

**HB**

**217**

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH  
HOUSE DISTRICT 4



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

## MEMORANDUM

DATE: April 9, 2003  
TO: Rep. Jim Holm  
Chair, House Transportation Committee  
FROM: Rep. Bruce Weyhrauch  
SUBJECT: HB 217 - Low BAC for 2<sup>nd</sup> Offense

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As you know, I have introduced HB 217, which proposes to lower the blood alcohol content for 2<sup>nd</sup> DUI offenses. This bill is a priority of Mothers Against Drunk Drivers. I view this bill as an important piece of the criminal justice approach to prosecuting drunk drivers and keeping our roads safe, I don't think that this will result in a significant influx of new arrests. The benefit of this legislation is that the police departments will have a mechanism in place that buffets the prosecutor's case for 2<sup>nd</sup> offenders. Right now, if a police officer has probable cause to pull an erratic driver over and the driver blows a .08 in the field, he is arrested. At the station, another reading, which is used by the prosecution, is taken. If that BAC is borderline, then the driver is probably not prosecuted and justice is not served. Thus, by adopting a low BAC for the second offence, the legislature supports the efforts of our police and prosecutors in dealing with the terrible scourge of drinking drivers.

At your earliest opportunity, I request that this bill be scheduled for a hearing in the Transportation committee.

If you have any questions or need further information, I invite you to contact myself, or my aide, Linda Sylvester.

Thank you for your kind attention to this matter.

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH  
HOUSE DISTRICT 4



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3714  
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## Sponsor Statement

HB 217

### Reducing the BAC Level for Second DUI Offenses

HB 217 proposes to lower the blood alcohol content for repeat DUI offenders. This bill is a priority of Mothers Against Drunk Drivers and it is an important piece of the criminal justice system's approach to prosecuting drunk drivers and keeping our roads safe. However, this is a small step, which will not overburden the courts or jails with a significant influx of new arrests. The benefit of this legislation is that the police departments will have a mechanism in place that buffers the prosecutor's case against 2<sup>nd</sup> DUI offenders. Right now, if a police officer has probable cause to pull an erratic driver over and the driver blows a .08 in the field, he is arrested. At the station, another reading, which is used by the prosecution, is taken. If that BAC is borderline, then the driver is may not be prosecuted and justice is not served. The resources of the state's prosecutor's office are limited by financial constraints and a case that is borderline may not be prosecuted. Thus, by adopting a lower BAC for the second offence, the legislature supports the efforts of our police and prosecutors in dealing with the terrible scourge of drinking drivers.

Contact: Linda Sylvester  
465-3744

Released: April 10, 2003

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

# Alaska Stats

BREATH TEST RESULTS - 2001													
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ANNUAL
.079 AND UNDER													0
.08 TO .099									17	24	38	30	109
.10 TO .149	87	90	86	78	128	120	133	135	155	92	121	87	1312
.15 TO .199	115	114	113	114	127	124	195	138	115	119	138	92	1503
.20 TO .249	59	50	62	70	64	63	81	71	71	65	64	55	775
.25 TO .299	27	18	23	15	26	24	36	24	27	18	17	17	272
.30 TO .349	3	5	5	6	4	3	15	6	6	8	5	4	70
.35 AND UP	4		2	1	1	1	2	1	1	1		1	15
DRUGS/PBT/BLOOD													0
REFUSAL	100	47	72	59	78	62	91	77	70	64	79	63	862
TOTAL	395	324	363	343	428	397	554	450	462	391	462	349	4918

} 263  
+ 862  
3497

BREATH TEST RESULTS - 2000													
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	ANNUAL
.099 AND UNDER	3	2	1	1	2	0	3	2	0	2	3	0	19
.10 TO .149	84	97	103	88	84	109	106	135	109	100	85	82	1182
.15 TO .199	116	125	107	139	121	144	143	161	125	130	93	90	1494
.20 TO .249	74	59	58	86	68	68	67	77	56	69	60	67	809
.25 TO .299	21	34	24	15	18	22	26	33	20	21	17	18	269
.30 TO .349	5	4	7	2	9	5	8	8	5	10	4	4	71
.35 AND UP	1	0	1	0	0	2	1	2	2	2	1	0	12
REFUSAL	74	70	74	61	60	68	74	77	79	92	57	65	851
TOTAL	378	391	375	392	362	418	428	495	396	426	320	328	4707

