicant a driver's license indicating the type or general class of
12 vehicles that the licensee may drive. The license must display (1) a distinguishing
13 number assigned to the license; (2) the licensee's full name, address, date of birth,
14 brief physical description, and color photograph; (3) either a facsimile of the signature
15 of the licensee or a space upon which the licensee must write the licensee's usual
16 signature with pen and ink; (4) a holographic symbol intended to prevent illegal
17 alteration or duplication; [AND] (5) for a qualified applicant who is under age 21, the
18 words "UNDER 21"; and (6) for a person whose privilege to purchase alcohol has
19 been revoked under AS 04.16.160, a distinctive color. A license is not valid until
20 signed by the licensee. If facilities are not available for the taking of the photograph
21 required under this section, the department shall endorse on the license, the words
22 "valid without photograph."

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Alaska Civil Liberties Union

An Affiliate of the American Civil Liberties Union

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Statement in opposition to HB 42 ("Privilege to purchase" alcohol)

**Presented to the House State Affairs Committee on April 10, 2001
by Jennifer Rudinger, Executive Director**

Mr. Chairman and members of the Committee:

I am here to represent over one thousand supporters and members of the AkCLU in Alaska, and I thank you for the opportunity to testify in opposition to HB 42. While the AkCLU understands and supports the goal of preventing people from driving while intoxicated, we believe that HB 42 sweeps way too broadly in its efforts to curtail drunk driving and actually creates an unworkable bureaucracy which will violate Alaskans' rights to privacy. Furthermore, in some circumstances, it may also violate Alaskans' rights to free exercise of religion under the First Amendment and Article 1, Section 4 of the Alaska Constitution. I will summarize our concerns below, and then I would be very happy to speak with you further about this matter.

- 1.) **HB 42 does not only apply to driving offenses involving alcohol. Rather, it allows for the revocation penalty to be imposed in any conviction in which alcohol played a substantial role, even if the offender does not have a driver's license and does not drive.**

I have not seen a sponsor's statement by Rep. Green yet, but I can only conclude from news reports about this bill that Rep. Green's intent is to curtail drunk driving in Alaska. If that is so, then the first problem with this HB 42 is that it sweeps much more broadly than drunk driving. While Section 1 (b) mandates that a person's privilege to purchase alcohol shall be revoked if a person is convicted of a d.u.i. offense, this section also allows for the revocation of the privilege to purchase alcohol in *any* conviction for *any* offense in which alcohol consumption played a substantial role in the commission of the offense.

Allowing for the revocation of the privilege to purchase alcohol for a minimum of one year in circumstances that did not involve operating a motor vehicle -- such as a simple disorderly conduct charge for an argument in a bar -- sweeps much more broadly than is justified by the bill's intent to protect people from the safety hazard posed by drunk drivers. Although we have not yet researched whether there is a constitutional right to purchase alcoholic beverages, we assume for purposes of this paper that purchasing alcohol is a "privilege" and not a "right." Nevertheless, the government is unlikely to be able to demonstrate a rational relationship between the goal of curtailing drunk driving and the means of allowing for this harsh penalty in circumstances that do not involve driving at all. In fact, this revocation may be imposed against people who do

not even have a driver's license or have any intention of driving! Thus, we feel that the second sentence of Section 1(b) sweeps too broadly to be rationally related to the State's goal of curtailing drunk driving.

Furthermore, even if the sponsor's objective *is* to curtail all offenses involving alcohol, and *not* just d.u.i. offenses, this bill sweeps much more broadly than necessary to accomplish that objective for the reasons listed below.

2.) HB 42 would prohibit a person whose privilege to purchase has been revoked from even entering the premises of *any* licensed establishment.

Section 1(c) of HB 42 prohibits a person whose privilege has been revoked from even entering the premises of any establishment licensed to serve alcoholic beverages. As a practical matter, this prohibition would prevent a person whose privilege has been revoked from going to dinner with his/her family unless they eat at a fast food restaurant. For example, almost every restaurant in Anchorage (even Alaska Bagel) serves alcohol. In Anchorage, this prohibition would prevent people whose privilege has been revoked from attending concerts or events at the Performing Arts Center or the Sullivan Arena because alcohol is made available at those events. Not allowing a person whose privilege has been revoked to even *attend* a performance by the Anchorage Symphony Orchestra seems again to sweep more broadly than is rationally related to the State's goal of preventing drunk driving.

Furthermore, Section 1(c) contains no exception for people who are employed by licensees and need to enter licensed premises in order to earn their livelihood during the period in which their privilege is revoked. Surely, the legislature does not intend for these people to lose their jobs and lose their ability to provide for their families ... but HB 42, as currently drafted, would have that effect.

3.) HB 42 extends beyond public facilities and invades the private home.

Section 04.16.165 seems to extend the government's prohibition into the private home. In order to comply with this new law, people who have guests in their home would arguably have to demand proof from their friends that their privilege to consume alcohol has not been revoked. HB 42 sweeps too broadly by effectively mandating that guests who are *not driving* are nevertheless subjected to this sort of interrogation by their friends and that anyone who serves a glass of wine at a dinner party to someone whose privilege has been revoked will themselves lose their privilege to purchase alcohol for six months. Given Alaskans' deeply rooted value of individual privacy, we are confident that your constituents would find this provision to be eerily Orwellian in that it inserts Big Brother into the private home and forces friends to "card" each other.

4.) HB 42's database requirement creates both an impractical bureaucracy and an invasion of privacy.

