

HB

342

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 8, 2004

FURTHER REFERRALS:

Date of Committee Action: 4/27/04

The FINANCE Committee considered:

HB 342

HOUSE BILL NO. 342

INCREASE DRIVING UNDER INFLUENCE PENALTY

"An Act relating to driving while intoxicated; and providing for an effective date."

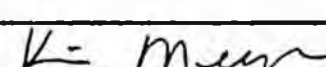
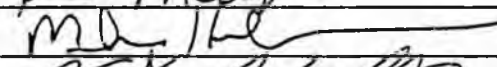





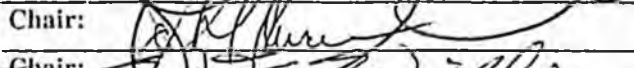
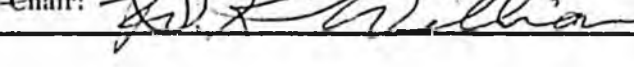

Recommends it be replaced with [] HCS or [✓] CS for HB 342 (FIN)
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title [X] New Title

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

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

| NEW FISCAL NOTES | | | | |
|-----------------------------------|------|--------|--------|------|
| *Assigned by Chief Clerk's Office | | | | |
| List by Dept(s): | *FN# | Fiscal | Indet. | Zero |
| DOA | | | ✓ | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| PREVIOUS FISCAL NOTES | | | | |
|-----------------------|-----|--------|--------|------|
| List by Dept(s): | FN# | Fiscal | Indet. | Zero |
| AK Court | #1 | | | ✓ |
| LAW | #2 | | | ✓ |
| DPS | #3 | | | ✓ |
| DOC | #5 | | ✓ | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Signing with recommendations | Printed Las. Name | DP | DNP | NR | AM |
|--|-------------------|----|-----|----|----|
|  | Meyer | | | | X |
|  | Hawker | | | | X |
|  | STEVE | | | | X |
|  | Soule | | | - | |
|  | CROFT | | | | ✓ |
|  | Chenaault | | | | ✓ |
|  | Frote | | | - | |
|  | FOSTER | X | | | |
| Chair:  | Williams | | | X | |
| Chair:  | Williams | X | | | |

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB342(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to DWI... BRU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Representative Gatto
Requester (H) Finance Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | * | * | * | * | * | * |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | * | * | * | * | * | * |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--|---|---|---|---|---|---|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | * | * | * | * | * | * |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type—Do not abbreviate) | | | | | | |
| TOTAL | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill will likely have some fiscal impact on the operations of the Agency, but it is impossible to determine with any accuracy what that impact will be. Increasing the fines for convictions for DUI, depending on the results of blood or breath/alcohol test, will likely result in more cases handled by the Agency going to trial because of the exposure to increased penalties, and increased litigation over the issue of the defendant's BAC level. Trials are more costly for the Agency than cases resolved short of trial. Because of the inability to predict with any certainty the extent of the fiscal impact this bill will generate, an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 4/12/04 12:00 AM
Approved by: Kevin Jardell, Assistant Commissioner Date 4/12/2004
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title DUI Fines BRU Alaska Court System
Component Trial Courts
Sponsor Representative Gatto
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: *(Attach a separate page if necessary)*

The court system does not anticipate any fiscal impact from the passage of HB 342.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 1/29/04 4:27 PM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 1/29/2004
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to driving while intoxicated..." RDU Criminal
Sponsor Representative Gatto Component Criminal Justice Litigation
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.35.030 by adding a minor change to clarify that a person convicted of driving under the influence of an alcoholic beverage, inhalant, or controlled substance is guilty of a class A misdemeanor even though the fine exceeds the maximum fine for a class A misdemeanor.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughheteo, Director Phone 465-3673
Division: Administrative Services Date/Time 2/13/04 12:29 PM
Approved by: Kathryn Daughheteo for Gregg D. Renkes, Attorney General Date 2/13/2004
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An act relating to driving while intoxicated... RDU Alaska State Troopers
Sponsor Representative Gatto Component AST Detachment
Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

If passed, this bill will provide enhanced sentencing for those convicted of DUI. It establishes exceptions to the maximum amount of fines for class A misdemeanors and class C felonies related to DUI convictions. It also establishes "triggering" mechanisms for the enhanced fines based on the blood alcohol level of the defendant.

No fiscal impact.

Prepared by: Lieutenant Al Storey Phone 269-4532
Division: Alaska State Troopers Date/Time 2/2/04 11:39 AM
Approved by: Commissioner William Tandeske Date 2/2/2004
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An act relating to driving while intoxicated..." RDU Administration & Operations
Component: Institution Director's Office
Sponsor Representative Gatto
Requester _____ Component No. 1381

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | * | * | * | * | * | * |
| Travel | * | * | * | * | * | * |
| Contractual | * | * | * | * | * | * |
| Supplies | * | * | * | * | * | * |
| Equipment | * | * | * | * | * | * |
| Land & Structures | * | * | * | * | * | * |
| Grants & Claims | * | * | * | * | * | * |
| Miscellaneous | * | * | * | * | * | * |
| TOTAL OPERATING | | | | | | |

| | | | | | | |
|-----------------------------|------------|------------|------------|------------|------------|------------|
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|------------|------------|------------|------------|------------|------------|

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | * | * | * | * | * | * |
| 1003 GF Match | * | * | * | * | * | * |
| 1004 GF | * | * | * | * | * | * |
| 1005 GF/Program Receipts | * | * | * | * | * | * |
| 1037 GF/Mental Health | * | * | * | * | * | * |
| Other (Specify Type--Do not abbreviate) | * | * | * | * | * | * |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS (Attach a separate page if necessary)

At this time, the department does not anticipate a fiscal impact due to the passage of this legislation.

Prepared by: Jerry D. Burnett, Director Phone (907) 465-3339
Division: Administrative Services Date/Time 2/2/04 12:13 PM
Approved by: Portia C.K. Parker, Deputy Commissioner Date 2/2/2004
Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title DUI Fines BRU Alaska Court System
Component Trial Courts
Sponsor Representative Gatto
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 342.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division: Alaska Court System Date/Time 1/29/04 4:27 PM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 1/29/2004
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to driving while intoxicated..." RDU Criminal
Component Criminal Justice Litigation
Sponsor Representative Gatto
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)
This bill amends AS 28.35.030 by adding a minor change to clarify that a person convicted of driving under the influence of an alcoholic beverage, inhalant, or controlled substance is guilty of a class A misdemeanor even though the fine exceeds the maximum fine for a class a misdemeanor.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhetea, Director Phone 465-3673
Division: Administrative Services Date/Time 2/13/04 12:29 PM
Approved by: Kathryn Daughhetea for Gregg D. Renkes, Attorney General Date 2/13/2004
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An act relating to driving while intoxicated... RDU Alaska State Troopers
Component AST Detachment
Sponsor Representative Galto
Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

If passed, this bill will provide enhanced sentencing for those convicted of DUI. It establishes exceptions to the maximum amount of fines for class A misdemeanors and class C felonies related to DUI convictions. It also establishes "triggering" mechanisms for the enhanced fines based on the blood alcohol level of the defendant.

No fiscal impact.

Prepared by: Lieutenant Al Storey Phone 269-4532
Division Alaska State Troopers Date/Time 2/2/04 11:39 AM
Approved by: Commissioner William Tandeske Date 2/2/2004
Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An act relating to driving while intoxicated..." RDU Administration & Operations
Sponsor Representative Gatto Component: Institution Director's Office
Requester _____ Component No. 1381

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | * | * | * | * | * | * |
| Travel | * | * | * | * | * | * |
| Contractual | * | * | * | * | * | * |
| Supplies | * | * | * | * | * | * |
| Equipment | * | * | * | * | * | * |
| Land & Structures | * | * | * | * | * | * |
| Grants & Claims | * | * | * | * | * | * |
| Miscellaneous | * | * | * | * | * | * |
| TOTAL OPERATING | | | | | | |

| | | | | | | |
|-----------------------------|------------|------------|------------|------------|------------|------------|
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|------------|------------|------------|------------|------------|------------|

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | * | * | * | * | * | * |
| 1003 GF Match | * | * | * | * | * | * |
| 1004 GF | * | * | * | * | * | * |
| 1005 GF/Program Receipts | * | * | * | * | * | * |
| 1037 GF/Mental Health | * | * | * | * | * | * |
| Other (Specify Type--Do not abbreviate) | * | * | * | * | * | * |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0 0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

At this time, the department does not anticipate a fiscal impact due to the passage of this legislation.

Prepared by: Jerry D. Burnett, Director Phone (907) 465-3339
Division: Administrative Services Date/Time 2/2/04 12:13 PM
Approved by: Portia C.K. Parker, Deputy Commissioner Date 2/2/2004
Agency: Department of Corrections

HB 342

ATTN: Maureen

Conceptual amendment: #4

If a person violates the conditions of a limited license or is convicted of DUI while operating a vehicle with a limited license, they will be ineligible for a limited license in the future.

4/27/04
adopted vote
8-2

23-LS1292\V.3
Luckhaupt
4/26/04

AMENDMENT 2

Williams

OFFERED IN THE HOUSE

TO: CSHB 342(FIN), Draft Version "V"

1 Page 3, line 4:

2 Delete "or"

3

4 Page 3, line 6, following "license":

5 Insert ", or (C) the person lives in a community not connected by road to

6 Anchorage and the license is limited to operation on roads not on a road system

7 connected to Anchorage or Fairbanks; in this subparagraph "road" or "road system"

8 does not include a connection to the Alaska marine highway system"

9

10 Page 4, line 25:

11 Delete "Sections 1, 2, and 4 of this Act apply"

12 Insert "Section 1 of this Act applies"

13

14 Page 4, line 26:

15 Delete "secs. 1, 2, and 4"

16 Insert "sec. 1"

17 Following "Act.":

18 Insert "Sections 2 and 4 of this Act apply to persons seeking limited licenses as

19 a result of revocations for convictions occurring before, on, or after the effective date

20 of secs. 2 and 4 of this Act."

21

22 Page 4, line 29:

23 Delete "Section 3 of this Act takes"

1

Insert "Sections 2, 3, and 4 of this Act take"

4.26.04

Adopted w/out obj

23-LS1292V

Luckhaupt

4/22/04

CS FOR HOUSE BILL NO. 342(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO, Gruenberg

4/27/04
conceptual amendment
made
stair steps
: require
BW objected
Held

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driving while under the influence, to the definition of "previously
2 convicted," to alcohol-related offenses, to ignition interlock devices, and to the issuance
3 of limited driver's licenses; and providing for an effective date."

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

5 * Section 1. AS 12.55.102 is amended to read:

6 Sec. 12.55.102. Alcohol-related [ALCOHOL RELATED] offenses. (a) The
7 court may order as a condition of probation or generally as part of a sentence that a
8 defendant convicted of an offense involving the use, consumption, or possession of an
9 alcoholic beverage may not operate a motor vehicle during the period of probation
10 unless the vehicle is equipped with a properly functioning, monitored, and maintained
11 ignition interlock device. A condition of probation or sentence imposed under this
12 subsection takes effect after any period of license revocation imposed under
13 AS 28.15.165(d) or 28.15.181(c).

14 (b) The court, in imposing probation or a condition of a sentence under (a) of

1 this section, may allow the defendant limited privileges to drive a motor vehicle
2 without an ignition interlock device if the court determines that the defendant is
3 required as a condition of employment to drive a motor vehicle owned or leased by the
4 defendant's employer and that the defendant's driving will not create substantial
5 danger. If the court imposes probation described by this subsection, the court shall
6 require the defendant to notify the defendant's employer of the probation, and shall
7 require that the defendant, while driving the employer's vehicle, carry a letter from the
8 employer authorizing the defendant to drive that vehicle.

