

HB

19

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/7/07

FURTHER:

DATE TURNED
IN TO OFFICE: 4-3-08

Finance Committee considered CS FOR HOUSE BILL NO. 19(FIN)

HB 19 LTD. DRIVER'S LICENSES/IGNITION INTERLOCK

"An Act relating to ignition interlock devices; to limited driver's license privileges; and to ignition interlock limited driver's license privileges."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS CSHB 19 (JVD)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/> Same Title	
<input type="checkbox"/> New Title	
<hr/>	
HOUSE BILL:	
<input checked="" type="checkbox"/> Same Title	
<input type="checkbox"/> Technical Title Change	
<input type="checkbox"/> New Title w/ SCR # _____	

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	3/31/08			✓	
DOT	3/24/08			✓	
ADM	12/7/07	✓			
COR	3/24/08		✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	E L ...	✓			
	Thomas	✓			
	Huggins	✓			
	ODSON			✓	
CO-CHAIR:	Hoffman	✓			
CO-CHAIR:	...	✓			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB019SCSCS(JUD)-LAW-CRIM-03-31-08
 Bill Version: SCSCSHB019(JUD)
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to ignition interlock devices. RDU Criminal
 Component Criminal Justice Litigation
 Sponsor REPRESENTATIVE(s) MEYER
 Requester SENATE FINANCE Component Number _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
 The bill amends existing statute regarding ignition interlock devices, limited driver's license privileges and ignition interlock limited driver's license privileges. It also requires that persons convicted of drunk driving and refusal to take a breath test to have an interlock device for the period of probation. The department does not anticipate any significant fiscal impact.

Prepared by: Betty Martin, Administrative Services Director Phone 907-465-3673
 Division: Administrative Services Division Date/Time 3/31/08 10 15 AM
 Approved by: Talis Colberg, Attorney General Date 3/31/2008
Department of Law

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CSHB 19(JUD)
() Publish Date: _____

Identifier (file name): HB19SCSCS(JUD)-DOT-PG-03-26-08 Dept. Affected: DOT&PF
Title: Limited Driver's License RDU: Planning
Sponsor: Rep. Meyer Component: Program Development
Requester: Senate Finance Component Number: 2762

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
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	0.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()								

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

DOT&PF is currently sanctioned \$4,121.2 (3%) from the Federal Highway program, from funding for the National Highway System, Surface Transportation Program and Interstate Maintenance. This sanction is invoked because AK's repeat intoxicated driver laws do not meet all required elements of the Section 164 (USC 23). The sanctioned funds are returned to AK under the oversight of the National Highway Traffic Safety Administration, and can only be used on programs that address safety directly, either through targeted highway safety construction projects, or behavioral programs (education, enforcement) that are focused on alcohol related problems. AK DOT&PF is currently spending 50% of the sanction funds on each of these categories. The NHTSA Office of Chief Counsel has issued a written email that HB 19 is not legally sufficient to result in the sanction being removed from the highway program. In summary, HB 19 would not change the distribution of sanction funds.

Prepared by: Mary Siroky, Legislative Liaison
Division: Commissioner's Office, DOT&PF
Approved by: Nancy Slagle, Admin Services Director
DOT&PF

Phone 465-4772
Date/Time 3/26/08 11:00 AM
Date 3/26/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CSHB 19 (JUD)
() Publish Date: _____

Identifier (file name): HB019SCSCS9(JUD)-DOA-DMV-12-06-I Dept. Affected: Administration
Title: "Ltd. Driver's Licenses / Ignition Interlock..." RDU: Division of Motor Vehicles
Component: Motor Vehicles
Rep(s): MEYER, Crawford, Gruenberg, Gara, Kerttula, Gardner,
Sponsor: Roses, Kawasaki, Johansen, Johnson
Requester: (S) FIN Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	56.5	0.0	56.5	56.5	56.5	56.5	56.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	12.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.5	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	7.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	76.0	0.0	56.5	56.5	56.5	56.5	56.5

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()	36.0	0.0	36.0	36.0	36.0	36.0	36.0
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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							
1156 Receipt Supported Services	76.0	0.0	56.5	56.5	56.5	56.5	56.5
TOTAL	76.0	0.0	56.5	56.5	56.5	56.5	56.5

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	1	0	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will expand the lawful use of a "limited" driver's license issued to DUI offenders. It will also expand the number of persons qualifying for a limited license. As such, our fiscal note reflects a conservative estimate of 300 additional customers making application for limited licenses, increasing revenue by \$76.0 (300 at \$120 ea), as well as one additional full-time position annually. Also included is a one-time cost for equipment and supplies for the additional position, and necessary programming updates to allow our computer system, ALVIN, to process these requests in a manner identifiable to law enforcement agencies.

