

SB

224

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: May 7, 2004

FURTHER REFERRALS: Finance

Date of Committee Action: May 8, 2004

The JUDICIARY Committee considered:

CSSB 224(STA)

CS FOR SENATE BILL NO. 224(STA)

LOWER DWI FOR MINORS TO .02

"An Act relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date."

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

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DPS	5		✓	✓
CRT	6		✓	✓
HSS	7			✓
ADM	8		✓	✓
ADM	9			
ADM	10	✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	SAMUELS	X			
	GARCIA			✓	
	GUNDER			✓	
	O'CONNOR				✓
Chair:	McGuire	X			
Chair:					

From the office of . . . Senator John J. Cowdery
State Capitol Building, Rm # 101
Juneau, AK 99801
907-465-3879 phone
907-465-2069 fax

MEMORANDUM

DATE: May 6, 2003
TO: REP. LESIL McGUIRE,
Chair, House Judiciary Committee
FROM: Senator John J. Cowdery
RE: SB 224

Please schedule a hearing for **SB224**, "an act relating to a minor operating a vehicle after consuming alcohol, after"

A copy of the bill, a sponsor statement and fiscal notes are attached.

Thank you for your attention to this matter.

ALASKA STATE LEGISLATURE
SENATE DISTRICT O

Interim:
716 West 4th Ave.
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John J. Cowdery

Senate Rules, Chair

Senate Transportation Committee, Chair

World Trade State & Federal Relations, Chair

State Affairs, Legislative Council

SPONSOR STATEMENT CSSB224

“An Act relating to a minor operating a vehicle after consuming alcohol, to a minor refusing to submit to chemical tests, and to driving during the 24 hours after being cited for one of those offenses; and providing for an effective date.”

The purpose of SB224 is to change Alaska's law to require stiffer penalties to apply to person under the legal drinking age drives after consuming any amount of alcohol.

Under current Alaska law, a person under 21 who drives with a BAC of below .08 will receive a charge of minor consuming and/or minor operating a vehicle after consuming, both of which are infractions.

SB224 applies mandatory fines and community service for minors to drive after consuming any amount of alcohol. A first-time offender faces a \$300 fine, which increases to \$1000 for a second offense and \$1500 for additional offenses. Community service requirements increase similarly.

Drivers between the ages of 15 and 20 years old make up roughly 7% of the total driving population. That 7% constitutes 14% of the alcohol related fatalities. Zero Tolerance laws can act as a deterrent and dramatically help change deadly behavior.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to lowering the legal BRU Legal and Advocacy Services
level of intoxication Component Office of Public Advocacy
 Sponsor Senator Cowdery
 Requester (S) Transportation Component No. 43

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	48.7	48.7	48.7	48.7	48.7	48.7
Travel	2.4	2.4	2.4	2.4	2.4	2.4
Contractual	11.5*	11.5*	11.5*	11.5*	11.5*	11.5*
Supplies	1.4	1.4	1.4	1.4	1.4	1.4
Equipment	3.4	0.4	0.4	0.4	0.4	0.4
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*

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	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Public Advocacy will be fiscally impacted by this legislation. Expanding the crime of DUI to include persons under 21 whose blood or breath alcohol level is more than .02, instead of over .08, will increase the caseload and workload of OPA staff, and increase contractual costs for areas not served by OPA staff attorneys and conflict counsel. More cases involving juveniles charged with this offense will be assigned to OPA. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content, leaving 232 cases where the minor was under .08. Moreover, experience in the field has shown that many officers only cite minors for minor consuming rather than driving after consuming. All of the aforementioned cases would henceforth be prosecuted as DUI and the defendant would be entitled to counsel. As a result, it is conservatively anticipated that there will be between 400-600 new DUI cases a year, a good portion of which will come to OPA. Because of the more severe penalties, and the fact that the reliability of the intoximeter as such low levels is highly questionable, these cases will be fully litigated (evidentiary hearings and trials). OPA will need an additional 1/2 time position, and contract costs will increase, though the amount is indeterminate.

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
 Division Office of Public Advocacy Date/Time 2/24/04 12:00 AM
 Approved by: Mike Miller, Commissioner Date _____
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act Lowering the Limits for DUI for those under RDU Alaska State Troopers
21 years of age Component AST Detachments
 Sponsor Sen. Cowdery
 Requester Senate Transportation 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	*	*	*	*	*	*

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

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

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

SB 224, if passed, will amend AS 28.35.030 to make it a criminal offense to drive under the influence if the person is under 21 years of age, and has a blood alcohol content of .02 or more.

The fiscal impact to the Department of Public Safety is indeterminable for several reasons.

Based on data provided by DMV, there were about 82 individuals who may have been subjected to the provisions of this bill had it been law in 2003. It is not known how many of those 82 individuals would have been handled by the Alaska State Troopers.