9 (c) A court imposing a condition of probation under this section shall require
10 the surrender of the driver's license and shall issue to the defendant a certificate valid
11 for the duration of the probation or a copy of the defendant's judgment of conviction.
12 The defendant shall pay all costs associated with fulfilling the condition of probation,
13 including installation, repair, and monitoring of an ignition interlock device.

14 (d) The court may include the cost of the ignition interlock device as a part of
15 the fine required to be imposed against the defendant under AS 28.35.030(b) or (n) or
16 28.35.032(g) or (p).

17 (e) In this section,

18 (1) "ignition interlock device" means equipment designed to prevent a
19 motor vehicle from being operated by a person who has consumed an alcoholic
20 beverage, and that has been certified by the commissioner of corrections under
21 AS 33.05.020(c);

22 (2) "motor vehicle" has the meaning given in AS 28.40.100, but
23 does not include snow machines and all-terrain vehicles not designed for and not
24 operated on highways or roads.

25 * Sec. 2. AS 28.15.201(d) is amended to read:

26 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
27 a license under AS 28.15.181(c), or the department when revoking a driver's license,
28 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
29 limited license privileges [FOR THE FINAL 60 DAYS DURING WHICH THE
30 LICENSE IS REVOKED] if

31 (1) the revocation was for a misdemeanor conviction under

1 AS 28.35.030(a) or 28.35.032 [AND NOT FOR A VIOLATION OF AS 28.35.032];

2 (2) the person has not been previously convicted, or if the person has
3 been previously convicted, (A) the person has successfully completed a court-
4 ordered treatment program under AS 28.35.030(p), or (B) the court or
5 department requires the person to use an ignition interlock device during the
6 period of the limited license; in this paragraph, "previously convicted" has the
7 meaning given in AS 28.35.030 and also includes convictions based on laws
8 presuming that the person was under the influence of intoxicating liquor if there was
9 0.08 percent or more by weight of alcohol in the person's blood;

10 (3) the court or the department determines that

11 (A) the person's ability to earn a livelihood would be severely
12 impaired without a limited license; or

13 (B) the person has successfully completed a court-ordered
14 treatment program described under AS 28.35.030(p) and the person's
15 ability to earn a livelihood, attend school, or provide for family health
16 would be impaired without a limited license;

17 (4) the court or the department determines that a limitation under (a) of
18 this section can be placed on the license that will enable the person to earn a livelihood
19 without excessive danger to the public; and

20 (5) the court or the department determines that the person is enrolled in
21 and is in compliance with, or has successfully completed the alcoholism screening,
22 evaluation, referral, and program requirements of the Department of Health and Social
23 Services under AS 28.35.030(h).

24 * Sec. 3. AS 28.35.030(r)(4) is amended to read:

25 (4) "previously convicted" means having been convicted in this or
26 another jurisdiction within the 15 years preceding the date of the present offense of
27 any of the following offenses; however, convictions for any of these offenses, if
28 arising out of a single transaction and a single arrest, are considered one previous
29 conviction:

30 (A) operating a motor vehicle, aircraft, or watercraft in
31 violation of this section or in violation of another law or ordinance with similar

1 elements, except that the other law or ordinance may provide for a lower level
2 of alcohol in the person's blood or breath than imposed under (a)(2) of this
3 section;

4 (B) refusal to submit to a chemical test in violation of
5 AS 28.35.032 or in violation of another law or ordinance with similar
6 elements; or

7 (C) operating a commercial motor vehicle in violation of
8 AS 28.33.030 or in violation of another law or ordinance with similar
9 elements, except that the other law or ordinance may provide for a lower level
10 of alcohol in the person's blood or breath than imposed under
11 AS 28.33.030(a)(2).

12 * Sec. 4. The uncodified law of the State of Alaska enacted in sec. 1, ch. 64, SLA 2001, is
13 amended by adding a new subsection to read:

14 (q) Notwithstanding AS 28.15.201, the court may grant limited license privileges to a
15 defendant if the court (1) determines that the defendant's ability to earn a livelihood, attend
16 school or provide for family health would be impaired without a limited license, (2) requires
17 the defendant to use an ignition interlock device, and (3) determines that there will not be
18 excessive danger to the public. The court may impose further conditions and restrictions to a
19 limited license if the court determines that the conditions and restrictions are necessary to
20 ensure public safety and to monitor the continuing sobriety of the defendant. The court shall
21 immediately revoke limited license privileges for any violation of any conditions or
22 restrictions of the limited license privileges.

23 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 APPLICABILITY. Sections 1, 2, and 4 of this Act apply only to acts committed on or
26 after the effective date of secs. 1, 2, and 4 of this Act. References to previous convictions in
27 sec. 3 of this Act include those occurring before, on, or after the effective date of sec. 3 of this
28 Act.

29 * Sec. 6. Section 3 of this Act takes effect immediately under AS 01.10.070(c).

30 * Sec. 7. Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2005.

adopted NO/obj

AMENDMENT (1)

OFFERED IN THE HOUSE

TO: CSHB 342(FIN), Draft Version "V"

1 Page 3, line 1:

2 Delete "or 28.35.032 [AND NOT FOR A VIOLATION OF AS 28.35.032]"

3 Insert "and not for a violation of AS 28.35.032"

4

5 Page 3, lines 2 - 9:

6 Delete all material and insert:

7 "(2) the person has

8 (A) not been previously convicted and the limited license is
9 not granted during the first 30 days of the period of revocation;

10 (B) been previously convicted, the limited license is not
11 granted during the first 90 days of the period of revocation, and the
12 person has successfully completed a court-ordered treatment program
13 under AS 28.35.030(p) or the court or department requires the person to
14 use an ignition interlock device during the period of the limited license;

15 [IN THIS PARAGRAPH, "PREVIOUSLY CONVICTED" HAS THE
16 MEANING GIVEN IN AS 28.35.030 AND ALSO INCLUDES
17 CONVICTIONS BASED ON LAWS PRESUMING THAT THE PERSON
18 WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR IF THERE
19 WAS 0.08 PERCENT OR MORE BY WEIGHT OF ALCOHOL IN THE
20 PERSON'S BLOOD;]"

21

22 Page 3, line 16, following "would be":

23 Insert "severely"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Page 3, following line 23:

Insert a new bill section to read:

**** Sec. 3.** AS 28.15.201 is amended by adding a new subsection to read:

(e) In (d) of this section, "previously convicted" has the meaning given in AS 28.35.030 and also includes convictions under laws presuming that the person was under the influence of intoxicating liquor if there was 0.08 percent or more by weight of alcohol in the person's blood."

Renumber the following bill sections accordingly.

Page 4, line 16, following "would be":

Insert "severely"

Page 4, line 25:

Delete "Sections 1, 2, and (4)"

Insert "Sections 1, 2, 3, and (5)"

Page 4, line 26:

Delete "secs. 1, 2, and (4)"

Insert "secs. 1, 2, 3, and (5)"

Page 4, line 27, in two places:

Delete "sec. 3"

Insert "secs. 3 and 4"

Page 4, line 29:

Delete "Section 3"

Insert "Sections 3 and 4"

Page 4, line 30:

- 1 Delete "sec. 6"
- 2 Insert "sec. 7"

23-LS1292S
Luckhaupt
4/9/04

CS FOR HOUSE BILL NO. 342()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

no action

Sponsor(s): REPRESENTATIVES GATTO, Gruenberg

taken

on 4-13-04

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driving while under the influence, to alcohol-related offenses, to
2 ignition interlock devices, and to the issuance of limited driver's licenses; and providing
3 for an effective date."

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

5 * Section 1. AS 12.55.102 is amended to read:

6 Sec. 12.55.102. Alcohol-related [ALCOHOL RELATED] offenses. (a) The
7 court may order as a condition of probation or generally as part of a sentence that a
8 defendant convicted of an offense involving the use, consumption, or possession of an
9 alcoholic beverage may not operate a motor vehicle during the period of probation
10 unless the vehicle is equipped with a properly functioning, monitored, and maintained
11 ignition interlock device. A condition of probation or sentence imposed under this
12 subsection takes effect after any period of license revocation imposed under
13 AS 28.15.165(d) or 28.15.181(c).

14 (b) The court, in imposing probation or a condition of a sentence under (a) of

1 this section, may allow the defendant limited privileges to drive a motor vehicle
2 without an ignition interlock device if the court determines that the defendant is
3 required as a condition of employment to drive a motor vehicle owned or leased by the
4 defendant's employer and that the defendant's driving will not create substantial
5 danger. If the court imposes probation described by this subsection, the court shall
6 require the defendant to notify the defendant's employer of the probation, and shall
7 require that the defendant, while driving the employer's vehicle, carry a letter from the
8 employer authorizing the defendant to drive that vehicle.

9 (c) A court imposing a condition of probation under this section shall require
10 the surrender of the driver's license and shall issue to the defendant a certificate valid
11 for the duration of the probation or a copy of the defendant's judgment of conviction.
12 The defendant shall pay all costs associated with fulfilling the condition of probation,
13 including installation, repair, and monitoring of an ignition interlock device.

14 (d) The court may include the cost of the ignition interlock device as a part of
15 the fine required to be imposed against the defendant under AS 28.35.030(b) or (n) or
16 28.35.032(g) or (p).

17 (e) In this section,

18 (1) "ignition interlock device" means equipment designed to prevent a
19 motor vehicle from being operated by a person who has consumed an alcoholic
20 beverage, and that has been certified by the commissioner of corrections under
21 AS 33.05.020(c);

22 (2) "motor vehicle" has the meaning given in AS 28.40.100, but
23 does not include snow machines and all-terrain vehicles not designed for and not
24 operated on highways or roads.

25 * Sec. 2. AS 28.15.201(d) is amended to read:

26 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
27 a license under AS 28.15.181(c), or the department when revoking a driver's license,
28 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
29 limited license privileges [FOR THE FINAL 60 DAYS DURING WHICH THE
30 LICENSE IS REVOKED] if

31 (1) the revocation was for a misdemeanor conviction under

1 AS 28.35.030(a) or 28.35.032 [AND NOT FOR A VIOLATION OF AS 28.35.032];

2 (2) the person has not been previously convicted, or if the person has
3 been previously convicted, (A) the person has successfully completed a court-
4 ordered treatment program under AS 28.35.030(p), or (B) the court or
5 department requires the person to use an ignition interlock device during the
6 period of the limited license; in this paragraph, "previously convicted" has the
7 meaning given in AS 28.35.030 and also includes convictions based on laws
8 presuming that the person was under the influence of intoxicating liquor if there was
9 0.08 percent or more by weight of alcohol in the person's blood;

10 (3) the court or the department determines that

11 (A) the person's ability to earn a livelihood would be severely
12 impaired without a limited license; or

13 (B) the person has successfully completed a court-ordered
14 treatment program described under AS 28.35.030(p) and the person's
15 ability to earn a livelihood, attend school, or provide for family health
16 would be impaired without a limited license;

17 (4) the court or the department determines that a limitation under (a) of
18 this section can be placed on the license that will enable the person to earn a livelihood
19 without excessive danger to the public; and

20 (5) the court or the department determines that the person is enrolled in
21 and is in compliance with, or has successfully completed the alcoholism screening,
22 evaluation, referral, and program requirements of the Department of Health and Social
23 Services under AS 28.35.030(h).