Prepared by: Kerry Hennings, Acting Director
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone: 907-269-3770
Date/Time: 12/6/07 12:00 AM
Date: 12/7/2007

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB019SCS CS (JUD)-DOC-PM-3-24-08
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: Corrections
Title: "An Act relating to ignition interlock devices; to limited driver's license privileges; and to ignition interlock limited driver's license . . ." RDU: Population Management
Sponsor: Representative Meyer Component: Institution Directors Office
Requester: Senate Finance Component Number: 524

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
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)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts	•	•	•	•	•	•
1003 GF Match	•	•	•	•	•	•
1004 GF	•	•	•	•	•	•
1005 GF/Program Receipts	•	•	•	•	•	•
1037 GF/Mental Health	•	•	•	•	•	•
Other Interagency Receipts	•	•	•	•	•	•
TOTAL	•	•	•	•	•	•

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time	•	•	•	•	•	•
Part-time	•	•	•	•	•	•
Temporary	•	•	•	•	•	•

ANALYSIS: (Attach a separate page if necessary)

The department is unable to estimate the number of individuals who would be committed to the custody of the department as a result of section 1 of this legislation. The department does anticipate the number of individuals to be very small.

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone (907) 465-3339
Date/Time 3/24/08 10:58 AM
Date 3/24/2008

Cecile Elliott

From: Louanne Christian
Sent: Tuesday, April 08, 2008 10:10 AM
To: lhfcctc+schedule@legis.state.ak.us
Subject: HFC Agenda for Tuesday 1:30 pm

Tuesday, April 8, 2008

1:30 PM

SB 254-AK REGIONAL ECONOMIC ASSISTANCE PROGRAM

SB 202-PROHIBIT STATE SPENDING FOR REAL ID ACT

SB 259-EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

SB 265-SEX OFFENDERS & CHILD KIDNAPPERS: PFD

SB 243-COMMISSION ON AGING



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 31, 2008

TO: Senator Bert Stedman, Co-Chairman, Senate Finance Committee

FR: Representative Kevin Meyer

RE: Response to questions raised regarding HB 19: *Ltd. Driver's Licenses/Ignition Interlock*

Senator Stedman,

Thank you for considering HB 19 in the Senate Finance Committee on March 29, 2008. Ignition interlock devices are an important tool that, when used effectively, have significantly reduced recidivism among drunk drivers in other jurisdictions. While current statutes direct the court to require the use of an ignition interlock device under certain circumstances, use of the technology has been sporadic in Alaska. HB 19 requires all persons convicted of driving under the influence to install an ignition interlock device on their vehicle. The uniform use of ignition interlock technology presents an important opportunity to reduce recidivism and improve highway safety in Alaska.

During the Senate Finance Committee's consideration of HB 19 several questions were raised by committee members. Per your request I have attempted here to answer the questions raised by committee members.

1. Senator Elton asked if section 2 would lead Municipalities to defer prosecutions to the Department of Law?
 - a. The Department of Law does not think this will happen and has issued a zero fiscal note [see attached] to HB 19.
2. Senator Elton asked about coordination between DMV and the Court System?
 - a. The DMV and Court System already coordinate with each other on limited licenses, revocations and the installation of ignition interlock devices during the period of probation for offenders that currently carry the requirement as a condition of probation. The system and protocols are currently in place at DMV and the Court system and can be expanded to apply to those covered by HB 19 without much additional cost as reflected in the fiscal notes.

3. Senator Elton asked about a performance based exit before a person is allowed to drive without an ignition interlock device?
 - a. Senator French's additions to HB 19 require a person maintain an ignition interlock device on their vehicle for a minimum period during their probation. Ignition interlocks are currently an element of probation for some offenders in Alaska and data from the devices is available to the Department of Corrections. If an offender were to violate elements of their probation, the period for which an ignition interlock device was required could be extended since the statute specifies a minimum period during the period of probation. I believe that a performance based exit program could be cumbersome and expensive to implement and that the current oversight of an offender's probation is adequate.
4. Senator Dyson asked about what happens when a person loans their car to a person who is required to have an ignition interlock device and the car is seized under AS 28.35.036?
 - a. AS 28.36.037 provides remission, through which a person demonstrates to the Court their interest in seized property and is entitled to recovery of their property.
5. Allowing felons to receive an ignition interlock limited license?
 - a. There was public testimony during the committee hearing that people with a felony DUI (3 or more DUI's within a ten year period) should be able to get an ignition interlock limited license so they could drive legally. While the original version of HB 19 did provide an avenue for felons to receive a limited license, there was adamant opposition to the provision and the bill was changed to apply only to misdemeanor offenders in the House Finance Committee. Attempts to expand the bill to include felons have been considered in the subsequent committees and have not been adopted. Granting a privilege to drive to felons retrospectively is a much more complicated endeavor than is reasonable to address at this time and several statutes, from driving while license revoked to other possible felony revocations must be considered.
6. A question was raised about the communities where an ignition interlock device would not be required.
 - a. The list of exempted communities is attached.

Thank you again for considering HB 19. If the Committee requires further clarification, or has additional questions, please contact my aide Mike F. Nowinski at 465-2812.