Section 04.16.167(b) and Section 04.16.167(c) create a "list," or database, of people whose privilege to purchase alcohol has been revoked. Although the bill requires changes to this list to be made "promptly" by the ABC Board and by the court system, there is no definition of what HB 42's sponsor would consider "prompt." It hardly seems realistic to assume that in fact these changes will be made with expediency and that every licensee in the State of Alaska will be "promptly" informed of changes to this list. People whose privileges have been reinstated will nevertheless find themselves unable to purchase alcohol or to enter licensed premises as long as some government database claims that their privilege is still revoked.

Furthermore, this database could easily constitute an invasion of privacy in that many people will have access to it and there is no protection in HB 42 for the confidentiality of this list. Particularly in smaller communities, it is easy to predict that who is on "the list" will become public knowledge. The interest of the State lies in protecting the public from the hazards caused by intoxicated drivers, *not* in heaping shame and humiliation on people who have made one mistake.

5.) The requirement that the driver's license of a person whose privilege has been revoked must be a distinctive color constitutes an unwarranted violation of Alaskans' right to privacy.

There are many circumstances in which a person is asked to show his/her driver's license that have nothing to do with drinking or driving. Employers are required to ask for proof of I.D. when filling out W-4 forms for new employees, and often, a driver's license is the only form of state I.D. that people have. Banks often ask to see the driver's licenses of people applying for new checking accounts so that the driver's license number can be displayed on the checks. Post offices may require that one show one's proof of I.D. before accepting a certified letter or collecting mail that has been held while on vacation. These are just a few examples of when Alaskans are asked to display their driver's licenses in circumstances that have nothing to do with driving or drinking. Forcing people's drivers' licenses to be colorized if their privilege to purchase has been revoked is akin to forcing them, in many circumstances, to display a colorized badge of shame. One Alaskan who heard a news report about this bill recently contacted the AkCLU and told me that he feels this is similar to the Nazis forcing Jews to wear yellow stars in Germany. While I would not personally go so far as to make this comparison, I mention this only to illustrate how strongly Alaskans feel about government intrusions into their privacy.

AkCLU position paper re: HB 42
Page 4 of 4

6.) HB 42 contains no exemption for religious practices that involve the consumption of alcohol.

The First Amendment and Article I, Section 4 of the Alaska Constitution prohibit the government from interfering with the free exercise of religion. Insofar as this bill contains no exception to allow a person to participate in religious ceremonies involving wine or other alcoholic beverages, HB 42 is unconstitutional.

Conclusion

In conclusion, we reiterate that we believe the State has a legitimate interest in protecting Alaskans from hazards caused by drunk drivers. However, HB 42 sweeps much too broadly in light of its apparent purpose and will have the severe consequences of invading Alaskans' privacy, creating an unworkable bureaucracy, and preventing people who have made one mistake from going to restaurants, keeping a job, attending a friend's dinner party, or exercising religious practices which involve the consumption of alcoholic beverages.

Thank you again for your consideration of this issue and for contacting the Alaska Civil Liberties Union. Please feel free to contact me at 258-0044 if you wish to discuss this matter further.

Sincerely,



Jennifer Rulinger
Executive Director

Alaska State Legislature

WHILE IN SESSION
CAPITOL BUILDING
JUNEAU, ALASKA 99801-1182
(907) 465-4931
1-800-870-4931
(907) 465-4316 FAX

INTERIM ADDRESS
715 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501
(907) 269-0123
(907) 269-0124 FAX



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VICE CHAIR, ECONOMIC DEVELOPMENT
TRADE & TOURISM
MEMBER, RESOURCES
MEMBER, ETHICS
MEMBER, MILITARY & VETERAN AFFAIRS

BUDGET SUBCOMMITTEES
ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LAW

Representative Joe Green
District 10

SPONSOR STATEMENT

House Bill 42 - "Consumption and purchase of alcohol"

House Bill 42 requires the court to revoke a person's privilege to drink alcohol if they are convicted of driving while intoxicated. It also allows a judge to revoke a person's privilege to drink if the court finds that the consumption of alcohol was a substantial factor in the commission of any offense. A person whose privilege to drink has been revoked by a court will be required to obtain a driver's license or state identification card that reflect the restrictions. The possession or consumption of alcohol during the period of restriction would be a class A misdemeanor. Anyone who knowingly provides an alcoholic beverage to a person whose privilege to drink has been revoked will lose *their* privilege to drink for a period of six months.

HB 42 also provides a new tool to local communities to assist them in their efforts to curb alcohol abuse. Much like a community's ability to vote itself "dry" or "damp," House Bill 42 provides a "local option" for communities to require that all persons provide personal identification before purchasing alcoholic beverages. Communities that choose this option would be able to refuse alcohol availability to those persons who have lost their privilege to drink.

Recent fatality accidents involving drunk drivers has focused our attention on the misuse of alcohol and its costs to society. Most of the attention to date has focused on driving while intoxicated; while this is a significant component of alcohol abuse it is by no means the most prevalent or most costly. Studies indicate that alcohol was a factor in the crimes committed by more than half of the prisoners incarcerated in our prisons.

I would appreciate your support of HB 42 as we endeavor to separate alcohol from alcohol abusers.

22-LS0043\L
Ford
4/2/01

CS FOR HOUSE BILL NO. 42()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE GREEN

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8 municipality shall adopt an ordinance and an established village shall exercise a local
9 option to require an identification check by licensees as provided under AS 04.16.167.
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14 * **Sec. 2.** AS 04.11.495 is amended by adding a new subsection to read:

1 (d) In addition to the option provided under (a) of this section, if a majority of
2 the persons voting on the question vote to approve the option, a municipality or an
3 established village shall remove the option set out in AS 04.11.491(g) to require an
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5 (b) of this section, a ballot question to remove a local option under this subsection
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14 of the results of the election immediately after the results are certified. The board
15 shall immediately notify the Department of Law and the Department of Public Safety
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18 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) A person
19 who is 21 years of age or older has a privilege to purchase alcoholic beverages, unless
20 the privilege is revoked as provided under (b) of this section, is voluntarily
21 relinquished as provided under (c) of this section, or as otherwise provided by law.