24 * Sec. 3. AS 28.35.030(b) is amended to read:

25 (b) Except as otherwise provided in [UNDER (n) OF] this section, driving
26 while under the influence of an alcoholic beverage, inhalant, or controlled substance is
27 a class A misdemeanor. Except as provided under (p) and (s) of this section, upon
28 conviction, the court

29 (1) [THE COURT] shall impose a minimum sentence of imprisonment
30 of

31 (A) not less than 72 consecutive hours and a fine of not less

1 than \$1,500 if the person has not been previously convicted;

2 (B) not less than 20 days and a fine of not less than \$3,000 if
3 the person has been previously convicted once;

4 (C) not less than 60 days and a fine of not less than \$4,000 if
5 the person has been previously convicted twice and is not subject to
6 punishment under (n) of this section;

7 (D) not less than 120 days and a fine of not less than \$5,000 if
8 the person has been previously convicted three times and is not subject to
9 punishment under (n) of this section;

10 (E) not less than 240 days and a fine of not less than \$6,000 if
11 the person has been previously convicted four times and is not subject to
12 punishment under (n) of this section;

13 (F) not less than 360 days and a fine of not less than \$7,000 if
14 the person has been previously convicted more than four times and is not
15 subject to punishment under (n) of this section;

16 (2) [THE COURT] may not

17 (A) suspend execution of sentence or grant probation except on
18 condition that the person

19 (i) serve the minimum imprisonment under (1) of this
20 subsection; and

21 (ii) pay the minimum fine under (1) of this
22 subsection, except as provided in (g) and (p) of this section;

23 (B) suspend imposition of sentence;

24 (3) [THE COURT] shall revoke the person's driver's license, privilege
25 to drive, or privilege to obtain a license under AS 28.15.181, and may order that the
26 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
27 forfeited under AS 28.35.036; and

28 (4) [THE COURT] may order that the person, while incarcerated or as
29 a condition of probation or parole, take a drug or combination of drugs intended to
30 prevent the consumption of an alcoholic beverage; a condition of probation or parole
31 imposed under this paragraph is in addition to any other condition authorized under

1 another provision of law.

2 * Sec. 4. AS 28.35.030(n) is amended to read:

3 (n) Except as otherwise provided in this section, a [A] person is guilty of a
4 class C felony if the person is convicted under (a) of this section and has been
5 previously convicted two or more times since January 1, 1996, and within the 10 years
6 preceding the date of the present offense. For purposes of determining minimum
7 sentences based on previous convictions, the provisions of (r)(4) of this section apply.

8 Subject to (s) of this section, upon [UPON] conviction, the court

9 (1) shall impose a fine of not less than \$10,000 and a minimum
10 sentence of imprisonment of not less than

11 (A) 120 days if the person has been previously convicted twice;

12 (B) 240 days if the person has been previously convicted three
13 times;

14 (C) 360 days if the person has been previously convicted four
15 or more times;

16 (2) may not

17 (A) suspend execution of sentence or grant probation except on
18 condition that the person serve the minimum imprisonment under (1) of this
19 subsection and pay the minimum fine under (1) of this subsection, except
20 as provided in (g) of this section; or

21 (B) suspend imposition of sentence;

22 (3) shall permanently revoke the person's driver's license, privilege to
23 drive, or privilege to obtain a license subject to restoration of the license under (o) of
24 this section;

25 (4) may order that the person, while incarcerated or as a condition of
26 probation or parole, take a drug or combination of drugs, intended to prevent the
27 consumption of an alcoholic beverage; a condition of probation or parole imposed
28 under this paragraph is in addition to any other condition authorized under another
29 provision of law;

30 (5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft,
31 or aircraft used in the commission of the offense, subject to remission under

1 AS 28.35.037; and

2 (6) shall order the department to revoke the registration for any vehicle
3 registered by the department in the name of the person convicted under this
4 subsection; if a person convicted under this subsection is a registered co-owner of a
5 vehicle or is registered as a co-owner under a business name, the department shall
6 reissue the vehicle registration and omit the name of the person convicted under this
7 subsection.

8 * Sec. 5. AS 28.35.030(r)(4) is amended to read:

9 (4) "previously convicted" means having been convicted in this or
10 another jurisdiction within the 15 years preceding the date of the present offense of
11 any of the following offenses; however, convictions for any of these offenses, if
12 arising out of a single transaction and a single arrest, are considered one previous
13 conviction:

14 (A) operating a motor vehicle, aircraft, or watercraft in
15 violation of this section or in violation of another law or ordinance with similar
16 elements, except that the other law or ordinance may provide for a lower level
17 of alcohol in the person's blood or breath than imposed under (a)(2) of this
18 section;

19 (B) refusal to submit to a chemical test in violation of
20 AS 28.35.032 or in violation of another law or ordinance with similar
21 elements; or

22 (C) operating a commercial motor vehicle in violation of
23 AS 28.33.030 or in violation of another law or ordinance with similar
24 elements, except that the other law or ordinance may provide for a lower level
25 of alcohol in the person's blood or breath than imposed under
26 AS 28.33.030(a)(2).

27 * Sec. 6. AS 28.35.030 is amended by adding a new subsection to read:

28 (s) If a person is convicted under (a) of this section and it is determined by the
29 trier of fact that, as determined by a chemical test taken within four hours after the
30 offense was committed,

31 (1) there was at least 0.16 percent by weight of alcohol in the person's

1 blood but less than 0.24 percent by weight of alcohol in the person's blood or at least
2 160 milligrams of alcohol per 100 milliliters of blood, but less than 240 milligrams of
3 alcohol per 100 milliliters of blood, or when there was at least 0.16 grams of alcohol
4 per 210 liters of the person's breath, but less than 0.24 grams of alcohol per 210 liters
5 of the person's breath, the court shall increase the fine imposed under (b)(1) or (n)(1)
6 of this section by the lesser of one-third or \$500 and, if the offense was committed on
7 a road system, require the person to use an ignition interlock device as provided in
8 AS 12.55.102 for a minimum of six months after the person regains the privilege,
9 including any limited privilege, to operate a motor vehicle;

10 (2) there was 0.24 percent or more by weight of alcohol in the person's
11 blood or 240 milligrams or more of alcohol per 100 milliliters of blood, or when there
12 was 0.24 grams or more of alcohol per 210 liters of the person's breath, the court shall
13 increase the fine imposed under (b)(1) or (n)(1) of this section by the lesser of one-half
14 or \$1,000 and, if the offense was committed on a road system, require the person to
15 use an ignition interlock device as provided in AS 12.55.102 for a minimum of one
16 year after the person regains the privilege, including any limited privilege, to operate a
17 motor vehicle.

18 * Sec. 7. The uncodified law of the State of Alaska enacted in sec. 1, ch. 64, SLA 2001, is
19 amended by adding a new subsection to read:

20 (q) Notwithstanding AS 28.15.201, the court may grant limited license
21 privileges to a defendant if the court (1) determines that the defendant's ability to earn
22 a livelihood, attend school or provide for family health would be impaired without a
23 limited license, (2) requires the defendant to use an ignition interlock device, and (3)
24 determines that there will not be excessive danger to the public. The court may
25 impose further conditions and restrictions to a limited license if the court determines
26 that the conditions and restrictions are necessary to ensure public safety and to monitor
27 the continuing sobriety of the defendant. The court shall immediately revoke limited
28 license privileges for any violation of any conditions or restrictions of the limited
29 license privileges.

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

1 APPLICABILITY. This Act applies only to acts committed on or after the effective
2 date of this Act except that references to previous convictions include those occurring before
3 the effective date of this Act.

4 * Sec. 9. This Act takes effect January 1, 2005.

incorporated into

LS
VERSION

AMENDMENT |

OFFERED IN THE HOUSE

TO: CSHB 342(), Draft Version "Q"

1 Page 7, line 16:

2 Delete "determines that (1)"

3 Insert "(1) determines that"

4

5 Page 7, line 17:

6 Delete "and (2)"

7 Insert "(2) requires the defendant to use an ignition interlock device, and (3)

8 determines that"

incorporated into the LS
version

AMENDMENT 2

OFFERED IN THE HOUSE

TO: CSHB 342(), Draft Version "Q"

1 Page 3, line 10 - 11:

2 Delete all material and insert:

3 "(3) the court or the department determines that

4 (A) the person's ability to earn a livelihood would be severely
5 impaired without a limited license; or

6 (B) the person has successfully completed a court-ordered
7 treatment program described under AS 28.35.030(p) and the person's
8 ability to earn a livelihood, attend school, or provide for family health
9 would be impaired without a limited license;"

23-LS1292\Q
Luckhaupt
3/30/04

CS FOR HOUSE BILL NO. 342()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driving while under the influence, to alcohol-related offenses, to
2 ignition interlock devices, and to the issuance of limited driver's licenses; and providing
3 for an effective date."

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

5 * Section 1. AS 12.55.102 is amended to read:

6 Sec. 12.55.102. Alcohol-related [ALCOHOL RELATED] offenses. (a) The
7 court may order as a condition of probation or generally as part of a sentence that a
8 defendant convicted of an offense involving the use, consumption, or possession of an
9 alcoholic beverage may not operate a motor vehicle during the period of probation
10 unless the vehicle is equipped with a properly functioning, monitored, and maintained
11 ignition interlock device. A condition of probation or sentence imposed under this
12 subsection takes effect after any period of license revocation imposed under
13 AS 28.15.165(d) or 28.15.181(c).

14 (b) The court, in imposing probation or a condition of a sentence under (a) of

1 this section, may allow the defendant limited privileges to drive a motor vehicle
2 without an ignition interlock device if the court determines that the defendant is
3 required as a condition of employment to drive a motor vehicle owned or leased by the
4 defendant's employer and that the defendant's driving will not create substantial
5 danger. If the court imposes probation described by this subsection, the court shall
6 require the defendant to notify the defendant's employer of the probation, and shall
7 require that the defendant, while driving the employer's vehicle, carry a letter from the
8 employer authorizing the defendant to drive that vehicle.

9 (c) A court imposing a condition of probation under this section shall require
10 the surrender of the driver's license and shall issue to the defendant a certificate valid
11 for the duration of the probation or a copy of the defendant's judgment of conviction.
12 The defendant shall pay all costs associated with fulfilling the condition of probation,
13 including installation, repair, and monitoring of an ignition interlock device.

14 (d) The court may include the cost of the ignition interlock device as a part of
15 the fine required to be imposed against the defendant under AS 28.35.030(b) or (n) or
16 28.35.032(g) or (p).

17 (e) In this section,

18 (1) "ignition interlock device" means equipment designed to prevent a
19 motor vehicle from being operated by a person who has consumed an alcoholic
20 beverage, and that has been certified by the commissioner of corrections under
21 AS 33.05.020(c);

22 (2) "motor vehicle" has the meaning given in AS 28.40.100, but
23 does not include snow machines and all-terrain vehicles not designed for and not
24 operated on highways or roads.