Sincerely,



Representative Kevin Meyer

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB019SCSCS(JUD)-LAW-CRIM-03-31-08
 Bill Version: SCSCSHB019(JUD)
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title: An Act relating to ignition interlock devices. RDU: Criminal
 Component: Criminal Justice Litigation
 Sponsor: REPRESENTATIVE(s) MEYER
 Requester: SENATE FINANCE Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	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)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The bill amends existing statute regarding ignition interlock devices, limited driver's license privileges and ignition interlock limited driver's license privileges. It also requires that persons convicted of drunk driving and refusal to take a breath test to have an interlock device for the period of probation. The department does not anticipate any significant fiscal impact.

Prepared by: Betty Martin, Administrative Services Director
 Division: Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-3673
 Date/Time 3/31/08 10:15 AM
 Date 3/31/2008

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. R-2	Page No. 1 of 3
	Effective March 10, 2006	
Subject: VEHICLES EXEMPT FROM REGISTRATION	Supersedes R-2	Dated 7/1/01
	Approved	
Statute: AS 28.10.011	Regulation:	Form No.

The following are exempt from Alaska motor vehicle registration:

1. Vehicles that only cross a highway from one private property to another. This includes farm vehicles operating in accordance with the provisions of AS 19.10.065.
2. Vehicles displaying Dealer Plates per AS 28.10.181(j) or a Temporary Permit per AS 28.10.031.
3. A vehicle displaying a special permit per AS 28.10.151. (One-Way Trip Permit or Non-Resident Commercial Trip Permit)
4. Special Mobile Equipment as defined in 13 AAC 40.010 (52).
5. Vehicles owned by the U.S. Government.
6. Vehicles moved by human or animal power.
7. Vehicles owned by a military person who maintains a legal residence outside Alaska, provided the vehicle is registered in the applicant's state of legal residence.
8. Vehicles used exclusively on private property.
9. Vehicles currently registered in another state or country, provided the vehicle does not remain in Alaska for over 60 days. [AS 28.10.121 (a)] If the vehicle owner becomes employed in Alaska or indicates intent to become a resident of Alaska, this exemption no longer applies and the vehicle must be registered within 10 days.
10. Vehicles operated on a roadway not connected to the land highway system or to a highway with an average daily traffic volume greater than 499. (See following pages.)
11. Vehicles owned and driven by a full-time student pursuing a course of study beyond the high school level per AS 28.10.121 (c) provided:
 - a) The vehicle is currently registered in another jurisdiction.
 - b) The student does not establish permanent residency in Alaska.
 - c) The student does not accept full-time employment in Alaska.
 - d) The jurisdiction of vehicle registration extends the same exemption to Alaska students.
12. Mobile home as defined by regulation 13 AAC 40.010 (27).

Cross Reference:

R-160	One-Way & Non-Resident Comml. Trip Permit	T-080	Title Only
R-310	Dealer Plates	T-090	Temporary Permit
		T-300	Mobile Homes
		T-360	Special Mobile Equipment

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. R-2	Page No. 2 of 3
	Effective March 10, 2006	
Subject: VEHICLES EXEMPT FROM REGISTRATION	Supersedes R-2	Dated 7/1/01
	Approved	
Statute: AS 28.10.011	Regulation:	Form No.

As required by AS 28.22.011(1)(A) & (B), the following areas are exempt from registration and the Mandatory Insurance law. Compiled by the Department of Administration, Division of Motor Vehicles, from information obtained from the Department of Transportation. The customer should write "Title Only" in the affidavit section of the application when applying for a title in one of the following communities.

Adak	Candle	Elfin Cove	Kakhonak
Afognak	Canyon	Elim	Kaktovik
Akhiok	Cape Pole	Emanguk	Kalskag
Akiachak	Cape Yakataga	Emmonak	Kalttag
Akiak	Chalkyitsik	English Bay	Kanatak
Akolmiut	Chandalar	Excursion Inlet	Karluk
Akulurak	Chaniliut		
Akutan	Chakaktolik	False Pass	Kashegelok
Alakanuk	Chase	Flat	Kasigluk
Alatna	Chatham	Fort Yukon	Katalla
Allakaket	Cheching	Fortuna Ledge	Kiana
Amakdedori	Chenega Bay		King Cove
Ambler	Chenik	Galena	King Island
Amchitka	Chefornak	Gambell	Kipruk
Aniak	Chernofski	Golovin	Kivalina
Annette	Chevak	Goodnews Bay	Kiwalik
Anvik	Chichagof	Grayling	Kobuk
Arctic Village	Chignik	Gustavus	Kokhanok
Atka	Chignik Lagoon		Kokrines
Atkasuk	Chignik Lake	Hawk Inlet	Koliganek
Attu	Chisana	Haycock	Kongiganak
	Christian	Holy Cross	Kotlik
Baranof	Chuathbaluk	Hooper Bay	Kotzebue
Beaver	Clark's Point	Hughes	Koyuk
Bell Island Hot Springs	Cold Bay	Huslia	Koyukuk
Belkofski	Crooked Creek	Iditarod	Kvichak
Belmezok		Iguigig	Kwethluk
Bettles	Deering	Igushik	Kwigillinogok
Bettles Field	Diomede	Iliamna	Kwiguk
Biorka		Ivanoff Bay	Kwinhagak
Birch Creek	Edna Bay		
Brevig Mission	Eek	Kachemak	
Buckland	Egavik	Kaguyak	Lake Minchumina
	Egegik		Larsen Bay
	Ekuk		Latouche
	Ekwok		Levelock