22 (b) If a person is convicted of operating a motor vehicle, aircraft, or watercraft
23 while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test
24 under AS 28.35.032, the court shall revoke the person's privilege to purchase alcoholic
25 beverages. If a person is convicted of an offense other than operating a motor vehicle,
26 aircraft, or watercraft while intoxicated in violation of AS 28.35.030 or refusal to
27 submit to a chemical test under AS 28.35.032 and the consumption of an alcoholic
28 beverage was a substantial factor in the commission of the offense, the court may
29 revoke the person's privilege to purchase alcoholic beverages. A revocation required
30 under this subsection shall be for the following periods:

31 (1) for a first offense, one year;

1 (2) for a second offense, three years;

2 (3) for a third or subsequent offense, five years.

3 (c) A person may volunteer to relinquish the person's privilege to purchase
4 alcoholic beverages. A voluntary relinquishment shall continue until the person elects
5 to end the relinquishment.

6 (d) A person whose privilege to purchase alcoholic beverages is revoked
7 under (b) or relinquished under (c) of this section may not knowingly possess,
8 consume, or purchase an alcoholic beverage, or solicit another person to purchase an
9 alcoholic beverage. This subsection does not apply to sacramental wine used for
10 religious purposes.

11 (e) For purposes of (b) of this section, a prior conviction of any of the offenses
12 described under (b) of this section subjects the person to the penalties described under
13 (b)(2) or (3) of this section.

14 **Sec. 04.16.165. Prohibition relating to persons with revoked privilege to**
15 **purchase.** (a) A person may not knowingly furnish or deliver an alcoholic beverage
16 to a person whose privilege to purchase alcoholic beverages is revoked under
17 AS 04.16.160.

18 (b) If a person is convicted of violating (a) of this section, the court shall
19 revoke the person's privilege to purchase alcoholic beverages for a period of six
20 months.

21 **Sec. 04.16.167. Identification check by licensees.** If a local option to require
22 an identification check is adopted under AS 04.11.491(g), a licensee or an agent or
23 employee of a licensee within that municipality or established village may not
24 knowingly sell or offer for sale an alcoholic beverage unless the licensee, agent, or
25 employee first examines the identification of the person purchasing the alcoholic
26 beverage and determines that the person's privilege to purchase alcoholic beverages is
27 not revoked.

28 **Sec. 04.16.169. Required notice.** A court that revokes a privilege to purchase
29 alcoholic beverages shall promptly notify the Department of Public Safety and the
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4 person who violates a provision of this title or a regulation adopted by the board is
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8 (a) Upon successful completion of the application and all required
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11 vehicles that the licensee may drive. The license must display (1) a distinguishing
12 number assigned to the license; (2) the licensee's full name, address, date of birth,
13 brief physical description, and color photograph; (3) either a facsimile of the signature
14 of the licensee or a space upon which the licensee must write the licensee's usual
15 signature with pen and ink; (4) a holographic symbol intended to prevent illegal
16 alteration or duplication; [AND] (5) for a qualified applicant who is under age 21, the
17 words "UNDER 21"; and (6) for a person whose privilege to purchase alcohol has
18 been revoked under AS 04.16.160 or 04.16.165, a distinctive color. A license is not
19 valid until signed by the licensee. If facilities are not available for the taking of the
20 photograph required under this section, the department shall endorse on the license,
21 the words "valid without photograph."
22

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 42
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An act relating to the consumption, purchase, BRU: Motor Vehicles
furnishing, delivery, offer for sale, and sale of alcoholic..... Component: _____
 Sponsor: Representative Green
 Requester: (H) STA Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual	29.8	12.3	12.3	12.3	12.3	12.3
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	29.8	12.3	12.3	12.3	12.3	12.3

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	29.8	12.3	12.3	12.3	12.3	12.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	29.8	12.3	12.3	12.3	12.3	12.3

Estimate of any current year (FY2001) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 See attached sheet

Prepared by: Charles R. Hosack Phone 269-5559
 Division: Motor Vehicles Date/Time: #####
 Approved by: Jim Duncan, Commissioner Date: 4/9/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

HB 42 Fiscal Note Continuation

This bill requires DMV to issue a driver license with a distinctive color if a person's authority to purchase alcohol has been revoked. For purposes of this fiscal note DMV assumes the bill will be amended to include ID cards issued under AS 18.65.310. The majority of persons who have had their driver license revoked obtain an ID card during the period they do not have the license.

Under this bill a court revokes a person's authority to purchase alcohol if the person is convicted of DWI or other offenses where alcohol is involved. There are approximately 5000 arrests for DWI each year. It is not known how many other offenses other than DWI would trigger the revocation. For purposes of this fiscal note it is assumed that there will be 1000 offense each year. DMV will have to issue special licenses or ID cards to 6,000 each year.

The periods of the revocation of authority to purchase alcohol are different from the standard license revocation periods for DWI. Plus persons convicted of offenses not related to driving may have their authority to purchase alcohol revoked. These people may go to any DMV office in the state at any time during the revocation period to obtain an ID card or, if eligible a driver license. To ensure that the correct license or ID card is issued DMV will have to modify the data system to reflect this new status. This system modification will be done by a contractor. The estimated time required is 240 hours (6 weeks) at the state contract rate of \$122.77 per hour. The total cost is \$29,448.00.

After the period of revocation is over the person will obtain a regular license or ID card without the distinctive color. This cost will not be incurred until the second year of the program since the minimum period of revocation is for one year. This will be 6,000 additional licenses or cards issued at a cost of \$2.00 each. The total annual cost is \$12,000.00.