25 * Sec. 2. AS 28.15.201(d) is amended to read:

26 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
27 a license under AS 28.15.181(c), or the department when revoking a driver's license,
28 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
29 limited license privileges [FOR THE FINAL 60 DAYS DURING WHICH THE
30 LICENSE IS REVOKED] if

31 (1) the revocation was for a misdemeanor conviction under

1 AS 28.35.030(a) or 28.35.032 [AND NOT FOR A VIOLATION OF AS 28.35.032];

2 (2) the person has not been previously convicted, or if the person has
3 been previously convicted, (A) the person has successfully completed a court-
4 ordered treatment program under AS 28.35.030(p) or (B) the court or
5 department requires the person to use an ignition interlock device during the
6 period of the limited license; in this paragraph, "previously convicted" has the
7 meaning given in AS 28.35.030 and also includes convictions based on laws
8 presuming that the person was under the influence of intoxicating liquor if there was
9 0.08 percent or more by weight of alcohol in the person's blood;

10 (3) the court or the department determines that the person's ability to
11 earn a livelihood would be severely impaired without a limited license;

12 (4) the court or the department determines that a limitation under (a) of
13 this section can be placed on the license that will enable the person to earn a livelihood
14 without excessive danger to the public; and

15 (5) the court or the department determines that the person is enrolled in
16 and is in compliance with, or has successfully completed the alcoholism screening,
17 evaluation, referral, and program requirements of the Department of Health and Social
18 Services under AS 28.35.030(h).

19 * Sec. 3. AS 28.35.030(b) is amended to read:

20 (b) Except as otherwise provided in [UNDER (n) OF] this section, driving
21 while under the influence of an alcoholic beverage, inhalant, or controlled substance is
22 a class A misdemeanor. Except as provided under (p) and (s) of this section, upon
23 conviction, the court

24 (1) [THE COURT] shall impose a minimum sentence of imprisonment
25 of

26 (A) not less than 72 consecutive hours and a fine of not less
27 than \$1,500 if the person has not been previously convicted;

28 (B) not less than 20 days and a fine of not less than \$3,000 if
29 the person has been previously convicted once;

30 (C) not less than 60 days and a fine of not less than \$4,000 if
31 the person has been previously convicted twice and is not subject to

1 punishment under (n) of this section;

2 (D) not less than 120 days and a fine of not less than \$5,000 if
3 the person has been previously convicted three times and is not subject to
4 punishment under (n) of this section;

5 (E) not less than 240 days and a fine of not less than \$6,000 if
6 the person has been previously convicted four times and is not subject to
7 punishment under (n) of this section;

8 (F) not less than 360 days and a fine of not less than \$7,000 if
9 the person has been previously convicted more than four times and is not
10 subject to punishment under (n) of this section;

11 (2) [THE COURT] may not

12 (A) suspend execution of sentence or grant probation except on
13 condition that the person

14 (i) serve the minimum imprisonment under (1) of this
15 subsection; and

16 (ii) pay the minimum fine under (1) of this
17 subsection, except as provided in (g) and (p) of this section:

18 (B) suspend imposition of sentence;

19 (3) [THE COURT] shall revoke the person's driver's license, privilege
20 to drive, or privilege to obtain a license under AS 28.15.181, and may order that the
21 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
22 forfeited under AS 28.35.036; and

23 (4) [THE COURT] may order that the person, while incarcerated or as
24 a condition of probation or parole, take a drug or combination of drugs intended to
25 prevent the consumption of an alcoholic beverage; a condition of probation or parole
26 imposed under this paragraph is in addition to any other condition authorized under
27 another provision of law.

28 * Sec. 4. AS 28.35.030(n) is amended to read:

29 (n) Except as otherwise provided in this section, a [A] person is guilty of a
30 class C felony if the person is convicted under (a) of this section and has been
31 previously convicted two or more times since January 1, 1996, and within the 10 years

1 preceding the date of the present offense. For purposes of determining minimum
2 sentences based on previous convictions, the provisions of (r)(4) of this section apply.

3 Subject to (s) of this section. upon [UPON] conviction, the court

4 (1) shall impose a fine of not less than \$10,000 and a minimum
5 sentence of imprisonment of not less than

6 (A) 120 days if the person has been previously convicted twice;

7 (B) 240 days if the person has been previously convicted three
8 times;

9 (C) 360 days if the person has been previously convicted four
10 or more times;

11 (2) may not

12 (A) suspend execution of sentence or grant probation except on
13 condition that the person serve the minimum imprisonment under (1) of this
14 subsection and pay the minimum fine under (1) of this subsection, except
15 as provided in (g) of this section; or

16 (B) suspend imposition of sentence;

17 (3) shall permanently revoke the person's driver's license, privilege to
18 drive, or privilege to obtain a license subject to restoration of the license under (o) of
19 this section;

20 (4) may order that the person, while incarcerated or as a condition of
21 probation or parole, take a drug; or combination of drugs, intended to prevent the
22 consumption of an alcoholic beverage; a condition of probation or parole imposed
23 under this paragraph is in addition to any other condition authorized under another
24 provision of law;

25 (5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft,
26 or aircraft used in the commission of the offense, subject to remission under
27 AS 28.35.037; and

28 (6) shall order the department to revoke the registration for any vehicle
29 registered by the department in the name of the person convicted under this
30 subsection; if a person convicted under this subsection is a registered co-owner of a
31 vehicle or is registered as a co-owner under a business name, the department shall

1 reissue the vehicle registration and omit the name of the person convicted under this
2 subsection.

3 * Sec. 5. AS 28.35.030(r)(4) is amended to read:

4 (4) "previously convicted" means having been convicted in this or
5 another jurisdiction within the 15 years preceding the date of the present offense of
6 any of the following offenses; however, convictions for any of these offenses, if
7 arising out of a single transaction and a single arrest, are considered one previous
8 conviction:

9 (A) operating a motor vehicle, aircraft, or watercraft in
10 violation of this section or in violation of another law or ordinance with similar
11 elements, except that the other law or ordinance may provide for a lower level
12 of alcohol in the person's blood or breath than imposed under (a)(2) of this
13 section;

14 (B) refusal to submit to a chemical test in violation of
15 AS 28.35.032 or in violation of another law or ordinance with similar
16 elements; or

17 (C) operating a commercial motor vehicle in violation of
18 AS 28.33.030 or in violation of another law or ordinance with similar
19 elements, except that the other law or ordinance may provide for a lower level
20 of alcohol in the person's blood or breath than imposed under
21 AS 28.33.030(a)(2).

22 * Sec. 6. AS 28.35.030 is amended by adding a new subsection to read:

23 (s) If a person is convicted under (a) of this section and it is determined by the
24 trier of fact that, as determined by a chemical test taken within four hours after the
25 offense was committed,

26 (1) there was at least 0.16 percent by weight of alcohol in the person's
27 blood but less than 0.24 percent by weight of alcohol in the person's blood or at least
28 160 milligrams of alcohol per 100 milliliters of blood, but less than 240 milligrams of
29 alcohol per 100 milliliters of blood, or when there was at least 0.16 grams of alcohol
30 per 210 liters of the person's breath, but less than 0.24 grams of alcohol per 210 liters
31 of the person's breath, the court shall increase the fine imposed under (b)(1) or (n)(1)

1 of this section by the lesser of one-third or \$500 and, if the offense was committed on
2 a road system, require the person to use an ignition interlock device as provided in
3 AS 12.55.102 for a minimum of six months after the person regains the privilege,
4 including any limited privilege, to operate a motor vehicle;

5 (2) there was 0.24 percent or more by weight of alcohol in the person's
6 blood or 240 milligrams or more of alcohol per 100 milliliters of blood, or when there
7 was 0.24 grams or more of alcohol per 210 liters of the person's breath, the court shall
8 increase the fine imposed under (b)(1) or (n)(1) of this section by the lesser of one-half
9 or \$1,000 and, if the offense was committed on a road system, require the person to
10 use an ignition interlock device as provided in AS 12.55.102 for a minimum of one
11 year after the person regains the privilege, including any limited privilege, to operate a
12 motor vehicle.

13 * Sec. 7. The uncodified law of the State of Alaska enacted in sec. 1, ch. 64, SLA 2001, is
14 amended by adding a new subsection to read:

15 (q) Notwithstanding AS 28.15.201, the court may grant limited license privileges to a
16 defendant if the court determines that (1) the defendant's ability to earn a livelihood, attend
17 school or provide for family health would be impaired without a limited license, and (2) there
18 will not be excessive danger to the public. The court may impose further conditions and
19 restrictions to a limited license if the court determines that the conditions and restrictions are
20 necessary to ensure public safety and to monitor the continuing sobriety of the defendant.
21 The court shall immediately revoke limited license privileges for any violation of any
22 conditions or restrictions of the limited license privileges.

23 * Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 APPLICABILITY. This Act applies only to acts committed on or after the effective
26 date of this Act except that references to previous convictions include those occurring before
27 the effective date of this Act.

28 * Sec. 9. This Act takes effect January 1, 2005.

FISCAL NOTE

*this one has
been replaced
4-13-04*

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 342(JUD)
(H) Publish Date: 3/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to DWI... BRU: Legal and Advocacy Services
Sponsor: Representative Gatto Component: Public Defender Agency
Requester: (H) Judiciary Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | * | * | * | * | * | * |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | * | * | * | * | * | * |

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

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|---|---|---|---|---|---|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | * | * | * | * | * | * |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill will likely have a fiscal impact on the operations of the Agency, but it is impossible to determine with any accuracy what that impact will be. Doubling and quadrupling the fines for convictions for DUI, depending on the results of a blood or breath/alcohol test, will likely result in more cases handled by the Agency going to trial because of the exposure to increased penalties. Trials are more costly for the Agency than cases resolved short of trial. It is also very likely that the Agency will bear the additional collective cost of challenging this bill on constitutional grounds for violations of equal protection. Because of the inability to predict with any certainty the extent of the fiscal impact this bill will generate, an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director
Division: Public Defender Agency
Approved by: Mike Miller, Commissioner
Agency: Administration

Phone: (907)-334-4416
Date/Time: January 16, 2004
Date: _____

4/27/04

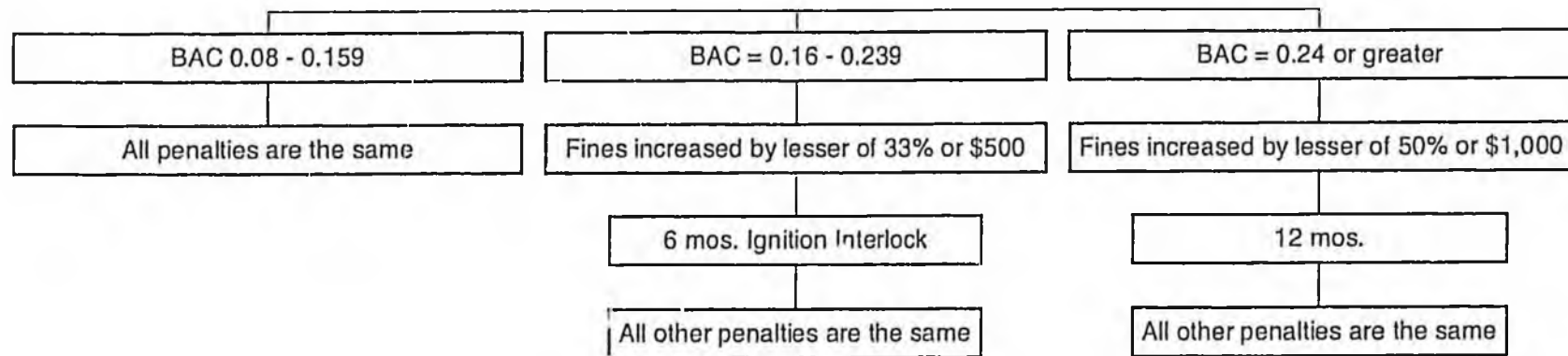
Comparison Cart Limited Licenses

| Current Statute | CSHB 342 () |
|--|---|
| <ul style="list-style-type: none"> • First DUI Offense; limited licenses allowed for: <ul style="list-style-type: none"> - The last 60 days of the revocation; - If ability to earn a livelihood would be severely impaired; - There is no excessive danger to the public; and - The person is in compliance with ASAP. • Refusal Offenses; No limited licenses. • Multiple misdemeanors; Limited licenses are not allowed. • Wellness Court participants; No special provisions. • Therapeutic Court participants; No special provisions. | <ul style="list-style-type: none"> • First DUI Offense; limited licenses allowed for: <ul style="list-style-type: none"> - Any period during the revocation; - If the ability to earn a livelihood would be severely impaired; - There is no excessive danger to the public; and - The person is in compliance with ASAP. • Refusal Offenses; Treated the same as a DUI offense. • Multiple Misdemeanors; Limited licenses allowed if: <ul style="list-style-type: none"> - Ignition Interlock Devices are installed; - The ability to earn a livelihood would be severely impaired; - There is no excessive danger to the public; and - The person is in compliance with ASAP. • Wellness Court participants; Limited licenses allowed if: <ul style="list-style-type: none"> - The ability to earn a livelihood, attend school or provide for family health would be impaired; - No excessive danger; - In compliance with their court ordered treatment. • Therapeutic Court participants; Limited licenses allowed if: <ul style="list-style-type: none"> - Ignition Interlock device is installed - The ability to earn a livelihood; attend school or provide for family health would be impaired; - No excessive danger; and - In compliance with their court ordered treatment. |