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. R-2	Page No. 3 of 3
	Effective March 10, 2006	
Subject: VEHICLES EXEMPT FROM REGISTRATION	Supersedes R-2	Dated 7/1/01
	Approved	
Statute: AS 28.10.011	Regulation:	Form No.

As required by AS 28.22.011(1)(A) & (B), the following areas are exempt from registration and the Mandatory Insurance law. Compiled by the Department of Administration, Division of Motor Vehicles, from information obtained from the Department of Transportation. The customer should write "Title Only" in the affidavit section of the application when applying for a title in one of the following communities.

Lime Village	Nulato	Quinhagak	Tanana
Little Diomedes	Nunachuk		Tanunak
Long	Nunapitchuk	Rampart	Tatitlek
Lower Kalskag	Nushagak	Red Devil	Tenakee Springs
	Nyac	Ruby	Tetlin
Manokatak		Russian Mission	Tin City
Marshall	Old Harbor		Todd
Mary's Igloo	Ophir	St. George	Togiak
McGrath	Oscarville	St. Mary's	Token
Medfra	Ouzinkie	St. Michael	Toksook Bay
Mekoryuk	Owl Village	St. Paul	Tuluksak
Meshik		Sanak	Tuntutuliak
Mettakatta	Pavlof Harbor	Sand Point	Tununak
Meyoruk	Pedro Bay	Savoonga	Twin Hills
Meyers Chuck	Pelican	Scammon Bay	Tyonek
Moses Point	Pennock Island	Selawik	
Mt. Village	Perryville	Shageluk	Ugashik
Mumtrak	Pikmiktalik	Shaktolik	Umiat
	Pile Bay	Sheldon Point	Unalakleet
	Pilot Point	Shemya	Unga
Napaimiut	Pilot Station	Shismaref	
Napaiskak	Pitka's Point	Shungnak	Venetie
Napakiak	Platinum	Shungnak Village	
Nelson Legoon	Point Baker	Skwentna	Wainwright
New Stuyanak	Point Hope	Sleetmute	Wales
Newhalen	Point Lay	Snettisham	White Mountain
Newtok	Poorman	South Naknek	Wiseman
Nightmute	Port Alexander	Squaw Harbor	Woody Island
Nikolai	Port Alsworth	Stebbins	
Nikolski	Port Ashton	Stevens Village	
Noatak	Port Graham	Stony River	
Nolan	Port Heiden	Stuyahok	
Nondalton	Port Lions		
Noorvik	Port Moller	Takotna	
Nuiqsut	Port Wakefield	Taku Harbor	



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement HB 19

"An Act relating to ignition interlock limited driver's license privileges."

Currently, a person convicted of driving under the influence has been able to get a limited driver's license from the Division of Motor Vehicles so that they can continue to drive and to earn a living. The limitation currently placed on a license focuses primarily on where a person can drive. House Bill 19 shifts the emphasis from where a person can drive to how a person can drive by changing the type of limited license available to an offender from the traditional limited license to an ignition interlock limited license.

An ignition interlock limited license requires an offender to install and maintain an ignition interlock device on the vehicle they intend to drive. An ignition interlock device analyzes a person's blood alcohol content and prevents the car from being started if the person's blood alcohol level is above a set level. The license allows the offender to drive only the vehicle on which the device is installed. Under HB 19, driving another vehicle is considered the same as driving with a revoked license and that vehicle can be forfeited to the state.

HB 19 also requires an offender to maintain an ignition interlock device on their vehicle during the period of their probation.

Several states require ignition interlock devices for DUI offenders and studies suggest that ignition interlock devices lead to a substantial decline in recidivism, particularly for offenders with multiple DUI's. More importantly, an ignition interlock device prevents an intoxicated person from starting their car and thereby keeps a potential drunk driver off the road.

(Updated 1/16/2007)



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: May 8, 2007
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to HB 19 in SCS CSHB 19 (JUD) (25-LS0133\F)

SCS CSHB 19 (JUD) combined SB 92 with HB 19 to create a comprehensive ignition interlock program in Alaska.