Each year there will be a forms cost of \$300.00 for the distinctive license card.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 42
 () Publish Date: _____

Revision Date/Time(Note if Correction): _____ Dept. Affected: Correction
 Title: An Act relating to the consumption, purchase, BRU: Administration & Operations
furnishing, delivery, offer for sale, and sale of alcoholic..... Component: All
 Sponsor: Representative Green
 Requester: House State Affairs Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0
TOTAL OPERATING	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0

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 42 would establish a statute allowing the revocation of the privilege to purchase alcohol. This legislation requires a judge to revoke someone's privilege to purchase alcohol if that person is convicted of DWI, and allows the court to revoke the privilege for any other offense where consumption of alcohol was a substantial factor. A first offender's revocation would be 1 year, a second offender within 10 years would be receive a 3 year revocation and a third offender within 10 years would receive a 5 year revocation. A master list of all those individuals who have had their privilege revoked would be maintained by the Alcohol Beverage Control Board and they would be responsible for ensuring all of the liquor licensees had updated lists. Additionally, anyone whose privilege has been revoked would be required to go to Motor Vehicles and obtain a license with a distinctive color to differentiate them from those whose privilege has not been revoked and all licensees would be required to check the identification of everyone purchasing alcohol. Entering a licensed premise, possession or purchase of an alcoholic beverage, or soliciting someone else to purchase an alcoholic beverage when the privilege is revoked would be a class A misdemeanor.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 4/09/01/4:51pm
 Approved by: Margaret Pugh Date 4/9/01
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

If this legislation is enacted, it is anticipated to have a significant fiscal impact on the Department of Corrections. In Calendar year 2000, the Department of Corrections had 31,019 bookings. We know that alcohol is a significant factor in a great number of those bookings. If we assume 60% have alcohol as a significant factor, those 18,611 bookings would be eligible for the privilege revocation. The judges might not impose that revocation on 10% of those 18,611 bookings leaving 16,751 who might have this imposed. If 60% of those violate their revocation that would leave 10,751. Out of those bookings, the Department of Law and Department of Corrections agree that it is conceivable 7500 offenders would serve a minimum of 3 days in jail. If we average a CRC bed cost and a prison bed cost it comes to \$88.00 a day. That results in an additional cost to the Department of Corrections of \$1,980,000. We believe that to be a conservative estimate, depending on the judges decisions and the level of enforcement.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 42
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to the consumption, purchase, BRU Criminal Division
furnishing...sale of alcoholic beverages and to driver's licenses..." Component 1st-4th Judicial Districts
Sponsor Representative Green
Requester House State Affairs Committee Component No. 2198-99;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	841.6	841.6	841.6	841.6	841.6	841.6
Travel	2.6	2.6	2.6	2.6	2.6	2.6
Contractual	130.1	130.1	130.1	130.1	130.1	130.1
Supplies	11.3	11.3	11.3	11.3	11.3	11.3
Equipment	71.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1,057.1	985.6	985.6	985.6	985.6	985.6

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	1,057.1	985.6	985.6	985.6	985.6	985.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1,057.1	985.6	985.6	985.6	985.6	985.6

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	11	11	11	11	11	11
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
HB 42 requires the court to revoke a person's privilege to purchase alcoholic beverages for a DWI conviction, and allows the court to revoke the privilege for any other offense where consumption of alcohol was a substantial factor. The length of time the privilege is revoked increases with the number of prior offenses within the preceding 10 years. The Alcoholic Beverage Control Board would be required to maintain a list of people whose privilege to purchase alcoholic beverages was revoked, and provide all liquor licensees with the information. Persons whose privilege to purchase alcoholic beverages has been revoked would carry a driver's license or identification card of a distinctive color, and licensees would be required to check the identification of everyone purchasing an alcoholic beverage for this color. Entering a licensed premise, possession or purchase of an alcoholic beverage, or soliciting someone else to purchase an alcoholic beverage when the privilege is revoked would be a class A misdemeanor.
Passage of this legislation is expected to have a significant fiscal impact on the criminal justice system, including the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
Division Attorney General's Office Date/Time 4/9/01 1:44 PM
Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 4/9/01
Agency Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. HB 42

ANALYSIS CONTINUATION

Alcohol is a substantial factor in a majority of crimes committed in Alaska. In CY 2000, Corrections had over 31,000 total bookings for all offenses, statewide. If 60 percent of these bookings involved alcohol as a substantial factor, over 18,000 of these bookings could be subject to the revocation of the privilege to purchase alcohol. Of these 18,000 alcohol-related offenders, in FY00, 4,000 were for DWI alone. Under this bill, the privilege to purchase alcohol must be revoked for every conviction for DWI. Of the remaining 14,000 alcohol-related offenders, we conservatively estimate that at least half would be sufficiently serious to warrant revocation of the privilege to purchase alcohol. Thus, in each year of the operation of this proposed law, there would be at least 11,000 persons whose privileges are revoked. Because the period of revocation will often last longer than one year, however, at any one time there will be many more than 11,000 persons with revoked privileges. Because most of these offenders have chronic and longstanding alcoholism, and because this bill makes it a crime for these high-risk individuals to even possess alcohol, we believe that a high percentage will reoffend each year. For the purposes of this fiscal note, we assume that approximately 8,000 people per year would reoffend and be subject to a new misdemeanor charge as a result of this bill. It is difficult to judge how many of those individuals would be brought up on other charges at the same time, in which case the new misdemeanor charge resulting from passage of this legislation would not increase the department's workload. However, we would anticipate that more than half of these cases, five thousand, would involve the sole charge of the new crime of being in a licensed premise, possession or purchasing alcohol, or soliciting another person to purchase alcohol.

