

HB

342

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 E Railroad Avenue
Wasilla, AK 99654
Phone : (907) 376-2679
Fax: (907) 373-4745

Representative Carl Gatto

May 2, 2004

To: Senator Seekins – Chairman (S) Judiciary

RE: HB 342

Dear Senator Seekins,

I would appreciate it if you would schedule HB 342 for a committee hearing at your earliest convenience. Your consideration is appreciated.

Enclosed are:

- 1) Text of HB 342
- 2) Fiscal notes
- 3) Supporting documentation

Thank you for your time and consideration.

cr/CG

Alaska State Legislature

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Representative Carl Gatto

Sponsors' Statement CSHB 342 (FIN)

CSHB 342 (FIN) 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.

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.

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						
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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)

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						
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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 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. Daughetee, Director Phone 465-3673
 Division Administrative Services Date/Time 2/13/04 12:29 PM
 Approved by: Kathryn Daughetee 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 Gatto
 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						
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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)

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: 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
 Component Public Defender Agency
 Sponsor Representative Gatto
 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						
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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)*
 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 Phone (907)-334-4416
 Division Public Defender Agency Date/Time January 16, 2004
 Approved by: Mike Miller, Commissioner Date _____
 Agency Administration

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
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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	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
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone: (907) 465-3339
 Date/Time: 2/2/04 12:13 PM
 Date: 2/2/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSHB 342(FIN)
 (H) Publish Date: 4/28/04

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						
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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						

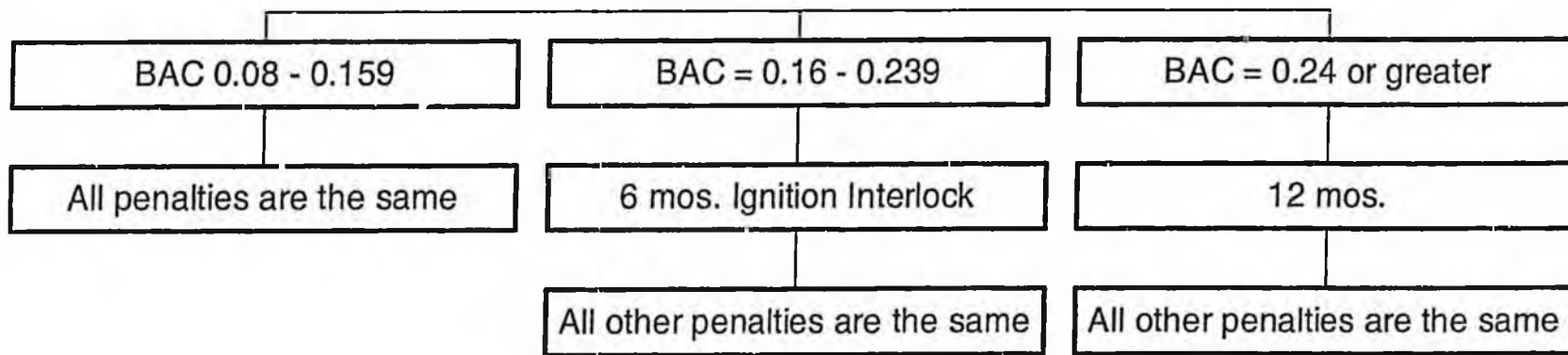
ANALYSIS: (Attach a separate page if necessary)

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 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, 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
 Division: Public Defender Agency
 Approved by: Kevin Jardell, Assistant Commissioner
 Agency: Administration