Changes:

- Section 1: No changes.
- Section 2: New Section 2 prohibits a court from enforcing a municipal ordinance prescribing a penalty for driving under the influence or refusal to submit to a chemical test unless the ordinance imposes an ignition interlock requirement.
- Section 3: Modifies the ignition interlock limited license in HB 19 by exempting areas where insurance isn't required under AS 28.22.011(b).
- Section 4: Clarifies that if an ignition interlock device prevents a person from driving then the person has not violated the terms of the ignition interlock limited license.
- Section 5,6,8,9: Requires ignition interlocks as a condition of probation.
- Section 7,10: Clarifies that the court shall waive the requirement for an ignition interlock under sections 5 & 6 if the person operates a motor vehicle in a community covered by AS 28.35.030
- Section 11,12: No changes to Transitional Provision or Effective Date.

Traffic Offenses

<u>DUI & Refusal</u> ¹³	<u>Imprisonment</u>	<u>Fine</u>	<u>Cost of Imprisonment</u>	<u>License Revocation</u> ¹⁴	<u>Forfeiture of Vehicle</u>
First	72 hours-1 year	\$1,500-10,000	\$270	90 days	Possible
Second	20 days-1 year	\$3,000-10,000	\$1,000	1 year	Possible
Third	60 days-1 year	\$4,000-10,000	\$1,000	3 years	Possible
Fourth	120 days-1 year	\$5,000-10,000	\$1,000	5 years	Possible
Fifth	240 days-1 year	\$6,000-10,000	\$1,000	5 years	Possible
Sixth	360 days-1 year	\$7,000-10,000	\$1,000	5 years	Possible
<u>Felony DUI & Refusal</u>	<u>Imprisonment</u>	<u>Fine</u>		<u>License Revocation</u>	<u>Forfeiture</u>
Third DUI Offense ¹⁵	120 days-5 years	\$10,000-50,000		Permanent ¹⁶	Mandatory
Fourth DUI Offense	240 days-5 years	\$10,000-50,000		Permanent	Mandatory
Fifth DUI Offense	360 days-5 years	\$10,000-50,000		Permanent	Mandatory

¹³ Effective 6/30/04 count prior convictions within the last 15 years. An alcohol program is always required.

¹⁴ The court may revoke the defendant's license for up to three years if the court finds by clear and convincing evidence that (1) the person was operating a motor vehicle or commercial motor vehicle that was involved in an accident; (2) the accident caused the death of another person; and (3) the violation of traffic laws by the person was a significant contributing cause of the accident.

¹⁵ A person is guilty of felony DUI or refusal if they commit DUI or refusal and they have been previously convicted two or more times since 1/1/96 and within the previous 10 years or they have been sentenced for felony DUI or refusal within the prior 10 years.

¹⁶ Subject to administrative restoration by DMV after ten years. In addition, the court must order DMV to revoke all vehicle registrations.

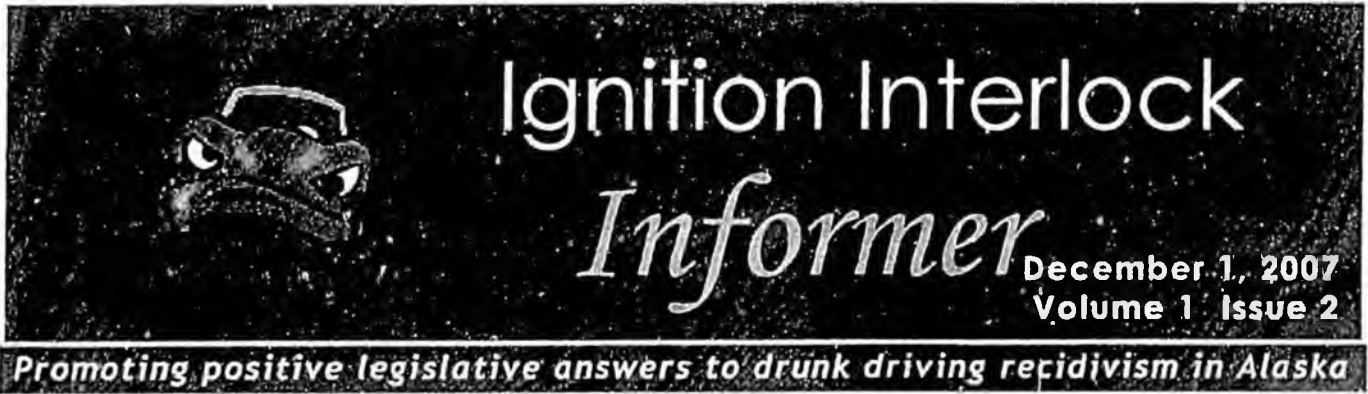
<u>Driving While License Suspended</u>	<u>Inprisonment</u>	<u>Fine</u>	<u>License¹⁷ Revocation</u>	<u>Community Work Service</u>
	<u>Min.</u>	<u>Max.</u>		
First Offense (not based on DUI)	10 days/10 susp.	1 year	\$0-10,000	90 days 80 hours minimum
Second Offense w/in 10 yrs.	10 days	1 year	\$0-10,000	90 days No minimum
Suspension for 1 st DUI or Refusal	20 days/10 susp.	1 year	\$500-10,000	90 days 80 hours minimum
Suspension for 2 nd DUI or Refusal	30 days	1 year	\$1,000-10,000/90 days	No minimum
<u>Other Offenses</u>	<u>Max. Jail</u>	<u>Max. Fine</u>	<u>License Revocation¹⁸</u>	
Reckless Driving	1 year	\$1,000 ¹⁹	30 days/1 year for second off./ 3 years for third ²⁰	
Leaving the Scene Of An Accident	1 year	\$500	None	
Felony Leaving the Scene	10 years	\$10,000	Same as Reckless Driving	
False Report of Accident	1 year	\$1,000	None	
Failure to Report Accident	90 days	\$200	No court suspension	
Other Misdemeanors	90 days	\$500	None	
Traffic infractions	None	\$300	None	
Bail schedule infractions	None	See Admin. R. 43.1		