Five thousand new cases represents a 25 percent increase in the department's current misdemeanor caseload. The department would need 5 new FTE attorneys (Anchorage, Fairbanks, Palmer, Kenai, Bethel DAO), 3 paraprofessionals (Anchorage, Fairbanks, Palmer DAO), and 3 secretaries (Anchorage, Fairbanks, Palmer DAO) to manage this new caseload.

All position costs are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard attorney and paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and three FTE legal secretary positions are requested, along with \$6,500 for one-time equipment costs for each position. A line-item summary by component follows:

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney	199.8	199.8	199.8	199.8	199.8	199.8
	200 1 FTE Paraprofessional	0.6	0.6	0.6	0.6	0.6	0.6
	300 1 PFT Legal Secy	30.9	30.9	30.9	30.9	30.9	30.9
	400	2.7	2.7	2.7	2.7	2.7	2.7
	500	19.5					
	Total 1004 General Fund	253.5	234.0	234.0	234.0	234.0	234.0
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 2 FTE Attorney	320.9	320.9	320.9	320.9	320.9	320.9
	200 1 FTE Paraprofessional	1.0	1.0	1.0	1.0	1.0	1.0
	300 1 PFT Legal Secy	49.6	49.6	49.6	49.6	49.6	49.6
	400	4.3	4.3	4.3	4.3	4.3	4.3
	500	26.0					
	Total 1004 General Fund	401.8	375.8	375.8	375.8	375.8	375.8
Criminal Division: 4rd Judicial District (2201)							
	100 2 FTE Attorney	320.9	320.9	320.9	320.9	320.9	320.9
	200 1 FTE Paraprofessional	1.0	1.0	1.0	1.0	1.0	1.0
	300 1 PFT Legal Secy	49.6	49.6	49.6	49.6	49.6	49.6
	400	4.3	4.3	4.3	4.3	4.3	4.3
	500	26.0					
	Total 1004 General Fund	401.8	375.8	375.8	375.8	375.8	375.8

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 42
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to the consumption,
purchasing...sale of alcoholic beverage BRU: Legal & Advocacy Services
 Component: Public Defender Agency
 Sponsor: Representative Green
 Requester: House State Affairs Committee Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	536.8	536.8	536.8	536.8	536.8	536.8
Travel	19.0	19.0	19.0	19.0	19.0	19.0
Contractual	124.0	124.0	124.0	124.0	124.0	124.0
Supplies	11.6	11.6	11.6	11.6	11.6	11.6
Equipment	19.5	1.9	1.9	1.9	1.9	1.9
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	710.9	693.3	693.3	693.3	693.3	693.3

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	710.9	693.3	693.3	693.3	693.3	693.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	710.9	693.3	693.3	693.3	693.3	693.3

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	8	8	8	8	8	8
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please see page 2 for analysis.

Prepared by: Barbara Brink, Director Phone 907 334-4414
 Division: Public Defender Agency Date/Time 04/10/01
 Approved by: Jim Duncan, Commissioner Date 4/10/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

HB 42 ANALYSIS:

This bill revises Title 4 of the Alaska Statutes to provide that a person over 21 only has a "privilege" to purchase alcohol that can be revoked. The bill would make it a class A misdemeanor to possess or purchase alcohol if a person has had their privilege to purchase alcohol revoked. It would also be a class A misdemeanor to enter licensed premises or solicit a person to purchase alcoholic beverages.

A person's privilege must be revoked upon conviction for driving while intoxicated. The privilege may be revoked upon conviction of another type of offense if consumption of alcoholic beverages was a substantial factor.

The Department of Law estimates that passage of this bill will result in approximately 5,000 new misdemeanor prosecutions. The Public Defender Agency is appointed in about 80% of criminal prosecutions like these. Therefore, we would have a caseload increase of 3,750 additional new misdemeanor cases. This would be a huge increase.

According to the Department of Law's fiscal note, they will add five new prosecutors and three paralegals. The most conservative estimate the Public Defender Agency can use is to conclude that we would need 80% of this additional staffing level or four attorneys and two paralegals. We would place the attorneys in Anchorage, Palmer, Fairbanks, and Bethel. The paralegals would be placed in Anchorage and Palmer.

These costs include one-time equipment costs and costs for clerical support.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 42
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An act relating to the consumption, purchase, BRU: Motor Vehicles
furnishing, delivery, offer for sale, and sale of alcoholic..... Component: _____
 Sponsor: Representative Green
 Requester: (H) STA Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual	29.8	12.3	12.3	12.3	12.3	12.3
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	29.8	12.3	12.3	12.3	12.3	12.3

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

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	29.8	12.3	12.3	12.3	12.3	12.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	29.8	12.3	12.3	12.3	12.3	12.3

Estimate of any current year (FY2001) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 See attached sheet

Prepared by: Charles R. Hosack Phone 269-5559
 Division: Motor Vehicles Date/Time: #####
 Approved by: Jim Duncan, Commissioner Date: 4/9/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

HB 42 Fiscal Note Continuation

This bill requires DMV to issue a driver license with a distinctive color if a person's authority to purchase alcohol has been revoked. For purposes of this fiscal note DMV assumes the bill will be amended to include ID cards issued under AS 18.65.310. The majority of persons who have had their driver license revoked obtain an ID card during the period they do not have the license.

Under this bill a court revokes a person's authority to purchase alcohol if the person is convicted of DWI or other offenses where alcohol is involved. There are approximately 5000 arrests for DWI each year. It is not known how many other offenses other than DWI would trigger the revocation. For purposes of this fiscal note it is assumed that there will be 1000 offense each year. DMV will have to issue special licenses or ID cards to 6,000 each year.