1st Offense: 90 day revocation
 2nd Offense: 1 year revocation
 3rd Offense (misdo): 3 year revocation

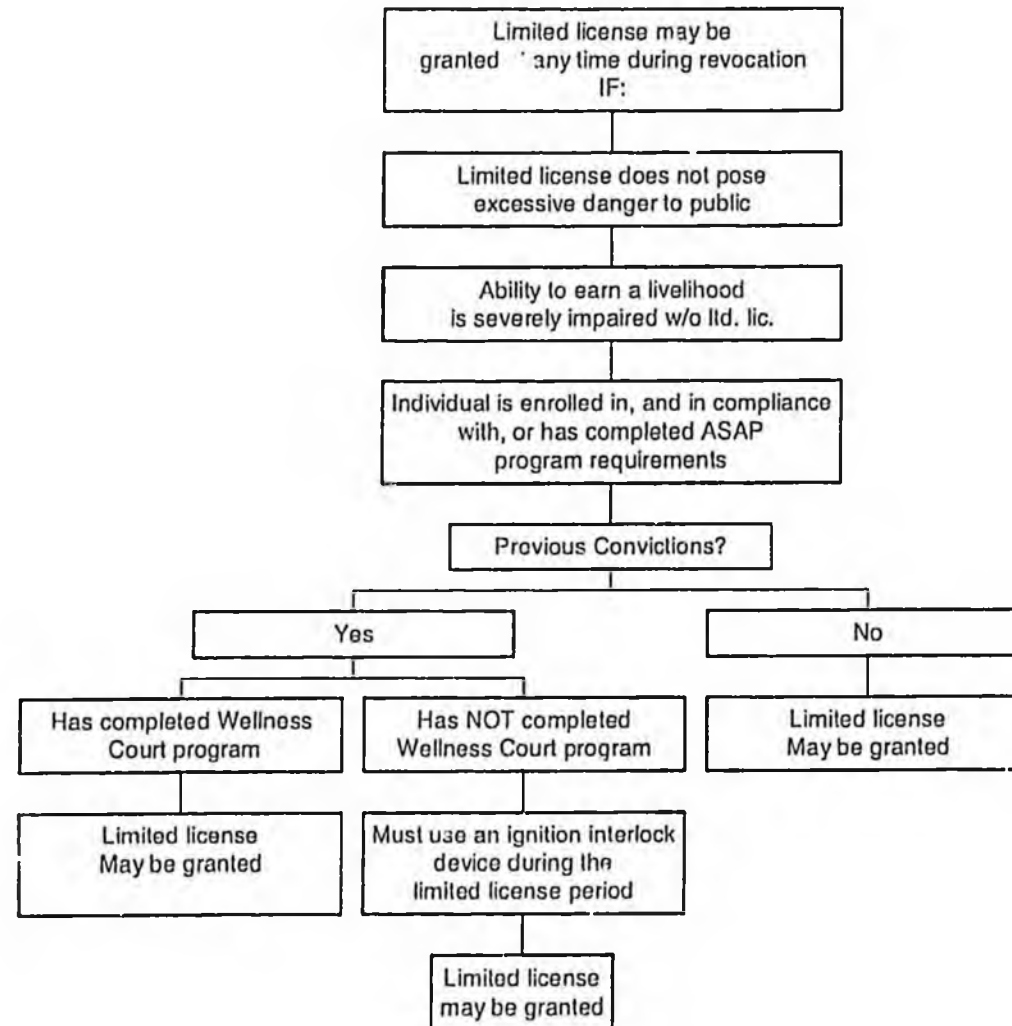
4th Offense (misdo) : 5 year revocation
 Felony conviction: Lifetime revocation

HB 342 – DUI Penalties



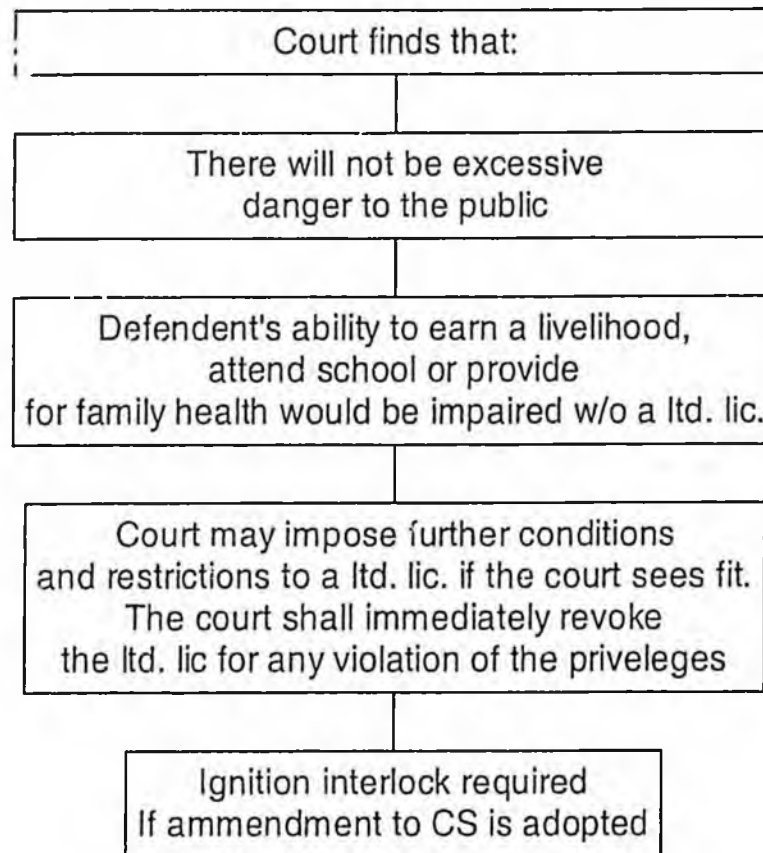
Limited Licenses

Misdemeanor



Limited Licenses part 2

Therapeutic Courts



Alaska State Legislature

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801
Phone: (907) 465-3743
1-800-565-3743
Fax: (907) 465-2381



INTERIM ADDRESS:
600 F Railroad Avenue
Wasilla, AK 99654
Phone : 907-376-2179
Fax: (907) 373-4745

Representative Carl Gatto

Sponsors' Statement CSHB 342 ()

CSHB 342 () strengthens the consequences of Driving Under the Influence; gives more authority to Wellness and Therapeutic Courts, an effective tool in reducing recidivism; and rectifies a few critical unintended side-effects of the current laws.

CSHB 342 () sets out a tiered fine schedule increasing fines for higher BACs. This will bring Alaska laws more closely in line with federal guidelines for DUI laws. In addition, this bill will effectively close a loophole whereby some Courts are suspending portions of minimum fines contrary to the legislatures intent in enacting these laws.

Wellness Court and Therapeutic Court are proven tools in fighting recidivism for people with alcohol and drug addictions. The premise for these Courts is that a person is watched closely throughout the intensive treatment program. After a significant time of sobriety a person's fine will be reduced and possibly their incarceration time. This bill will also allow these Courts to issue limited-licenses based on a stringent guideline set by the Court. These principles are supported by the Federal Office of Justice Programs.

This bill also changes Alaska's current lifetime look-back provision to a more rational look-back provision of fifteen years. An unintended side-effect Alaska's lifetime look-back provision was that it caught people in its penumbra that it never intended to catch. Take, for instance, the man who has a DUI at the age of 21, then receives a second DUI at the age of 40. As an adult with a full time job that supports his family, he will now have to spend twenty days in jail and pay \$3000 in fines. These consequences are necessary for the person who receives multiple DUIs within a short time. However, it is not necessary for a person who is clearly not a habitual offender.

Limited Driver's license provisions are also being remodeled. Under current law, a person convicted of multiple misdemeanor DUI's stands to lose their license for one year for a second offense, and three years for a third offense. A person will be eligible to get a license for work purposes, and thereby maintain their employment, if they have an ignition interlock and are in compliance with ASAP requirements.

I would appreciate your support on this bill.



Trial Courts
State of Alaska

JAMES N. WANAMAKER
DISTRICT COURT JUDGE

THIRD JUDICIAL DISTRICT
825 W. 4TH AVENUE
ANCHORAGE, ALASKA 99501-2005

(907) 264-0666
FAX: (907) 264-0872
jwanamaker@courts.state.ak.us

January 11, 2004

Senator Fred Dyson
Chairman, Health & Education and Social Services Committee
Alaska State Senate

Re: "An Act relating to limited drivers' licenses for successful therapeutic court graduates"

Dear Senator Dyson:

It is an excellent idea to create a process whereby a graduate of a misdemeanor therapeutic court may receive a limited driver's license.

These comments are based on my personal experience as a judge presiding over the Anchorage Wellness Court. I suggest that therapeutic court graduates are deserving of consideration for this program because:


- 1) They will have graduated from a comprehensive and demanding therapeutic court program.
- 2) They will have demonstrated 18 months of sobriety.
- 3) They will possess many tools for maintaining sobriety.
- 4) Having a driver's license for purposes of work, education and family care will improve the ability of graduates to maintain the habits of responsible citizenry that they developed during their 18 months in the Wellness Court.
- 5) The therapeutic court judge will be well acquainted with the character of these defendants.
- 6) This is a small group of people who are easily monitored.
- 7) The proposed legislation would serve as an incentive to defendants to enter the therapeutic courts programs.

You will note that the proposed language allows the court to impose conditions and restrictions on a case-by-case basis to ensure continuing sobriety. Monitoring of the limited licenses will be a key condition in some cases.

It is a big achievement each time an alcoholic defendant gains sobriety and graduates. However, all alcoholics remain subject to relapse. Therefore, the bill is written to give the court the ability to require strict monitoring of sobriety on a case-by-case basis. Recently, a new sweat-activated monitoring bracelet, "SCRAM", has come on the market. When fully staffed and tested, use of this new technology may be an appropriate condition for the court to impose before some graduates receive a limited driver's license.