¹⁷ See footnote 13 above regarding fatal accidents.

¹⁸ AS 28.15.181 lists mandatory court revocations for traffic and certain other offenses. Also see footnote 13 above regarding fatal accidents.

¹⁹ The maximum fine for this offense under Anchorage Municipal Code 9.48.010(1)(3) is \$5,000.

²⁰ First offender may receive limited license for 60 days.



On the Road to Safer Highways

INSIDE THIS ISSUE

- 1 On the Road to Safer Highways
- 2 A Better Bill
- 3 Did You Know?
- 4 A Sanction, Not a Perk

INSERTS: Ignition Interlock Program Comparison Chart

Judicial and Administrative Implications of HB19

House Bill 19 is assigned to the Senate Finance Committee and may be considered as early as January when the session begins. Having been through the House last session, it has emerged as a bill that would greatly expand the use of ignition interlock devices for DUI offenders in Alaska. Briefly, here are the specifics:

Judicial implications - An Ignition Interlock Device (IID) is *required* by court order for a period following an offender's period of revocation and during the period of probation. The length of time is contingent upon the number of the offense (first, second, third etc.). This requirement applies to convictions for both DUI and for Refusal. (AS 28.35.030 and 28.35.032)

Administrative implications - An Ignition Interlock Limited License is available for DUI offenders during the period of driver's license revocation. It requires the offender to drive only those vehicles equipped with an IID and does *not* decrease the period of revocation. The Ignition Interlock Limited License is available only for those offenders who have had their licenses revoked for a misdemeanor DUI.

Additionally, the bill

- makes it an offense to tamper with the device, or to knowingly rent or loan a non-IID equipped vehicle to an offender,
- requires municipal ordinances to comply with the ignition interlock requirements, and
- exempts from the ignition interlock requirements those offenders living in communities also exempt from motor vehicle liability insurance [AS 28.22.011(b)].



Every failed attempt has the potential to save lives!

Please see . . . *Safer Highways* on page 2

... *Safer Highways* cont'd from page 1

That's it, in a nutshell. This bill affords the Alaska Legislature a tremendous opportunity to make strides in the battle against drunk driving. Both MADD and the National Highway Traffic Safety people endorse the expanded use of ignition interlock devices. A substantial and reliable body of data exists that documents that the use of ignition interlock devices reduces the recidivism rate of offenders by 65% and more. This means that fewer people are on the roads driving drunk and the highways are safer and lives are saved.

"50-75% of individuals
with revoked licenses
drive anyway!"

That same body of research clearly outlines best practices for use of IIDs. The rest of this newsletter is devoted to clearly delineating where HB19 aligns with those best practices, where it departs and how it can be amended, *this session*, to become a more effective law.

A Better Bill

The point of this bill is to utilize newly developed technology to combat drunk driving and improve the safety of the community. MADD, in their Campaign to Eliminate Drunk Driving, has identified ignition interlocks as a key component in the campaign. So the question before the legislators is this: Does this bill do all that it can do to improve highway safety in Alaska?

IN THE PRESS

"The New Mexico Department of Transportation reported that alcohol-related injury crashes dropped by 20 percent in the first year the state made interlock use mandatory."

Omaha World Herald
December 3, 2007

For more news items, see
www.ignitioninterlockalaska.com

Here are the caveats to consider:

1. 50-75% of drivers with revoked licenses *drive anyway*.
2. Ignition interlocks only work when installed in the cars of high-risk drivers.
3. The longer a driver with a revoked license has the opportunity to drive illegally, the longer he/she will drive illegally (i.e. not apply for an Ignition Interlock Limited License or get one after a lengthy period of revocation).

Therefore, the goal of a good Ignition Interlock Program needs to be:

- to get an ignition interlock installed in the cars of as many DUI offenders as possible,
- to get them installed as soon as possible and
- keep them installed as long as behavioral data indicates they are necessary.