The periods of the revocation of authority to purchase alcohol are different from the standard license revocation periods for DWI. Plus persons convicted of offenses not related to driving may have their authority to purchase alcohol revoked. These people may go to any DMV office in the state at any time during the revocation period to obtain an ID card or, if eligible a driver license. To ensure that the correct license or ID card is issued DMV will have to modify the data system to reflect this new status. This system modification will be done by a contractor. The estimated time required is 240 hours (6 weeks) at the state contract rate of \$122.77 per hour. The total cost is \$29,448.00.

After the period of revocation is over the person will obtain a regular license or ID card without the distinctive color. This cost will not be incurred until the second year of the program since the minimum period of revocation is for one year. This will be 6,000 additional licenses or cards issued at a cost of \$2.00 each. The total annual cost is \$12,000.00.

Each year there will be a forms cost of \$300.00 for the distinctive license card.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 42
() Publish Date: _____

Revision Date/Time(Note if Correction): _____ Dept. Affected: Correction
Title: An Act relating to the consumption, purchase, BRU: Administration & Operations
furnishing, delivery, offer for sale, and sale of alcoholic..... Component: All
Sponsor: Representative Green
Requester: House State Affairs Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0
TOTAL OPERATING	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0	1,980.0

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 42 would establish a statute allowing the revocation of the privilege to purchase alcohol. This legislation requires a judge to revoke someone's privilege to purchase alcohol if that person is convicted of DWI, and allows the court to revoke the privilege for any other offense where consumption of alcohol was a substantial factor. A first offender's revocation would be 1 year, a second offender within 10 years would be receive a 3 year revocation and a third offender within 10 years would receive a 5 year revocation. A master list of all those individuals who have had their privilege revoked would be maintained by the Alcohol Beverage Control Board and they would be responsible for ensuring all of the liquor licensees had updated lists. Additionally, anyone whose privilege has been revoked would be required to go to Motor Vehicles and obtain a license with a distinctive color to differentiate them from those whose privilege has not been revoked and all licensees would be required to check the identification of everyone purchasing alcohol. Entering a licensed premise, possession or purchase of an alcoholic beverage, or soliciting someone else to purchase an alcoholic beverage when the privilege is revoked would be a class A misdemeanor.

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

Phone 465-4652
Date/Time 4/09/01/4:51pm
Date 4/9/01

For distribution information, call the Governor's Legislative Office

If this legislation is enacted, it is anticipated to have a significant fiscal impact on the Department of Corrections. In Calendar year 2000, the Department of Corrections had 31,019 bookings. We know that alcohol is a significant factor in a great number of those bookings. If we assume 60% have alcohol as a significant factor, those 18,611 bookings would be eligible for the privilege revocation. The judges might not impose that revocation on 10% of those 18,611 bookings leaving 16,751 who might have this imposed. If 60% of those violate their revocation that would leave 10,751. Out of those bookings, the Department of Law and Department of Corrections agree that it is conceivable 7500 offenders would serve a minimum of 3 days in jail. If we average a CRC bed cost and a prison bed cost it comes to \$88.00 a day. That results in an additional cost to the Department of Corrections of \$1,980,000. We believe that to be a conservative estimate, depending on the judges decisions and the level of enforcement.

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: HB 42
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to the consumption, purchase, BRU Criminal Division
furnishing...sale of alcoholic beverages and to driver's licenses..." Component 1st-4th Judicial Districts
 Sponsor Representative Green
 Requester House State Affairs Committee Component No. 2198-99;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 200*	FY 2005	FY 2006	FY 2007
Personal Services	841.6	841.6	841.6	841.6	841.6	841.6
Travel	2.6	2.6	2.6	2.6	2.6	2.6
Contractual	130.1	130.1	130.1	130.1	130.1	130.1
Supplies	11.3	11.3	11.3	11.3	11.3	11.3
Equipment	71.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1,057.1	985.6	985.6	985.6	985.6	985.6

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	1,057.1	985.6	985.6	985.6	985.6	985.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1,057.1	985.6	985.6	985.6	985.6	985.6

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	11	11	11	11	11	11
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 42 requires the court to revoke a person's privilege to purchase alcoholic beverages for a DWI conviction, and allows the court to revoke the privilege for any other offense where consumption of alcohol was a substantial factor. The length of time the privilege is revoked increases with the number of prior offenses within the preceding 10 years. The Alcoholic Beverage Control Board would be required to maintain a list of people whose privilege to purchase alcoholic beverages was revoked, and provide all liquor licensees with the information. Persons whose privilege to purchase alcoholic beverages has been revoked would carry a driver's license or identification card of a distinctive color, and licensees would be required to check the identification of everyone purchasing an alcoholic beverage for this color. Entering a licensed premise, possession or purchase of an alcoholic beverage, or soliciting someone else to purchase an alcoholic beverage when the privilege is revoked would be a class A misdemeanor.