} 1161  
+ 851  
2012

Chart provided by  
National Highway Traffic Safety Administration

# 13. LOWER BLOOD ALCOHOL LIMITS FOR CONVICTED DUI/DWI OFFENDERS

*Conceded*

## The Problem

Each year, 1.4 million people are arrested in the United States for driving while intoxicated (DWI). In 1999, 15,786 people were killed and an estimated 650,000 injured in alcohol-related traffic crashes. All too often, the individuals responsible for these alcohol-related crashes had a prior conviction for DUI/DWI. Nationwide, approximately one-third of drivers arrested or convicted for DUI/DWI each year are repeat offenders. A 1994 study found that fatally injured drivers involved in alcohol-related fatal crashes were eight times more likely to have had DUI convictions in the previous five years than drivers randomly selected from the general population of licensed drivers. Drivers with DUI convictions whose license has been reinstated are six to ten times more likely than other drivers the same age and gender to be arrested for DUI or be involved in an alcohol-related crash the year following license reinstatement. In 1996, 16.6 percent of drivers with a positive BAC who died in traffic crashes had been convicted of driving while intoxicated during the three previous years.

There is no doubt that repeat DUI offenders are over-represented in alcohol-related fatal traffic crashes. While they do not represent the majority of drinking drivers involved in these crashes, the fatal crash risk is higher among repeat DUI offenders than drivers who have no prior DUI conviction.

## How Many Bites Of The Apple Do We Give DUI/DWI Offenders?

Despite the fact that these DUI offenders are more likely to be involved in crashes and more likely to be re-arrested for DUI, the laws in most states hold them to the same illegal blood alcohol limit for their subsequent offenses as they were held to for their first offense. They are held to this higher standard despite the number of times they are arrested and convicted for drunk driving.

The illegal blood alcohol level for drivers in 21 states is .10 percent. Yet research has shown that

driver impairments begin at BAC levels well below this level. For example, impairments in divided attention, reaction times, visual functioning, information processing, and judgment have been identified at BACs of 0.05 percent or lower. A 1991 study found that in all age and sex groupings, the fatal crash risk at BACs of 0.05-0.09 percent was at least nine times the risk at zero BAC.

The American Medical Association has publicly endorsed lowering the illegal BAC limit for all drivers to 0.05 percent. While 29 states and the District of Columbia have lowered the illegal blood alcohol limit from 0.10 percent to 0.08 percent since 1983, no state has adopted a 0.05 percent limit for all drivers.

In 1983, Maine became the first U.S. state to adopt a "zero tolerance" law for drivers younger than age 21, making it illegal for them to drive after drinking any alcoholic beverages. In response to declines in teenage fatal crashes associated with zero tolerance laws, all 50 states have since adopted such laws for under-21 drivers. These laws make it illegal for young drivers under the age of 21 to operate a motor vehicle with a blood alcohol level of .02 or less. Japan adopted a "zero tolerance" law for drivers of all ages in 1970. Between 1970 and 1995, the number of licensed drivers in Japan doubled, the number of motor vehicles tripled, and per capita alcohol consumption doubled, bringing it close to the level of the United States, yet alcohol-related fatal crashes declined from nearly 1500 to fewer than 500.

## What Do We Mean By A Lower BAC Limit For Convicted DUI Offenders?

### The Maine Model

In August 1988, Maine became the first state to lower the legal blood alcohol limit (BAL) from 0.10 percent to 0.05 percent for people with prior DUI convictions. While according to data from the Fatality Analysis Reporting System (FARS) of the

U.S. Department of Transportation, the proportion of fatal crashes that involved alcohol had been similar in Maine and the rest of New England during the five years before the law was enacted, Maine had had a higher percentage of fatal crashes involving drivers with prior DUI offenses. This may, in part, have prompted passage of the stricter law for convicted offenders.

Under the 1988 law, the licenses of first-time DUI offenders could be reinstated after a mandatory suspension of two months on the condition that they not drive with a blood alcohol level at or above 0.05 percent for one year. Second-time offenders had their licenses reinstated after a one-year suspension on the condition that they not drive with a BACs at or above 0.05 percent for 10 years. If convicted, DUI offenders were apprehended with a BAC of 0.05 percent or above, their licenses would be administratively revoked for one year; they could also face court-imposed penalties. If they refused to submit to chemical tests despite probable cause that they were driving at 0.05 percent or higher, their licenses would be suspended for not less than two years.