Please feel free to call on me if I may be of assistance.

Sincerely,



James N Wanamaker
District Court Judge

cc: Doug Wooliver

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 2, 2004

Representative Carl Gatto
State Capitol, room 411
Juneau, AK 99801

RE: House Bill 342, An Act relating to driving while intoxicated; and providing for an effective date.

*Big on a day
1 year and
14 months
cost*

Dear Representative Gatto:

As part of the progressive sanctions approach to impaired driving and in an effort to impact the higher risk driver, Mothers Against Drunk Driving (MADD) supports legislation that would provide for enhanced or escalating penalties for drivers convicted of DUI/DWI whose blood alcohol content (BAC) at the time of arrest was .15 or higher.

Blood alcohol concentration is a measure of how much alcohol is in someone's blood. It is the most accurate and measurable gauge of alcohol impairment. During a typical weekend night, one percent of drivers will have a blood alcohol concentration (BAC) of .15 or higher. However, 58 percent of alcohol-related fatalities involve someone with a .15 BAC or higher.

382?

This is because a driver at a .15 BAC level is 382 times more likely to be involved in a fatal crash than someone who has had nothing to drink. This is not social drinking – it is callous disregard for human life. High-BAC offenders require additional sanctions that "normal" DUI sanctions cannot provide.

MADD's recommendations for dealing with these higher-risk offenders have been scientifically shown to work. MADD recommends restitution sanctions such as significant fines as part of the high risk driver plan.

Sincerely,

Cindy Cashen

Executive Director

*Multiple
DUI's
could get VIN
license back
within 4 yrs
USG on gov't
insurance
*S.V. 1000 (probation 11/07/03)
Sec. 1000.3 (probation 1/08/04)
exempts Wellbuck Court
Client's Therap + Felony DUI
Court
pay 4. use 21/02*



MADD

Activism | Victim Services | Education™

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 2, 2004

Representative Carl Gatto
State Capitol, room 411
Juneau, AK 99801

RE: House Bill 342, An Act relating to driving while intoxicated; and providing for an effective date.

Dear Representative Gatto:

As part of the progressive sanctions approach to impaired driving and in an effort to impact the higher risk driver, Mothers Against Drunk Driving (MADD) supports legislation that would provide for enhanced or escalating penalties for drivers convicted of DUI/DWI whose blood alcohol content (BAC) at the time of arrest was .15 or higher.

Blood alcohol concentration is a measure of how much alcohol is in someone's blood. It is the most accurate and measurable gauge of alcohol impairment. During a typical weekend night, one percent of drivers will have a blood alcohol concentration (BAC) of .15 or higher. However, 58 percent of alcohol-related fatalities involve someone with a .15 BAC or higher.

This is because a driver at a .15 BAC level is 382 times more likely to be involved in a fatal crash than someone who has had nothing to drink. This is not social drinking – it is callous disregard for human life. High-BAC offenders require additional sanctions that "normal" DUI sanctions cannot provide.

MADD's recommendations for dealing with these higher-risk offenders have been scientifically shown to work. MADD recommends restitution sanctions such as significant fines as part of the high risk driver plan.

Sincerely,

Cindy Cashen

Executive Director

Please enter into the record my testimony to HB 342 on Driving Fines
Transportation Committee Dated 2/3/04

I was unable to stay for the delayed start on testimony for the above. I fully support any legislation that increases all fines, provided the money is used to increase the number of patrol officers. We can have little impact on the chronic abuser who drives but the state is making progress on those who do not want to be arrested for DUI. And it is the threat of arrest that is making the difference. The more officers we can put on the street the more we will curtail the problem. And I do believe that the potential results of a DUI are far more costly to the state than the additional patrols.

However, I also wanted to bring up another aspect of this and that is the loss of revenue from the current fines. Every report in the Fairbanks paper shows the majority of the fines have a portion excused. In the case of the 1/22 paper the underage drinkers were excused \$6100. This is quite common. At that rate I calculated over \$350,000 in revenue the state is leaving on the table for this or underfining DUI.

The other fine relates to paying for time in jail. The convicted pays \$90 a day for 3 days, often the full fine for 7 and never the full fine for much more. There is a cap of \$1000 and I want to see that raised to \$3000. That way you at least get 30 days covered.

I am assuming that the 3x offender, who loses his license permanently, has all his vehicles remanded to the state for sale. I would also like to see anyone who knowingly aids this person by giving them a vehicle to drive is also fined \$10,000.

Carter Crawford
Representing self
107 Maple Dr Fairbanks 99709 452-1395

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



Business Manager

Joseph Young
Anchorage

Board of Directors

Leo Brandien, President
Anchorage

Angella Long, Vice President
Wasilla

Michael Corkill, Past President
Mesa, AZ

Kim Wannamaker, Member
Kenai
Pres. Kenai Chapter

Terry Games, Member
Anchorage
Pres. Anchorage Chapter

Jenna Calkin, Member
Palmer
Pres. Mat-Su Chapter

Lonnie Halman, Member
Fairbanks
Pres. Farthest North Chapter

Jerry Nankervis, Member
Juneau
Pres. Capital City Chapter

A. J. Charlton, Member
Ketchikan
Pres. First City Chapter

James See, Member
Craig
Pres. Prince of Wales Chapter

Augie Kochuten, Member
Unalaska
Pres. Aleutian Islands Chapter

Dan Shamhart, Member
Wrangell
Pres. Wrangell Chapter

February 9, 2004

Representative Carl Gatto
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Gatto,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 342, an act relating to driving while intoxicated; and providing for an effective date.

This proposed legislation will require an individual convicted of driving under the influence to pay a fine, which exceeds the maximum for a class A misdemeanor. This legislation should be of great benefit to the citizens and law enforcement in Alaska. We thank you for addressing this issue.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen
State President

LAW OFFICES
WILLIAM R. SATTERBERG, JR.
ATTORNEY AT LAW
709 FOURTH AVENUE
FAIRBANKS, ALASKA 99701
(907) 452-4454

FAX (907) 452-3988

February 26, 2004

Representative Carl Gatto
State Capitol, Room 411
Juneau, Alaska 99801-1182

Dear Representative Gatto:

Recently, Representative Rokeberg introduced a new bill, House Bill 175, which purports to shorten the "look back" provisions of the DWI law to fifteen (15) years. I believe that this is an extremely fair and reasonable solution to a problem which developed with the passage of the previous legislation.

Specifically, there have been many individuals who might have had a DWI several years in their past, but who now are looking at extremely harsh results because they had a second DWI in the recent past.

For example, I have one client who had a DWI in the mid-1970s. He recently was charged with a second DWI, and is looking at a year loss of license, loss of his CDL, and twenty (20) days in jail with a \$3 000 fine when over twenty-eight (28) years had passed since his previous brush with the law. As the law is currently crafted, it would not matter how earlier in this person's life he had this DWI.

Representative Rokeberg's proposed provision to the law solves this serious problem, and gives a break point for individuals who have been compliant and not involved in any further DWI processes for at least fifteen (15) years.

I would recommend some additional clarifications, however.

1. The law should be retroactive, allowing anybody who has lost their license to reapply to have the license reissued in the event that they now fall within the fifteen (15) year "look back" provisions. There are already a number of individuals who have lost their license for a significant period of time because the DMV and the court systems were required to go back to the beginning of their life.

2. Provisions should be made to allow the fine amounts which are currently rather excessive to be applied towards alcohol rehabilitation treatment at approved institutions. In short, if a DWI offender chooses to voluntarily submit to rehabilitation at an institution, the funds which would ordinarily go for fines or penalties would, instead, be applied to documented costs of rehabilitation. Recognizing that many DWI offenders choose to exercise the community work service option to pay off their fine, regardless, it does not necessarily mean that the State obtains

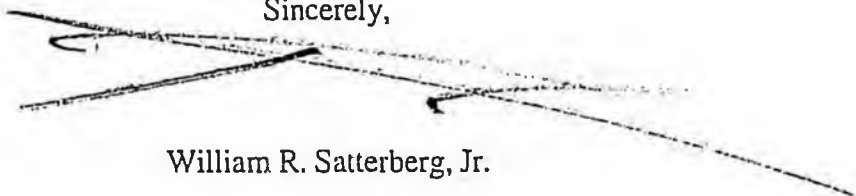
February 26, 2004
Page 2 of 2

a fiscal benefit from these large fines. To the contrary, the State of Alaska often loses the fiscal benefits, because these individuals do not get alcohol rehabilitation and thus are more likely to re-offend.

I would hope that, in evaluating Representative Rokeberg's proposed statute, consideration also be given to these two possible amendments. They are simple to enact, and would have a tremendous rehabilitative effect for the State of Alaska.

Finally, I have practiced in the field of criminal law extensively, having been admitted in 1976. I would be willing to offer testimony with respect to my experiences in the DWI field for various clients, with hope that we can make Alaska's highways safer for all.

Sincerely,

A handwritten signature in dark ink, appearing to read "William R. Satterberg, Jr.", with a long, sweeping horizontal stroke extending to the right.

William R. Satterberg, Jr.

WRS/ljs

cc: Representative Norman Rokeberg



April 9, 2004

The Honorable Bill Williams
Co-Chair House Finance
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Representative Williams:

We are writing in reference of HB 342. We at Anchorage CHARR support this bill. However we ask that under Sec 4 AS 28.35.030 (r) (4) you consider amending that section to decrease the fifteen (15) years preceding the date of the present offense to five years preceding the date of the present offense.

Thank you for your consideration and support.

Sincerely,

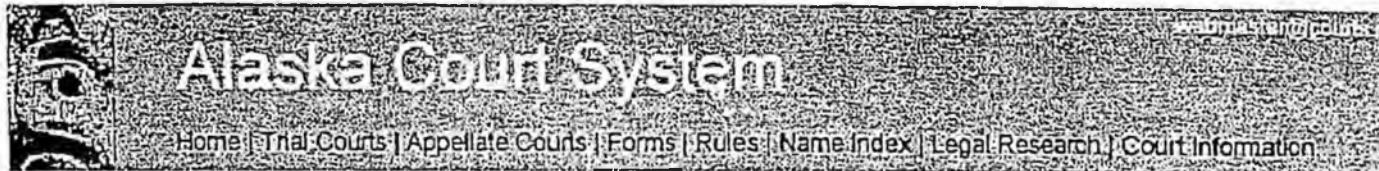
Silvia Villamides
Executive Director



333 West 4th Avenue, Suite 214
P.O. Box 242023
Anchorage, AK 99524
907.646.4628
anchoragecharr@gci.net

Sectional Analysis for CSHB 342 ()
Sponsored by Representative Carl Gatto

- Sec. 1* This section expands existing laws pertaining to ignition interlock devices to allow the Courts to order that a person is required to obtain an ignition interlock device during the duration of their limited driver's license. It further clarifies that the ignition interlock device can only be Court-ordered as part of a person's sentence for vehicles that are driven on roadways and require a license.
- Sec. 2* This section expands the limited license statute to allow people with multiple misdemeanor convictions to get a limited license where they have ignition interlocks installed, their ability to earn a livelihood would be impaired without the limited license, restrictions can be placed on the license that will prevent excessive danger to the public, and the person is in compliance with their ASAP requirements.
- This section also allows people who are in court-ordered treatment programs to get limited drivers licenses upon the completion of such programs. This would pertain to Wellness Court Programs.
- Sec. 3* This section closes a loophole used by some courts to suspend portions of minimum fines for misdemeanors.
- Sec. 4* This section closes a loophole used by some courts to suspend portions of minimum fines for felonies.
- Sec. 5* This section sets the inclusion period for prior offenses at fifteen years.
- Sec. 6* This section increases fines for people who have between 0.16 and 0.24 BAC, and sets another increase for people who have a 0.24 or higher BAC.
- Sec. 7* This section allows the Therapeutic Court programs to offer limited licenses for people who have completed the program.
- Sec. 8* This section sets applicability of this Act only to offenses committed after the date this is enacted
- Sec. 9* This sets the date this Act will take effect as January 1, 2005



Anchorage Wellness Court

1. What is the Anchorage Wellness Court?

The Anchorage Wellness Court is a special court for municipal misdemeanor defendants who are addicted to alcohol and want to overcome their addiction.