Passage of this legislation is expected to have a significant fiscal impact on the criminal justice system, including the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
 Divisor: Attorney General's Office Date/Time 4/9/01 1:44 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 4/9/01
 Agency: Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. HB 42

ANALYSIS CONTINUATION

Alcohol is a substantial factor in a majority of crimes committed in Alaska. In CY 2000, Corrections had over 31,000 total bookings for all offenses, statewide. If 60 percent of these bookings involved alcohol as a substantial factor, over 18,000 of these bookings could be subject to the revocation of the privilege to purchase alcohol. Of these 18,000 alcohol-related offenders, in FY00, 4,000 were for DWI alone. Under this bill, the privilege to purchase alcohol must be revoked for every conviction for DWI. Of the remaining 14,000 alcohol-related offenders, we conservatively estimate that at least half would be sufficiently serious to warrant revocation of the privilege to purchase alcohol. Thus, in each year of the operation of this proposed law, there would be at least 11,000 persons whose privileges are revoked. Because the period of revocation will often last longer than one year, however, at any one time there will be many more than 11,000 persons with revoked privileges. Because most of these offenders have chronic and longstanding alcoholism, and because this bill makes it a crime for these high-risk individuals to even possess alcohol, we believe that a high percentage will reoffend each year. For the purposes of this fiscal note, we assume that approximately 8,000 people per year would reoffend and be subject to a new misdemeanor charge as a result of this bill. It is difficult to judge how many of those individuals would be brought up on other charges at the same time, in which case the new misdemeanor charge resulting from passage of this legislation would not increase the department's workload. However, we would anticipate that more than half of these cases, five thousand, would involve the sole charge of the new crime of being in a licensed premise, possession or purchasing alcohol, or soliciting another person to purchase alcohol.

Five thousand new cases represents a 25 percent increase in the department's current misdemeanor caseload. The department would need 5 new FTE attorneys (Anchorage, Fairbanks, Palmer, Kenai, Bethel DAO), 3 paraprofessionals (Anchorage, Fairbanks, Palmer DAO), and 3 secretaries (Anchorage, Fairbanks, Palmer DAO) to manage this new caseload.

All position costs are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard attorney and paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and three FTE legal secretary positions are requested, along with \$6,500 for one-time equipment costs for each position. A line-item summary by component follows:

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney	199.8	199.8	199.8	199.8	199.8	199.8
	200 1 FTE Paraprofessional	0.6	0.6	0.6	0.6	0.6	0.6
	300 1 PFT Legal Secy	30.9	30.9	30.9	30.9	30.9	30.9
	400	2.7	2.7	2.7	2.7	2.7	2.7
	500	19.5					
	Total 1004 General Fund	253.5	234.0	234.0	234.0	234.0	234.0
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 2 FTE Attorney	320.9	320.9	320.9	320.9	320.9	320.9
	200 1 FTE Paraprofessional	1.0	1.0	1.0	1.0	1.0	1.0
	300 1 PFT Legal Secy	49.6	49.6	49.6	49.6	49.6	49.6
	400	4.3	4.3	4.3	4.3	4.3	4.3
	500	26.0					
	Total 1004 General Fund	401.8	375.8	375.8	375.8	375.8	375.8
Criminal Division: 4rd Judicial District (2201)							
	100 2 FTE Attorney	320.9	320.9	320.9	320.9	320.9	320.9
	200 1 FTE Paraprofessional	1.0	1.0	1.0	1.0	1.0	1.0
	300 1 PFT Legal Secy	49.6	49.6	49.6	49.6	49.6	49.6
	400	4.3	4.3	4.3	4.3	4.3	4.3
	500	26.0					
	Total 1004 General Fund	401.8	375.8	375.8	375.8	375.8	375.8

Alaska State Legislature

WHILE IN SESSION
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(907) 465-4931
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(907) 465-4319 FAX

INTERIM ADDRESS
716 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501
(907) 264-0123
(907) 269-0124 FAX




CHAIRMAN, LEGISLATIVE COUNCIL
VICE CHAIR, ECONOMIC DEVELOPMENT,
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ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LAW

Representative Joe Green
District 10

MEMORANDUM

To: The Honorable John Coghill
Chairman, State Affairs Committee

From: Representative Joe Green 

Date: March 30, 2001

Subject: HB 42, Privilege to Purchase Alcohol/ID Cards

Please schedule HB 42 at your earliest convenience. This bill should be considered with the other bills being reviewed to reduce driving carnage and death by drunk drivers.

If you have any questions, please contact either me or Kevin Jardell of my office.

ALASKA STATE HOUSE OF REPRESENTATIVES

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State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Date: Saturday, April 28, 2001
To: Michael Ford, Legal Services
From: Rynniva Moss, Legislative Aide *RwM-20*
Re: CS for HB 42

State Affairs passed a committee substitute of version P of LS0043 (HB 42) with the following changes:

Page 3, delete Lines 16 through 21

Sec. 4. Conceptual amendment for subsection (b) to apply to second offense

22-LS0043\P
Ford
4/16/01

CS FOR HOUSE BILL NO. 42(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the consumption, purchase, furnishing, delivery, offer for sale, and**
2 **sale of alcoholic beverages, and to driver's licenses and identification cards used to**
3 **purchase alcoholic beverages."**

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

5 *** Section 1.** AS 04.11.491 is amended by adding a new subsection to read:

6 (g) In addition to the options provided under (a) and (b) of this section, if a
7 majority of the persons voting on the question vote to approve the option, a
8 municipality shall adopt an ordinance and an established village shall exercise a local
9 option to require an identification check by licensees as provided under AS 04.16.167.
10 A ballot question to adopt a local option under this subsection must at least contain
11 language substantially similar to "Shall (name of municipality or village) adopt a local
12 option to require an identification check by licensees as provided under AS 04.16.167?
13 (yes or no)."

14 *** Sec. 2.** AS 04.11.495 is amended by adding a new subsection to read:

1 (d) In addition to the option provided under (a) of this section, if a majority of
2 the persons voting on the question vote to approve the option, a municipality or an
3 established village shall remove the option set out in AS 04.11.491(g) to require an
4 identification check by licensees as provided under AS 04.16.167. Notwithstanding
5 (b) of this section, a ballot question to remove a local option under this subsection
6 must at least contain language substantially similar to "Shall (name of municipality or
7 village) remove the local option to require an identification check by licensees as
8 provided under AS 04.16.167 so that there is no longer a requirement of an
9 identification check in effect? (yes or no)."