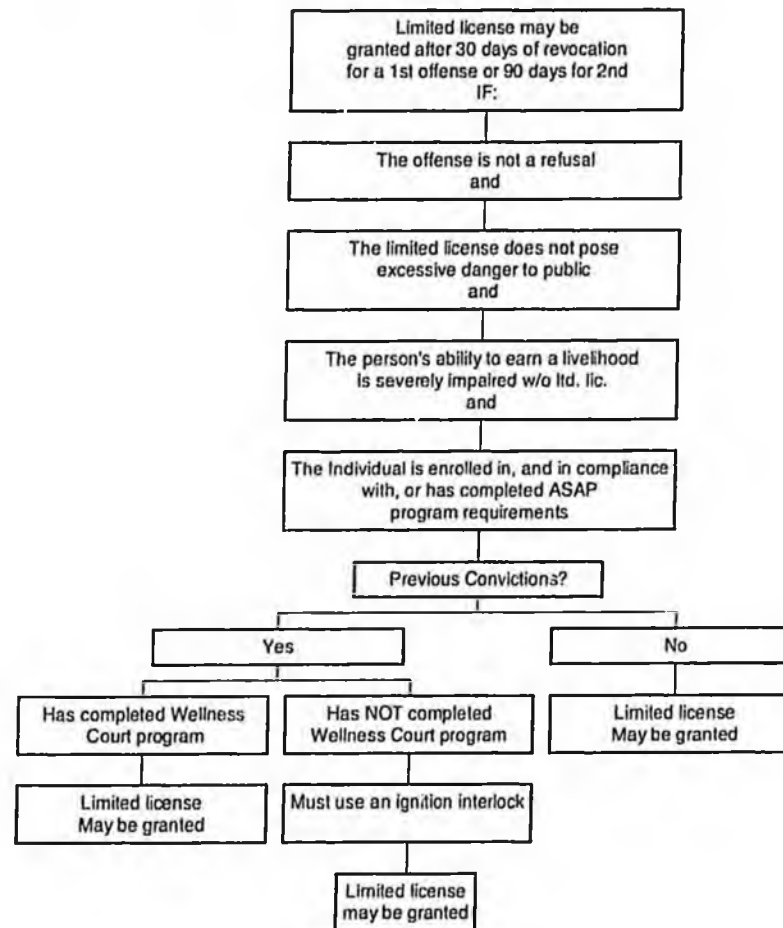
Phone (907)-334-4416
 Date/Time 4/12/04 12:00 AM
 Date 4/12/2004

HB 342 – DUI Penalties



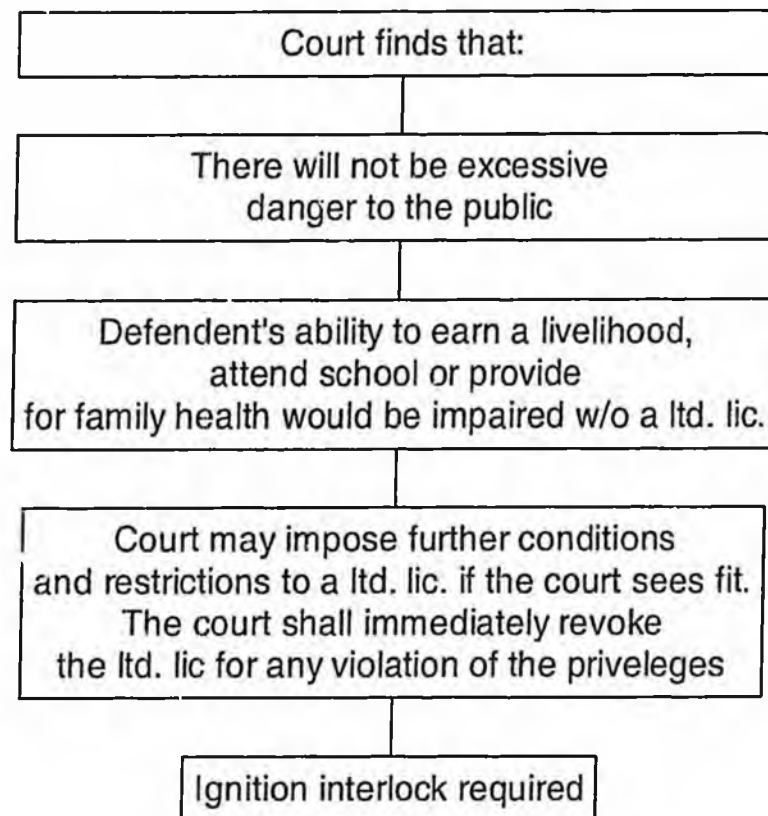
Limited Licenses

Misdemeanor



Limited Licenses part 2

Therapeutic Courts



STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



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Wrangell
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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