2. What is the purpose of the Anchorage Wellness Court?

The court's aim is to assist alcoholic offenders who want to overcome their addiction and achieve lifetime sobriety. To accomplish this, the Wellness Court team oversees the treatment program of the offender.

The principle benefits of completing the Wellness Court program are achieving sobriety and avoiding future criminal cases. Graduates generally receive a reduced sentence and thus minimize jail time on their current case.

3. Who is eligible?

A defendant is eligible to participate in the Anchorage Wellness Court if he/she has been charged with an alcohol-motivated misdemeanor offense and is an alcoholic.

Admission to the Anchorage Wellness Court program is not automatic. Cases are reviewed on a case-by-case basis.

4. How does the Anchorage Wellness Court work?

The Wellness Court program is a voluntary program that requires commitment and persistence. Once a defendant has successfully "opted-in" to the Wellness Court program (see question 5 below), he/she will follow the basic structure of the Wellness Court Treatment Plan:

- o Alcohol treatment and counseling,
- o Take the prescription medication Naltrexone for 120 days. Naltrexone reduces or stops cravings for alcohol allowing the defendant to concentrate on treatment,
- o Frequent court appearances before the Wellness Court judge,
- o 12 step meetings (e.g. Alcoholics Anonymous),
- o Nalgroup® meetings (a support group for people taking Naltrexone),
- o Moral Reconciliation Therapy® (a cognitive behavioral training addressing moral reasoning, decision making and faulty, irrational beliefs in addicts),
- o Compliance logs for all treatment plan requirements,
- o Monitoring for continued sobriety (e.g. urinalysis, Sobrieter, APD home visits, etc.),
- o Obtain employment and/or attend school,

- o Maintain sobriety for 18 months,
- o Recognition for progress and sanctions imposed for non-compliance.

5. How do you get referred to the Anchorage Wellness Court?

If a defendant is interested in participating in the program and would like to be considered for Wellness Court, the defendant or his attorney should contact the Wellness Court Case Coordinator at 343-6437 and request a Wellness Court "opt-in" hearing.

If after the initial interview the defendant is found to be appropriate for the program, and he/she wishes to enter the program, the municipal prosecutor makes a Criminal Rule 11 offer (a plea agreement) to the defendant, which incorporates the Wellness Court program. The defendant then accepts the Criminal Rule 11 offer. The defendant completes a treatment assessment and is examined by a physician. If the defendant meets the eligibility requirements, the defendant voluntarily agrees to complete the Wellness Court Treatment Plan. The Wellness Court Judge approves the Criminal Rule 11 Agreement and the Wellness Court Treatment Plan. Then the defendant enters a plea of guilty, sentencing is set for 18 months later and the defendant commences the Wellness Court Treatment Plan (see above).

6. Contact/Court Information

Wellness Court Case
Coordinator:


Prosecutor, Municipality of
Anchorage:

Steve Christopher, 343-6437
Bruce Roberts, 343-4250

The Anchorage Wellness Court meets on Friday afternoons at 1:30 p.m. in courtroom 202. Judge Jim Wanamaker presides. Members of the public are invited to attend.

Rev. 09 December 2003
© Alaska Court System

www.state.ak.us/courts
webmaster@courts.state.ak.us

 You'll need to download a free copy of [Adobe Acrobat Reader](#) in order to view and print documents with this symbol. Visually impaired visitors to our website can use Adobe Acrobat's [online conversion tools](#) to convert PDF documents into HTML or ASCII text.

Felony DUI Court

is a special court within the justice system that seeks to:

- enhance public safety by reducing DUI offenses;
- engage offenders in overcoming addictions and rebuilding their lives;
- return criminal offenders to the community as contributing members

The Felony DUI Court Team includes the judge, the prosecutor, the offender's defense attorney and probation officer, and the treatment provider.

DUI Court participants make regular court appearances and participate in intensive outpatient treatment. DUI Court makes judicious use of incentives and sanctions that encourage participant performance in this 12 – 18 month program

Benefits

This is an opportunity for an offender to:

- overcome addiction in a supportive, tightly structured program;

- avoid future criminal involvement;
- depending on prior convictions, possibly have charges dismissed upon successful completion of the program.

Eligibility An offender who is in pre-trial or pre-indictment stage, *may* be eligible for the DUI Court program if:

- he or she has been charged with a felony DUI or DUI-related offense;
- he or she meets Eligibility Standards listed on back of this brochure.

How it works Eligible offenders are signed up for a 12-18 month program that includes:

- screening to determine level of care needed to succeed in recovery;
- placement in an intensive, outpatient treatment program;
- attendance at weekly court hearings;
- frequent and random drug and alcohol testing;

- personal accountability for progress;
- seeking employment or enrolling in school or training;
- making payments for restitution (if applicable).

How to get in If you are considering getting into DUI Court, you need to:

- *First, make a serious commitment to change your life and beat addiction;*
- talk to your lawyer who will ask the district attorney to review your eligibility;
- if you are eligible, the district attorney will negotiate a pre-agreed sentence and make a Rule 11 offer. You will need to successful, complete the DUI Court program in order to receive the benefits of this deal;
- make a change of plea—the judge will accept your Rule 11 agreement, enter judgment, and “sentence” you to work the DUI Court Program.

National Conference of State Legislatures
 Drunk Driving Sanctions
 Time Frames Used by States for Inclusion of Prior Offenses

| State | Time period | State | Time period |
|--------------------|-------------|---------------------|-------------|
| Alabama..... | 5 years | Montana..... | 5 years |
| Alaska..... | | Nebraska..... | 8 years |
| Arizona..... | 60 months | Nevada..... | 7 years |
| Arkansas..... | 5 years | New Hampshire..... | 7 years |
| California..... | 7 years | New Jersey..... | 10 years |
| Colorado..... | 5 years | New Mexico..... | 10 years |
| Connecticut..... | 5 years | New York..... | 10 years |
| Delaware..... | 5 years | North Carolina..... | 7 years |
| Florida..... | 3 years | North Dakota..... | 5 years |
| Georgia..... | 5 years | Ohio..... | 5 years |
| Hawaii..... | 5 years | Oklahoma..... | 5 years |
| Idaho..... | 5/10 years | Oregon..... | 5 years |
| Illinois..... | 5 years | Pennsylvania..... | 7 years |
| Indiana..... | 5/10 years | Rhode Island..... | 5 years |
| Iowa..... | 6 years | South Carolina..... | 10 years |
| Kansas..... | 5 years | South Dakota..... | 5 years |
| Kentucky..... | 5 years | Tennessee..... | 10 years |
| Louisiana..... | 3 years | Texas..... | 10 years |
| Maine..... | 5/6 years | Utah..... | 6 years |
| Maryland..... | 3 years | Vermont..... | 5 years |
| Massachusetts..... | * | Virginia..... | 10 years |
| Michigan..... | 7 years | Washington..... | 5 years |
| Minnesota..... | 5/15 years | West Virginia..... | n/a |
| Mississippi..... | 5 years | Wisconsin..... | 5 years |
| Missouri..... | n/a | Wyoming..... | 2 years |

* unlimited

n/a: not available or not specified in statute

Sources: *Digest of State Alcohol/Highway Safety Related Legislation, US Dept. of Transportation, National Highway Traffic Safety Administration, 2001; Westlaw bill tracking searches, 2003.*



27 STATES, WASHINGTON, DC AND AMERICAN SAMOA HAVE TIERED BAC SYSTEMS

| State | 1st Tier BAC | 2nd Tier BAC | 3rd Tier BAC | 4th Tier BAC | Resulting Action |
|------------------|--------------|-------------------|--------------|--------------|---|
| Arkansas | .08 | ≥ .15 | | | Increased licensing actions, may order <u>ignition interlock</u> installed |
| Arizona | .08 | ≥ .15 | | | Increased incarceration and mandatory <u>ignition interlock</u> |
| California | .08 | ≥ .20 | | | <u>Ignition interlock</u> installation may be ordered, mandatory alcohol assessment |
| Colorado | 0.1 | ≥ .20 | | | Subject to same sanctions as repeat offenders and mandatory treatment |
| Connecticut | .08 | ≥ .16 | | | Increased licensing actions |
| Idaho | .08 | ≥ .20 | | | Increased licensing actions, <u>fin</u> es, incarceration, and mandatory alcohol assessment |
| Illinois | .08 | ≥ .16 | | | <u>Increased fine</u> and incarceration, and mandatory treatment |
| Indiana | .08 | ≥ .15 | | | <u>Increased fine</u> and incarceration |
| Iowa | .10 | ≥ .15 | | | Increased fine, mandatory alcohol evaluation, Diversion programs and probation not allowed |
| Kentucky | .08 | .18 or above | | | Increased incarceration and mandatory alcohol assessment |
| Louisiana | .08 | ≥ .15 | | | Increased incarceration and mandatory alcohol assessment |
| Maine | .08 | ≥ .15 | | | Increased incarceration and mandatory alcohol assessment |
| Minnesota | .10 | ≥ .20 | | | <u>Increased fine</u> , licensing actions doubled, drivers license and license plate impoundment, and possible vehicle forfeiture |
| Nevada | .10 | ≥ .18 | | | Mandatory alcohol treatment |
| New Hampshire | .08 | ≥ .16 | | | <u>Increased fine</u> , mandatory vehicle registration revocation, and <u>ignition interlock</u> may be ordered |
| New Mexico | .08 | ≥ .16 | | | |
| North Carolina | .08 | ≥ .16 | | | Increased penalties and mandatory <u>ignition interlock</u> |
| Ohio | .10 | ≥ .17 | | | Increased incarceration |
| Oklahoma | .08 | ≥ .15 | | | Mandatory treatment and aftercare, <u>ignition interlock</u> and community service |
| Pennsylvania | .10 | .16-.19 | ≥ .20 | | Increased licensing actions |
| Rhode Island | .08 | ≥ .15 | | | <u>Increased fine</u> , incarceration, and community service |
| South Carolina | .10 | ≥ .15 | | | Subject to pre-conviction licensing actions |
| South Dakota | .08 | ≥ .17 | | | Mandatory alcohol evaluation |
| Tennessee | .10 | ≥ .20 | | | Increased incarceration |
| Virginia | .08 | ≥ .20 | ≥ .25 | | Increased incarceration and mandatory treatment |
| Washington | .08 | ≥ .15 | | | Increased licensing actions, fine, incarceration, and mandatory treatment |
| Washington, D.C. | .08 | .20-.24 | ≥ .25 | | Increased incarceration |
| Wisconsin | .10 | .17-.19 | .20-.24 | ≥ .25 | <u>Increased fines</u> |
| American Samoa | .08 | No specific level | | | <u>Increased fines that are correlated to the BAC level</u> |

This table lists those states using a graduated, or tiered, system to assign sanctions and treatment based on BAC levels of .08 and above. Greater sanctions and/or increased treatment are required when an offender's BAC level reaches the second tier level, and the increased penalty or treatment is noted under *Resulting Action*.