The administrative problem with HB19: Continue reading to see who is *not* included among those eligible to receive an Ignition Interlock Limited License, thereby remaining eligible to be among those drivers described above:

Please see *A Better Bill* on page 3

A Better Bill cont'd from page 2

1. Felony DUI offenders who have a track record of continuing to drive impaired.
2. Refusal offenders, who are very likely to have been driving impaired.
3. DUI offenders with licenses revoked for long periods of time who are subsequently convicted of Driving With License Revoked or Suspended (DWLR/S) - again, individuals with a track record of a past history of impaired driving.

To exclude this demographic from the requirement to drive with an IID does not serve to improve public safety, but, instead, perpetuates the risk of the rest of Alaskans on the road. So what's the fix?

Amend HB19 to include these individuals in the ignition interlock administrative requirement to drive with a Limited License by:

- deleting the restriction for application for a IILL to misdemeanor offenders. [*Sec. 3 AS 28.15.020(d)(1) of the proposed language]
- rewriting the above to include *all* revocations due to DUI, Refusal and subsequent DWLR/S with history of DUI. (AS 28.35.030, 25.35.032 and 28.15.181)

The judicial problem with HB19: The requirement for the use of an IID *following* the period of revocation but *during* probation assumes that there is a period of probation always following the period of revocation. This isn't always so. Therefore, an individual either can wait out the period of probation, never getting the device or simply never have a period of probation that follows the revocation. In both cases, they slip through. How can this be remedied?

Amend HB19 to:

- Delete the words pertaining to period of probation and keep the requirement to use of an IID for the set time already defined before full driving privileges are restored.

Finally, the matter of documented behavior change is not addressed in the bill at all. If an individual continually tries to start their car in an impaired state (and the car fails to start because the device is *working*), it makes sense to maintain the requirement for the use of an ignition interlock. In other words, require a performance-based exit from the program versus a time limit. Can this be done within the context of the current bill? Yes!

Amend HB19 to:

- Include the words "or until the offender demonstrates one full year of clean driving attempts" following each time limit for exit from the program.

These four suggested amendments to the current bill have the power to strengthen greatly this particular piece of legislation. It makes sense to do this sooner rather than later, perhaps saving a life or two along the way.

Placing public safety as a priority above personal punishment is the challenge before the Senate this year.

DID YOU KNOW?

- Alaska *already* makes use of breath alcohol detectors.

Offenders in the Alaska House Arrest Program currently use a device called the Sobriotor® regularly. It is a piece of technology that monitors breath alcohol levels several times a day. According to Terry McCarron, Probation Officer III, Director of the House Arrest Program, "For their protection, the public requires the use of the Sobriotor® for all offenders with any drugs or alcohol in their past."

It's time for the public to require the same protection on the roads from DUI offenders

A Sanction; Not a Perk

When HB19 came before the House last session, it was amended to restrict the availability of an Ignition Interlock Limited License (IILL) to misdemeanors only. This was a mistake. It was a response to a *feeling* that this license is somehow a perk, *not* an additional sanction that costs the offender both time and money.

Here are compelling reasons for the Senate to amend HB19 to reinstate availability for felons:

1. An IILL's primary purpose is to serve to increase the protection of the public from those who have a history of drunk driving. This includes felons.
2. Felons are, obviously, those from whom the public needs *more* protection since, by their repeat offenses they have demonstrated that they have not learned from previous sanctions to drive only when sober.
3. 50-75% of all individuals with revoked licenses *drive anyway*. This includes felons.
4. An individual can be classified as a felon with three DUIs while one with eight might not be. The definition of felon does not necessarily identify the "worst" offenders.
5. Statistically, an IID program is most effective when it includes the *greatest number* of DUI offenders.
6. An IILL is an administrative sanction that requires voluntary participation vs. mandatory. Those individuals who apply are *most likely* those who desire to pursue a productive and law-abiding lifestyle. The government should never stand in the way of that effort.
7. Finally, those individuals who are not productive in society are, by default, consumptive. They cost the rest of the law-abiding citizenry who tote their load. Better they have the opportunity to tote their own!

In addition to including felons, the IILL should be available to all offenders who are convicted of Refusal and Driving with License Revoked or Suspended due to a previous DUI as well. See #5.

It is our hope that the Senate will have the courage to review the research, and follow the lead of model programs and amend HB19 this year to be even more effective than it is in its current form!