A study was conducted to measure the effectiveness of the Maine law lowering BAL limits in changing the behavior of convicted DUI offenders. The study looked for pre-law to post-law changes to the extent that convicted DUI offenders were involved in fatal crashes. The study analyzed data on fatal crashes in Maine for the six years preceding and the six years following passage of Maine's 0.05 percent DUI law and then compared Maine's experience to that of the other New England states during the same time period. The pre-law to post-law changes in the proportions of fatal crashes that involved drivers with recorded prior DUI convictions and the changes in the proportions of fatal crashes involving drivers with recorded prior DUI convictions who had alcohol levels that were deemed illegal under the new law were examined.

An analysis was made of fatal crash data for the six New England states from the U.S. Fatality Analysis Reporting System (FARS) for the period from August 1, 1982, through July 31, 1994—six years preceding and six years following passage of Maine's 0.05 percent DUI law. FARS records DUI convictions for up to three years prior to drivers' involvement in fatal crashes.

To evaluate the effectiveness of the Maine DUI law, Maine was compared with the rest of New England in terms of: (a) changes from pre-law to

post-law in the proportion of fatal crashes involving drivers with recorded prior DUI convictions; (b) changes from pre-law to post-law in the proportion of fatal crashes involving drivers with prior recorded DWI convictions and illegally elevated blood alcohol levels; (c) changes from pre-law to post-law in the proportion of alcohol-involved and non-alcohol-involved fatal crashes involving drivers with recorded prior DUI convictions.

## Results

In Maine, the proportion of fatal crashes involving drivers with recorded prior DUI convictions declined 25 percent following passage of the 0.05 percent DUI law, while the proportion of fatal crashes involving convicted offenders in the rest of New England increased 46 percent during the same time period. The proportion of fatal crashes involving drivers with recorded prior DUI convictions and illegal alcohol levels also declined significantly in Maine, as did the proportion of fatal crashes involving fatally injured drivers with recorded prior DUI convictions and illegal alcohol levels. Most of the latter decline was due to a decline in alcohol-related fatalities of previously convicted drivers with very high blood alcohol levels of 0.15 percent or higher, at the time of the fatal crash. Each of these declines in Maine was significant relative to the rest of New England. The 0.05 percent law in Maine was associated with reductions in fatal crash involvement not only among drivers with blood alcohol levels in the 0.05 to 0.14 percent range but also among those with blood alcohol levels at or above 0.15 percent. These results controvert the arguments of opponents of lowering legal blood alcohol limits who argue that those measures have no effect on drivers with high blood alcohol levels or prior convictions. This and other studies indicate that lowering legal blood alcohol limits reduces fatal crashes among drivers with very high blood alcohol limits of 0.15 percent or above as well as lower BAC limits.

In 1995, based on the success of the .05 law for convicted offenders, Maine became the first state to adopt a zero tolerance law for convicted offenders, making it illegal for them to drive after drinking any alcoholic beverages.

Utah and North Carolina have now followed Maine and established a lower blood alcohol limit for convicted DUI/DWI offenders. All states should consider instituting lower blood alcohol limits for convicted DUI/DWI offenders.

## **MADD'S POSITION STATEMENT**

### **LOWER BLOOD ALCOHOL LIMITS FOR CONVICTED DUI/DWI OFFENDERS**

MADD supports legislation setting the illegal blood alcohol concentration (BAC) limit for adult drivers who have been previously convicted of DUI/DWI at .05 per se. This lower limit shall apply to these offenders for a period of 5-years from date of conviction and they shall be required to provide a breath test if requested by an officer following any legal traffic stop.

STATE	Lower BAC Limit for Repeat Offender
Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	Yes
Delaware	
D.C.	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	Yes .00
Maryland	
Massachusetts	
Michigan	
Minnesota	
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	Yes .04
North Dakota	
Ohio	
Oklahoma	
Oregon	
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	Yes .08
Texas	
Utah	
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	Yes
Wyoming	Yes .08, .02/ 3rd. off.
TOTAL	6