(see page 2)

Prepared by: Lt Al Storey Phone 269-4532
 Division: Alaska State Troopers Date/Time 2/20/04 9:30 AM
 Approved by: Commissioner William Tandeske Date 2/20/2004
 Agency: Department of Public Safety

FISCAL NOTE #2

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. SB 224

ANALYSIS CONTINUATION

DMV's data also reports that there were about 144 other individuals contacted by law enforcement officers, but the officer determined that there was insufficient probable cause to arrest them and obtain a blood alcohol sample. It could be assumed that some of these persons would have had a blood alcohol level of .02 to .079. Processing the increased number of suspects in accordance with this proposed bill would be time consuming for law enforcement officers.

As written, SB 224 will be challenged repeatedly in the adjudication process. This is especially true for the lower blood alcohol levels. The defense will target the accuracy of the blood alcohol measuring instruments, the probable cause that led to the contact, and the process that the officer used to determine the individual was under the influence prior to asking for a breath sample. All of this will cost additional court time in order to make the officers available for testimony. It will require additional testimony from the Crime Lab technicians regarding the accuracy of the instruments used to measure blood alcohol.

The amount of time that will be required to achieve a conviction, and the time needed to handle arrestees under the age of 18 (juveniles), is unknown. Therefore, the fiscal impact to the Department of Public Safety is indeterminate.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: "An Act relating to lowering the legal level c RDU: CRIMINAL
intoxication for operating a motor vehicle, aircraft, or watercraft to .02 Component: Criminal Justice Litigation
 Sponsor: Senator Cowdery
 Requester: Senate Transportation 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	*****	*****	*****	*****	*****	*****

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--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 changes the Driver's License Act by including as an offense of operating a vehicle or aircraft while under the influence of an alcoholic beverage, inhalant or controlled substance, a person with a blood alcohol content of .02 who is less than 21 years of age.

 Passage of this legislation will have a fiscal impact on the Department of Law as it will, if enforced, result in a much larger number of DUI charges filed. How many of those will be referred to the state for prosecution is not determinable. It is also likely to result in more legal challenges to driver's license revocations, but we are similarly unable to quantify the impact.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division: Administrative Services Date/Time 2/23/04 4:48 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/23/2004
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title: "Act Lowering the Limits for DUI for those under 21 years of age....." RDU: Administration & Operations
 Component: Institution Director's Office
 Sponsor: Senator Cowdery
 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	*	*	*	*	*	*
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

This legislation if passed would amend AS 28.35.030 making it a criminal offense to drive under the influence if the person is under 21 years of age, and has a blood alcohol content of .02 or more.

The fiscal impact to the Department of Corrections is indeterminate at this time for several reasons:

Based on data provided to the Department of Public Safety by DMV, there were approximately 82 individuals who may have been subjected to the provisions of this bill had it been law in 2003. It is not known how many of those 82 individuals would have been convicted and sentenced as adults.

Prepared by: Jerry D. Burnett, Director
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone (907) 465-3339
 Date/Time 2/24/04 10:04 AM
 Date 2/24/2004

ANALYSIS CONTINUATION

DMV's data also reports that there were about 144 other individuals contacted by law enforcement officers, but the officer determined that there was insufficient probable cause to arrest them and obtain a blood alcohol sample. It could be assumed that some of these persons would have had a blood alcohol level of .02 to .079.

The number of convictions is unknown therefore the fiscal impact to the Department of Corrections is indeterminate.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/28/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Minors operating veh. after consuming alcohol RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Sen. Cowdery
 Requester (S) State Affairs 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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-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 proposed legislation will enhance the penalties for minors operating a vehicle after having consumed alcohol, refusal of a breath test, or operating a vehicle within 24 hours after being cited for minor operating a vehicle after consuming alcohol. The offenses under AS 28.35.280, AS 28.35.285, and AS 28.35.290 respectively, will remain infractions. Under current statute, a fine of not more than \$1000 can be assessed. With the proposed legislation, mandatory minimum fines will be established. The amount of the fine will be increased for each subsequent offense.