10 * **Sec. 3.** AS 04.11.509(a) is amended to read:

11 (a) If a majority of the voters vote to impose [PROHIBIT], change, or remove
12 a local option under AS 04.11.491 - 04.11.495, the clerk of the municipality [,] or, if
13 the election is in an established village, the lieutenant governor shall notify the board
14 of the results of the election immediately after the results are certified. The board
15 shall immediately notify the Department of Law and the Department of Public Safety
16 of the results of the election.

17 * **Sec. 4.** AS 04.16 is amended by adding new sections to read:

18 **Sec. 04.16.160. Privilege to purchase alcoholic beverages.** (a) A person
19 who is 21 years of age or older has a privilege to purchase alcoholic beverages, unless
20 the privilege is revoked as provided under (b) of this section, is voluntarily
21 relinquished as provided under (c) of this section, or as otherwise provided by law.

22 (b) If a person is convicted of operating a motor vehicle, aircraft, or watercraft
23 while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test
24 under AS 28.35.032, the court may revoke the person's privilege to purchase alcoholic
25 beverages. If a person is convicted of operating a motor vehicle, aircraft, or watercraft
26 while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test
27 under AS 28.35.032 or is convicted of a different offense and consumption of an
28 alcoholic beverage was a substantial factor in the commission of the offense and the
29 person has, within five years preceding the date of the present conviction, been
30 convicted of violating AS 28.35.030 or 28.35.032, the court shall revoke the person's
31 privilege to purchase alcoholic beverages. A revocation imposed under this

1 subsection shall be for the following periods:

2 (1) for a first offense, one year;

3 (2) for a second offense, three years;

4 (3) for a third or subsequent offense, five years.

5 (c) A person may volunteer to relinquish the person's privilege to purchase
6 alcoholic beverages. A voluntary relinquishment shall continue until the person elects
7 to end the relinquishment.

8 (d) A person whose privilege to purchase alcoholic beverages is revoked
9 under (b) or relinquished under (c) of this section may not knowingly possess,
10 consume, or purchase an alcoholic beverage, or solicit another person to purchase an
11 alcoholic beverage. This subsection does not apply to sacramental wine used for
12 religious purposes.

13 (e) For purposes of (b) of this section, a prior conviction of any of the offenses
14 described under (b) of this section subjects the person to the penalties described under
15 (b)(2) or (3) of this section.

16 ~~Sec. 04.16.165. Prohibition relating to persons with revoked privilege to~~
17 ~~purchase.~~ (a) A person may not knowingly furnish or deliver an alcoholic beverage
18 to a person whose privilege to purchase alcoholic beverages is revoked under
19 AS 04.16.160.

20 (b) If a person is convicted of violating (a) of this section, the court shall
21 impose a civil penalty of \$500.

22 **Sec. 04.16.167. Identification check by licensees.** If a local option to require
23 an identification check is adopted under AS 04.11.491(g), a licensee or an agent or
24 employee of a licensee within that municipality or established village may not
25 knowingly sell or offer for sale an alcoholic beverage unless the licensee, agent, or
26 employee first examines the identification of the person purchasing the alcoholic
27 beverage and determines that the person's privilege to purchase alcoholic beverages is
28 not revoked.

29 **Sec. 04.16.169. Required notice.** A court that revokes a privilege to purchase
30 alcoholic beverages shall promptly notify the Department of Public Safety and the
31 component of the Department of Administration that administers motor vehicle and

1 driver's license laws of the revocation.

2 * **Sec. 5.** AS 04.16.180(a) is amended to read:

3 (a) Except as provided in AS 04.11.015, AS 04.16.025, 04.16.050
4 [AS 04.16.050(b)], 04.16.051, 04.16.165, 04.16.200 - 04.16.210, and AS 04.21.065, a
5 person who violates a provision of this title or a regulation adopted by the board is
6 guilty, upon conviction, of a class A misdemeanor. Each violation is a separate
7 offense.

8 * **Sec. 6.** AS 28.15.111(a) is amended to read:

9 (a) Upon successful completion of the application and all required
10 examinations, and upon payment of the required fee, the department shall issue to
11 every qualified applicant a driver's license indicating the type or general class of
12 vehicles that the licensee may drive. The license must display (1) a distinguishing
13 number assigned to the license; (2) the licensee's full name, address, date of birth,
14 brief physical description, and color photograph; (3) either a facsimile of the signature
15 of the licensee or a space upon which the licensee must write the licensee's usual
16 signature with pen and ink; (4) a holographic symbol intended to prevent illegal
17 alteration or duplication; [AND] (5) for a qualified applicant who is under age 21, the
18 words "UNDER 21"; and (6) for a person whose privilege to purchase alcohol has
19 been revoked under AS 04.16.160, a distinctive color. A license is not valid until
20 signed by the licensee. If facilities are not available for the taking of the photograph
21 required under this section, the department shall endorse on the license, the words
22 "valid without photograph."

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 16, 2001

SUBJECT: Alcoholic beverages (CSHB 42(STA))

TO: Representative John Coghill, Jr.
Attn: Rynnieva Moss

FROM: Michael F. Ford
Legislative Counsel

*Theresa [unclear]
for Mike Ford*

The draft CS you requested is attached. In Sec. 04.16.160(b), I removed the first clause referencing conviction of an offense where alcohol was a substantial factor. This subsection also contains a second clause referencing this same type of conviction and I wanted to point this out to make sure that you wanted to leave this provision in the draft.

Please contact me if you need further changes.

MFF:jhb
01-040.jhb

Enclosure

*Conceptual amendment
Page 2
sub section (b)
applies to second offense
~~Page 1~~*

ALASKA STATE HOUSE OF REPRESENTATIVES

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