## References

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- Brewer R, Morris P, Cole T, Watkins S, Patetta M, Popkin S. The risk of dying in alcohol related automobile crashes among habitual drunk drivers. *New Engl J Med* 1994;331:513-17.
- Council on Scientific Affairs. Alcohol and the driver. *JAMA* 1986;225:522-7.
- Damkot DK, Perrine MW, Whitmore DG, Todissie SR, Geller HA. On the road driving behavior and breath alcohol concentration. Washington: Department of Transportation (US); 1975. Technical Report No.: DOT HS 364 37 567.
- Deshapriya EBR, Iwase N. Are lower legal blood alcohol limits and a combination of sanctions desirable in reducing drunken driver-involved traffic fatalities and traffic accidents? *Accid Anal Prev* 1996;28:721-731.
- Hingson R, Heeren T, Winter M. Effects of Maine's 0.05 percent legal blood alcohol level for drivers with DWI convictions. *Public Health Rep* 1998; 113:440-46.
- Hingson R, Heeren T, Winter M. Lower legal blood alcohol limits for young drivers. *Public Health Rep* 1994;109:739-44.
- Hingson R, Heeren T, Winter M. Lowering state legal blood alcohol limits to .08 percent: the effect on fatal motor vehicle crashes. *Am J Public Health* 1996;86:1297-9.
- Hingson R, Heeren T, Kovenock D, Mangioni T, Myers A, Morelock S, et al. Effects of Maine's 1981 and Massachusetts' 1982 driving under the influence legislation. *Am J Public Health* 1987;77:593-7.
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- Mortimer RG, Sturgis SP. Effects of low and moderate levels of alcohol on steering performance. In: Israelstam S, Lambert S, editors. *Alcohol, drugs, and traffic safety*. Toronto: Addiction Research Foundation; 1975. P. 329-45.
- Moskowitz H, Burns M. Effects of alcohol on driving performance. *Alcohol Health Res World* 1990;14:12-14.
- National Highway Traffic Safety Administration (US). *Traffic safety facts 1995: alcohol*. Washington: Department of Transportation, National Center for Statistics and Analysis; 1996.
- National Highway Traffic Safety Administration (US). *Setting limits, saving lives: the case for .08 percent BAC laws*. Washington: NHTSA; 1997. Pub. No.: DOT HS 808 524.
- National Highway Traffic Safety Administration (US). *Repeat DWI offenders in the United States*. NHTSA Technology Transfer Series No. 85. Washington: NHTSA; 1995 Feb.
- Ross HL. *Detering the drinking driver: legal policy and social control*. Lexington (MA): Lexington Books; 1982.
- Ross HL. Law, science, and accidents: the British Road Safety Act of 1967. *J Legal Studies* 1973;2(1):1-79.
- Zador P. Alcohol-related relative risk of fatal driver injuries in relation to driver age and sex. *J Stud Alcohol* 1991;53:301-10.
- Zador PL, Lund AK, Fields M, Weinberg K. Fatal crash involvement and laws against alcohol-impaired driving. *J Public Health Policy* 1989;10:467-85.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_

Title DUI: LOWER BAC IF PREVIOUS CONVICTION

Dept. Affected: Health & Social Services

BRU Alcohol & Drug Abuse Svcs

Component Alcohol Safety Action Program

Sponsor WEYHRAUCH

Requester \_\_\_\_\_

Component No. 305

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (0)</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) 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)

The purpose of this bill is to lower the legal limit of intoxication from .08 to .04 for those individuals previously convicted of DUI. This bill would apply a more stringent definition for intoxication for these individuals. It also places no statutory limit on references to previous DUI convictions when evidence is being considered in pending DUI cases.

As written, the Department anticipates no fiscal impact from passage of HB 217.

Prepared by: Bobby Miles  
Division Administrative Services  
Approved by: Joel S. Gilbertson, Commissioner  
Agency Department of Health and Social Services

Phone 465-1626  
Date/Time 04/14/2003  
Date 04/15/2003

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 217  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to DUI and BAC BRU Legal and Advocacy Services  
presumptions... Component Public Defender Agency  
 Sponsor Rep. Weyrauch  
 Requester House Transportation Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	25.5	25.5	25.5	25.5	25.5	25.5
Travel	1.2	1.2	1.2	1.2	1.2	1.2
Contractual	5.7	5.7	5.7	5.7	5.7	5.7
Supplies	0.7	0.7	0.7	0.7	0.7	0.7
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>39.8</b>	<b>33.8</b>	<b>33.8</b>	<b>33.8</b>	<b>33.8</b>	<b>33.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1063 GF Match						
1004 GF	39.8	33.8	33.8	33.8	33.8	33.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>39.8</b>	<b>33.8</b>	<b>33.8</b>	<b>33.8</b>	<b>33.8</b>	<b>33.8</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill seeks to amend the crime of driving while under the influence to lower the presumptive amount of alcohol in a person's breath or blood to .04 percent by weight of alcohol, when the person has been previously convicted of DUI under Alaska law.