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:

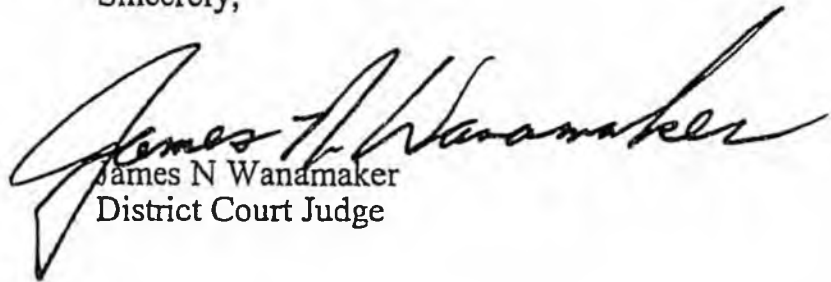
- 1) They will have graduated from a comprehensive and demanding therapeutic court program.
- 2) They will have demonstrated 18 months of sobriety.
- 3) They will possess many tools for maintaining sobriety.
- 4) Having a driver's license for purposes of work, education and family care will improve the 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



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

LAW OFFICES
WILLIAM R. SATTERBERG, JR.

FAX (907) 452-3988

ATTORNEY AT LAW
709 FOURTH AVENUE
FAIRBANKS, ALASKA 99701
(907) 452-4454

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

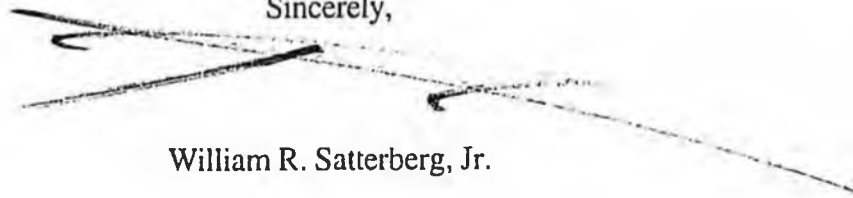
February 26, 2004
Page 2 of 2

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 horizontal flourish extending to the right.

William R. Satterberg, Jr.

WRS/ljs

cc: Representative Norman Rokeberg

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

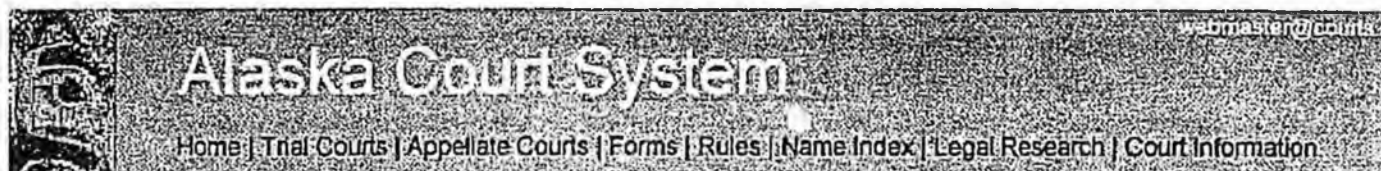
I was unable to stay for the delayed start on testimony for the above. I fully support any legislation that increases all fines, provided the money is used to increase the number of patrol officers. We can have little impact on the chronic abuser who drives but the state is making progress on those who 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



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 Reconation 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, Sobrietyor, 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.

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webmaster@courts.state.ak.us

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 successfully 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			<u>Increased fine</u> , 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](#)
 - [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):