How Effective Are BAC Graduated Systems?

According to recent study of Minnesota's high BAC law, "high BAC sanctioning systems are viewed as one of the few promising approaches for reducing recidivism among 'hardcore' impaired drivers" (McCart and Shabanova 2002). Minnesota's high-BAC law appears to have successfully increased the severity of case dispositions for high-BAC offenders, and evidence suggests an initial reduction in recidivism.



Ignition Interlock - Issue Brief

[Overview](#) | [Take Action](#) | [Related Issues](#) | [Resources](#)

Overview

Repeat offenders are a significant portion of the drunk driving problem – about one-third of all DUI arrests each year are of people who have been convicted previously of driving under the influence. (Fell, 1995) Considering that between 50 and 75 percent of those whose licenses are suspended or revoked as the result of driving under the influence continue to drive without their license, (Nichols and Ross, 1990) (Voas and Tippetts, 1994) revoking a license is good, but not always enough.

Ignition interlocks prevent people who have alcohol in their system from driving a car. An operator breathes into an interlock device to determine blood alcohol concentration. If there is measurable alcohol in the blood, the vehicle does not start.

As one might expect, this stops offenders from re-offending while the interlock device is on the vehicle. Interlocks have been shown to be effective in Maryland (Beck, 1999), Alberta (Voas, et al, 1999), California (Tashima and Helander, 1999), and elsewhere (Weinrath, 1997) (Coben, 1999) with results ranging from 50 to 90 percent reductions in subsequent offenses by those offenders who were assigned interlock devices, compared with those who were not.

While interlocks are not the only solution, as offenders tend to go back to their old ways once the device is off of the vehicle, they certainly keep the roads safer while these devices are in place.

Take Action

[Click here to email your federal representatives](#), urging them to support Senate Bill 1141 and House Bill 2681, which require repeat and high-BAC offenders to put ignition interlock devices on their vehicles.

Related Issues

- [Federal higher-risk driver initiative](#)
- [Repeat offenders](#)
- [High-BAC drivers](#)
- [Driving while suspended](#)
- [Administrative license revocation \(ALR\)](#)
- [Vehicle impoundment](#)
- [Mandatory assessment and treatment](#)

Resources

- [Official Position Statement](#)
- [State Laws](#)
- [Studies](#)
 - o [MADD's Impaired Driving Summit Report \(PDF\)](#)
 - o Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland." [American Journal of Public Health](#), 89 vol. 11 (1999):

C Cashen-MADD

From: "Yuancie Lee" <Yuancie_Lee@dot.state.ak.us>
 To: "Cindy Cashen" <madd@alaska.net>
 Sent: Wednesday, February 19, 2003 8:17 AM
 Attach: Yuancie_Lee.vcf
 Subject: DUI Counts

2001
 1st Time - 3,107
 2nd Time - 1,041
 3rd Time - 458
 4th Time - 170
 5th Time - 91
 6th Time - 30
 7th Time - 9
 8th Time - 12
 Total - 4,918

4918
 - 3107

 1811 repeat

2000
 1st Time - 3,233
 2nd Time - 955
 3rd Time - 367
 4th Time - 114
 5th Time - 31
 6th Time - 5
 Total - 4,705

4705
 3233

 1472 repeat

JAN 20
 .756

 276

7/01
 to 7/02
 9-78

 1028
 DOT

FAI
 50 Felony
 112 Medications

12 FABAP
 480 Fairbanks

 440

 480

average



Ignition Interlock - Issue Brief

shar_smith@legis.state.

akus

4/16/07 6813

[Overview](#) | [Take Action](#) | [Related Issues](#) | [Resources](#)

Overview

Repeat offenders are a significant portion of the drunk driving problem – about one-third of all DUI arrests each year are of people who have been convicted previously of driving under the influence. (Fell, 1995) Considering that between 50 and 75 percent of those whose licenses are suspended or revoked as the result of driving under the influence continue to drive without their license. (Nichols and Ross, 1990) (Voas and Tippelt, 1994) revoking a license is good, but not always enough.

Ignition interlocks prevent people who have alcohol in their system from driving a car. An operator breathes into an interlock device to determine blood alcohol concentration. If there is measurable alcohol in the blood, the vehicle does not start.

As one might expect, this stops offenders from re-offending while the interlock device is on the vehicle. Interlocks have been shown to be effective in Maryland (Beck, 1999), Alberta (Voas, et al, 1999), California (Tashima and Helander, 1999), and elsewhere (Weinrath, 1997) (Cobcn, 1999) with results ranging from 50 to 90 percent reductions in subsequent offenses by those offenders who were assigned interlock devices, compared with those who were not.

~~X~~ While interlocks are not the only solution, as offenders tend to go back to their old ways once the device is off of the vehicle, they certainly keep the roads safer while these devices are in place.

Take Action

Click here to email your federal representatives, urging them to support Senate Bill 1141 and House Bill 2681, which require repeat and high-BAC offenders to put ignition interlock devices on their vehicles.

Related Issues

- Federal higher-risk driver initiative
- Repeat offenders
- High-BAC drivers
- Driving while suspended
- Administrative license revocation (ALR)
- Vehicle impoundment
- Mandatory assessment and treatment

Resources

- Official Position Statement
- State Laws
- Studies
 - MADD's Impaired Driving Summit Report (PDF)
 - Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial In Maryland." American Journal of Public Health, 89 vol. 11 (1999):

- o MADD's Impaired Driving Summit Report (PDF)
- o Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland." American Journal of Public Health, 89 vol. 11 (1999):

<http://www.madd.org/activism/printable/0,1068,7604,00.html>

4/13/2004

average drinking.

<http://www.madd.org/activism/printable/0,1068,7604,00.html>

4/13/2004

- 1896-1700. (Click here)
- o Coben, Jeffrey, and Gregory Larkin. "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism." American Journal of Preventive Medicine 16 vol. 1S (1999): 81-87. (not yet online)
 - o Fell, Jim. "Repeat DWI Offenders In the United States." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 85, February 1995. (Click here)
 - o National Highway Traffic Safety Administration. "Repeat DWI Offenders Are an Elusive Target." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 217, March 2000. (Click here)
 - o Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." Alcohol, Drugs and Driving 6(2) (1990): 33-55. (Click here)
 - o Peck, R.C., R. J. Wilson, and L. Sutton. "Driver License Strategies for Controlling the Persistent DUI Offender," Strategies for Dealing with the Persistent Drinking Driver. Transportation Research Board, Transportation Research Circular No. 437. Washington, DC: National Research Council (1995): 48-49. (not yet online)
 - o Tashima, H.N., and C.J. Helander. 1999 Annual Report of the California DUI Management Information System. Sacramento, CA: California Department of Motor Vehicles Research and Development Section, 1999. (not yet online)
 - o Voas, Robert, et al. "Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." Addiction 94 vol. 12 (1999): 1849-1859. (not yet online)
 - o Voas, Robert and A. Scott Tippetts, A.S. "Unlicensed Driving by DUIs – A Major Safety Problem?" TRB ID No. CR077. Paper presented at the 73rd Annual Meeting, Transportation Research Board, Landover, MD, (1994, January 9-13). (not yet online)
 - o Weinrath, M. "Ignition Interlock Program for Drunk Drivers: A Multivariate Test." Crime and Delinquency 43 vol. 1 (1997): 42-59. (not yet online)
- Fact Sheets
 - o NCLS. "Ignition Interlock Requirements for Convicted Drunk Drivers." As of July 2003. (click here)
 - Testimony
 - o Wendy Hamilton's testimony before the Senate Appropriations Committee, May 22, 2003. (Click here)
 - o Wendy Hamilton's testimony before the Senate Commerce, Science & Transportation Committee, May 22, 2003. (Click here)
 - Press Releases
 - o "Florida Legislature Adopts Stricter DUI Laws", Mothers Against Drunk Driving Press Release. April 3, 2002. (Click here)

This information is brought to you courtesy of Mothers Against Drunk Driving – find us online at <http://www.madd.org/>.
The mission of MADD is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.

Ignition Interlock Program Lowers Re-arrest Rate in Repeat Alcohol Offenders

News Release (4/23/97) University of Maryland at College Park

College Park, MD— Ignition interlock programs do lower re-arrest rates among habitual drunk drivers, a new study shows. Such programs require repeat offenders to equip their vehicles with an alcohol breath-analyzed ignition interlock device that prevents them from starting the car if they have been drinking. Results of the landmark study were released today at a news conference in Baltimore hosted by the University of Maryland at College Park.

Primary investigators of the joint study were Dr. Kenneth Beck, professor in the Health Education department at the University of Maryland at College Park; Dr. William Rauch of WESTAT Corp., Rockville, MD; and Dr. Elizabeth Baker of the Maryland State Highway Administration. The Insurance Institute for Highway Safety participated in and provided funding for the study, while the Motor Vehicle Administration supplied and monitored the subjects.

More than 1,380 repeat alcohol offenders with suspended or revoked licenses in the state of Maryland who were eligible for license reinstatement after undergoing a variety of treatment programs were assigned randomly to either an experimental ignition interlock program or to a control group. Participants in the interlock program were issued a restricted license that allowed them to operate a vehicle only if it was equipped with an ignition interlock. If they did not own a car, they were required to sign a waiver that they would not drive a car unless it was so equipped.

The alcohol-related traffic arrest rate of each group was compared for one year following program assignment, showing that the alcohol traffic violation arrest rate was significantly lower for participants in the interlock program. Seventeen of the 698 members (2.4 percent) of the interlock group and 48 of the 689 members (6.7 percent) of the control group committed alcohol traffic violations during the year. This was a significant statistical difference and indicated that being in an interlock program reduced the risk of an alcohol traffic violation within the first year by about 85 percent, says Beck of the University of Maryland.

Other programs for repeat offenders such as mandatory incarceration or vehicle impoundment are helpful but have drawbacks, Beck says. In addition, many repeat alcohol offenders continue to drive even with suspended or revoked licenses.

Alcohol breath-analyzed ignition interlocks represent a countermeasure that has not been investigated systematically or scientifically for its potential impact on preventing drunk driving recidivism — until now. Previous evaluation studies of interlocks reported positive effects, but the lack of random assignment in the investigations made the evidence inconclusive, says Beck.

This investigation included several features that sets it apart from previous ones, says Rauch of WESTAT, including:

- The study was limited to multiple alcohol offenders — those drivers who committed two or more alcohol-related traffic offenses in the past five years, or three or more offenses in the last 10 years;
- A random assignment procedure was used to determine entry of offenders into the interlock or control group;
- These programs were monitored and enforced by the Medical Advisory Board of the state's Motor Vehicle Administration rather than the courts;
- Members of the experimental group had a restriction on their driver's licenses indicating they could only drive a vehicle equipped with an ignition interlock; and

- Both experimental and control group members were closely monitored to ensure compliance with the terms of their license restrictions.

"Studies based on random assignment have been needed to provide definitive evidence about the effect of interlock programs, but such studies are extremely rare," says Allan Williams, senior vice president for the Insurance Institute for Highway Safety. "This remarkable opportunity provided by the Maryland Motor Vehicle Administration has made a significant contribution to the effort to combat alcohol-impaired driving."

News Release: For Immediate Release, April 23, 1997
© Copyright 1997, University of Maryland at College Park.