This lowering of the blood alcohol percent required for any person previously convicted of DUI in Alaska will have a fiscal impact on the Agency. It will increase the Agency's caseload by the number of people charged with their second and subsequent offense of DUI who do not have a BAC above the current requirement of .08, but do allegedly exceed the proposed .04 percent.

See attached page for continuing analysis

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
 Division: Public Defender Agency Date/Time 4/16/03 12:06 PM  
 Approved by: Mike Miller, Commissioner Date 4/16/2003  
 Agency: Department of Administration

## FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

BILL NO. HB217

### ANALYSIS CONTINUATION

Public Safety figures from a ten year summary from 1992 through 2001 indicate that over 26% of the DUI arrests are for second and subsequent offenders. The 2001 statewide BAC levels from the total number of tests reveal that approximately 210 tests showed BAC levels between .025 and .08. This is a conservative number since DUI stops from past years were seeking to find drivers with BACs over .10, not .08. Under the current law, and under this bill if passed, more stops will occur on less basis than in earlier years. Assuming that the number of BACs between .04 and .08 during 2001 represent approximately 185 people, and that 26% of them are second or repeat offenders, that results in approximately 50 cases in 2001 where the person had a BAC level between .04 and .08. Statistics show that DUI cases have increased per year from 2000 to the current fiscal year at the average rate of 14% a year. Adjusting the 2001 number of 50 new cases to consider the annual increase each year from then to FY04, results in an estimate of approximately 70 new cases of DUI beginning in FY04 if this bill were to become law. That number will likely continue to rise each year, especially as more people with a prior conviction that are convicted on a second offense for a .04 or higher BAC are added into the number. Assuming the Public Defender Agency will be appointed in 75% of these cases, we will see an increase in caseload of 50 cases a year beginning in FY 04. Those 50 cases include felonies and misdemeanors. The Agency will not be able to absorb this caseload increase without additional funds, because our attorneys already carry caseloads over the national standards. National standards for public defense caseloads recommend that no attorney handle more than 150 felonies per year or 400 misdemeanors per year. With these standards in mind, the Agency will need the services of a 1/3 part-time attorney to handle the increased caseload if this bill becomes law.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 217  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Department of Corrections  
Title "An act relating to driving while under the BRU Administration & Operations  
influence of an alcoholic beverage..." Component All  
Sponsor Representative Weyhrauch  
Requester House Transportation Committee Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

Estimate of any current year (FY2003) cost: 0.0  
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)

This bill reduces the blood alcohol content (BAC) threshold for DUI from 0.08 to 0.04 if the person has been previously convicted of DUI.

While this bill will cause more cases to be referred for prosecution, we have no reliable way to estimate how many new cases might arise, and cannot estimate the fiscal impact on the Department of Corrections.

Prepared by: Jerry D. Burnett, Director Phone 465-3339  
Division Administrative Services Date/Time 4/23/03 10:28 AM  
Approved by: Portia C.K. Parker, Deputy Commissioner Date 4/23/2003  
Agency Department of Corrections



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HOUSE TRANSPORTATION  
 Committee on HB-217 / 04 BAC.. REPEAT Committee Name Dated 5-6-03  
Bill / Subject OFFENDERS

A RECENT STUDY PUBLISHED BY THE AMERICAN AUTOMOBILE ASSOCIATION (AAA) FOUND MORE THAN HALF OF ALL DWI'S ARE REPEAT OFFENDERS.

THE STATE OF MAINE WAS THE 1<sup>ST</sup> TO ADOPT A LOWER BAC FOR REPEAT DWI'S BACK IN 1988. A 6 YEAR STUDY OF ITS EFFECTS SHOWED THAT FATAL CRASHES INVOLVING REPEAT OFFENDERS WERE REDUCED BY 25%. MAINE HAS NOW BECOME THE 1<sup>ST</sup> STATE TO PASS A ZERO-TOLERANCE STANDARD FOR REPEAT OFFENDERS.

ADMINISTERING A LOWER BAC LIMIT MAY CREATE ADDITIONAL COSTS AT FIRST. BUT, IF IT'S SUCCESSFUL, AND I BELIEVE IT WILL BE, THE INCIDENCE OF DWI'S WILL BE REDUCED. THAT SHOULD LOWER ENFORCEMENT COST AND, BEST OF ALL, SAVE ALASKAN LIVES.

SIGNED:

Albert A. Near

Testifier

SELF

Representing

P.O. Box 80847 ~ FAIRBANKS 99708

Address / Phone Number

479-4090