It is not anticipated that this legislation will have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Allen Storey Phone 907-269-4532
 Division: Alaska State Troopers Date/Time 4/27/04 4:41 PM
 Approved by: Commissioner William Tandeske Date 4/27/2004
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/28/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Minor operating a vehicle after BRU Alaska Court System
consuming alcohol Component Trial Courts
 Sponsor Senator Cowdery
 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	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--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)
 Committee Substitute for SB 224(STA) increases the fines and provides for mandatory community work service for the offenses of (1) minor operating a vehicle after consuming alcohol, (2) minor's refusal to submit to a chemical test and (3) driving during the 24 hours after being cited for alcohol of breath test offenses. Although these offenses remain infractions, the mandatory community work service triggers the right to appointed council and a jury trial. Because of these additional rights, passage of CSSB 224(STA) will impact the court system. At this time, however, the extent of that impact is too speculative to support a fiscal note.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 4/28/04 12:03 PM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 4/28/2004
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 7
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/28/04
 Dept. Affected: Health & Social Services
 RDU Juvenile Justice
 Component Probation Services

Revision Date/Time (Note if correction):
 Title LOWERING B.A.C. TO .02 OR THE
EQUIVALENT FOR MINORS

Sponsor COWDERY
 Requester SENATE (STA)

Component No. 2134

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 (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
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: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CS SB 224 (STA) is consistent with federal law and requirements and will not result in additional costs to the Division of Juvenile Justice.

Prepared by: Jana Heard
 Division: Juvenile Justice
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-1385
 Date/Time 03/17/2004
 Date 04/28/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 8
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/29/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "...minor operating a vehicle after RDU Division of Motor Vehicles
consuming alcohol..." Component Motor Vehicles
 Sponsor Sen. Cowdery
 Requester (S) Finance Component No. 2348

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--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)
 DMV does not anticipate an increase in workload. The number of arrests will remain relatively constant unless law enforcement increases their staffing dramatically. DMV has a system in place for handling these cases and an additional criminal charge will not substantially change the workload.

Prepared by: Duane Bannock Phone 269 5008
 Division: Motor Vehicles Date/Time 4/29/04 7:08 AM
 Approved by: Kevin Jardell, Deputy Commissioner Date 4/29/2004
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 9
Bill Version: CSSB 224(STA)
(S) Publish Date: 4/29/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to a minor operating a vehicle BRU Legal and Advocacy Services
after consuming alcohol... Component Office of Public Advocacy
Sponsor Senator Cowdery
Requester (S) State Affairs Component No. 43

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

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

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						

This bill will have a fiscal impact on the operations of the Office of Public Advocacy, though the impact will be indeterminate. Amending the minor operating a vehicle after consuming alcohol(MOVAC) offense and related refusal and driving 24 hours after citation offenses to further increase the penalties by setting mandatory fines and mandatory minimum community work service for 1st, 2nd, and multiple offenders will increase the caseload and workload of the Agency. Minors charged with these offenses will be entitled to a jury trial and court-appointed counsel. See *Auliye v. State*, 57 P3d 711 (Alaska App. 2002); *Booth v. State*, 903 P.2d 1079, 1087-88 (Alaska App. 1995). More cases involving juveniles charged with these offense will be assigned to the Agency. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content. As a result, it is conservatively anticipated that there will be over 200 more cases a year assigned public counsel for these offenses because of the increased penalties. The workload on these cases will also increase because of the more severe penalties.

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
Division Office of Public Advocacy Date/Time 4/28/04 12:00 AM
Approved by: Kevin Jardell, Deputy Commissioner Date 4/29/2004
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 10
 Bill Version: CSSB 224(STA)
 (S) Publish Date: 4/29/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to lowering the legal BRU Legal and Advocacy Services
level of intoxication Component Public Defender Agency
 Sponsor Senator Cowdery
 Requester (S) State Affairs 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	97.4	97.4	97.4	97.4	97.4	97.4
Travel	4.8	4.8	4.8	4.8	4.8	4.8
Contractual	23.1	23.1	23.1	23.1	23.1	23.1
Supplies	2.7	2.7	2.7	2.7	2.7	2.7
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	134.7	128.7	128.7	128.7	128.7	128.7

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	134.7	128.7	128.7	128.7	128.7	128.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	134.7	128.7	128.7	128.7	128.7	128.7

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	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill will have a fiscal impact on the operations of the Public Defender Agency. Amending the minor operating a vehicle after consuming alcohol(MOVAC) offense and related refusal and driving 24 hours after citation offenses to further increase the penalties by setting mandatory fines and mandatory minimum community work service for 1st, 2nd, and multiple offenders will increase the caseload and workload of the Agency. Minors charged with these offenses will be entitled to a jury trial and court-appointed counsel. See *Aulive v. State*, 57 P3d 711 (Alaska App. 2002); *Booth v. State*, 903 P.2d 1079, 1087-88 (Alaska App. 1995). More cases involving juveniles charged with these offense will be assigned to the Agency. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content. As a result, it is conservatively anticipated that there will be over 200 more cases a year assigned to the Agency for these offenses because of the increased penalties. The workload on these cases will also increase because of the more severe penalties. Since most of these offenses occur in Anchorage or Palmer, the Agency will need one full time attorney in one of these locations to handle this increased caseload.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time 4/28/04 12:00 AM
 Approved by: Kevin Jardell, Deputy Commissioner Date _____
 Agency Administration