Ignition Interlock Informer

c/o Narda Butler
10075 Grover Dr.
Anchorage, AK 99507

Ignition Interlock Program Comparison Chart

MADD's Recommendations ¹	New Mexico Model ²	HB19	Recommended Action to Strengthen HB19
<p>Administrative and Judicial structures should exist</p>	<p>Yes.</p> <p>Administrative- Interlock license is <i>voluntary</i> for those with revoked licenses during revocation period of 1-10 years for <i>all</i> offenders with alcohol related offenses (DUI, Refusal and Driving Without a License)</p> <p>Judicial –Interlock is <i>required</i> for one year or more depending upon number of priors.</p>	<p>Yes.</p> <p>Administrative: Ignition Interlock Limited License is <i>voluntary</i> for those misdemeanor offenders for DUI only (<i>not</i> for refusal or DWLR/S during period of license revocation for DUI)</p> <p>Judicial: Ignition Interlock Limited License is required for a set time <i>following</i> period of license revocation and <i>during</i> period of probation</p>	<p>Administrative: Amend to include felons, and those convicted of refusal and those convicted of DWLR/S during period of license revocation due to DUI or Refusal.</p> <p>Judicial: Amend to delete "during period of probation."</p>
<p>No "waiting out" judicial sanction before regaining full driver license privileges</p>	<p>Yes.</p> <p>New Mexico law stipulates a period of time rather than a specific time-frame for mandatory use of an ignition interlock before license reinstatement An offender cannot apply for full driver license privileges until this requirement is met.</p>	<p>No.</p> <p>The judicial requirement for an Ignition Interlock Limited License is limited to the set time <i>following</i> period of license revocation and <i>during</i> period of probation</p>	<p>Judicial: Amend to delete "during period of probation."</p>
<p>If no judicial sanction, an administrative sanction kicks in</p>	<p>Yes.</p> <p>A DWI arrest initiates an administrative license revocation that is either upheld or denied following a hearing. Additionally, the arrest may lead to criminal charges and is dealt with through the courts.</p>	<p>Yes, in part.</p> <p>Only misdemeanor DUI offenders with license revocations are eligible to apply for an Ignition Interlock Limited License. Again, felons or offenders convicted of refusal or DWLR/S as a consequence of a DUI are eligible to apply.</p>	<p>Administrative: Amend to include felons, and those convicted of refusal and those convicted of DWLR/S during period of license revocation due to DUI or Refusal.</p>

Ignition Interlock Program Comparison Chart

<p>Recommended penalties:</p> <p>First offense, no aggravators - 180 day license suspension, 30 days hard, 150 with IID; First offense with >15 BAC - full year suspension, 60 days hard, 305 with IID</p> <p>Repeat offense - two year suspension, 60 days hard, 670 with IID</p> <p>Third offense and beyond - vehicle forfeiture, lookback periods for repeat offenses at least ten years</p> <p>Drivers under 21 with any measurable BAC required to get IID</p>	<p>Yes., in part. New Mexico meets or exceeds many of the penalties recommended by MADD.</p> <p>First offense - mandatory one year interlock license. New Mexico has minimized hard revocation periods due to the finding that compliance increases with decreased time between arrest and installation of device³.</p> <p>Second offense - mandatory two years interlock license</p> <p>Third offense - mandatory three years interlock license Fourth offense and beyond - mandatory lifetime interlock with five year reviews</p> <p>Offenders under 21 are subject to a setback of graduated driving privileges for at least 90 days.</p>	<p>Yes and no. While the judicial mandate for an ignition interlock meets MADD's recommendations, it is limited by the requirement for a non-mandated period of probation. Please see the chart: "Judicial Implications of HB19"</p> <p>First offense - 12 months during period of probation after period of revocation</p> <p>Second offense - 24 months during period of probation after period of revocation</p> <p>Third offense - 36 months during period of probation after period of revocation; Fourth offense and beyond - Throughout period of probation following period of revocation; may require vehicle forfeiture</p> <p>No specific IID requirement</p>	<p><i>Judicial: Amend to delete "during period of probation."</i></p>
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¹Mothers Against Drunk Driving. "Stopping Drunk Driving Before It Starts: A Technological Solution", 2007.

<www.madd.org/getdoc/c5b095d2-53b7-4497-beaa-87f2c0aca72/InterlocksforAllOffendersFINAL.aspx>

²Institute of Public Law, University of New Mexico School of Law. New Mexico Department of Transportation, Traffic Safety Bureau. "New Mexico Motor Vehicle Laws 2006-2007", 2007. <<http://ipl.unm.edu/traf/pubs/NMMVLaws8x11.pdf>>

³Voas, R. B.; Roth, J.; and Marques, P. R. "The hard suspension barrier: Does New Mexico's interlock licensing law solve the problem?" *Alcohol Ignition Interlock Devices, Volume II: Research, Policy, and Program Status 2005* pgs. 62-73 , (2005).

Judicial and Administrative Implications of HB19

Offense	Minimum Imprisonment	Minimum Fine	Minimum Driver's License Revocation	Minimum Ignition Interlock (proposed Judicial action)	Other	Ignition Interlock Limited License (proposed Administrative action)
Class A misdemeanors per AS 28.35.030(b) (DUI convictions)						
First offense DUI (or refusal)	72 hours	\$1500	90 days	12 months during period of probation after period of revocation	May require vehicle forfeiture	Eligible for an Ignition Interlock Limited License during revocation following period of 30 days hard suspension
Second DUI (or refusal)	20 days	\$3000	1 year	24 months during period of probation after period of revocation	May require vehicle forfeiture	Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension
Third DUI (or refusal)	60 days	\$4000	3 years	36 months during period of probation after period of revocation	May require vehicle forfeiture	Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension
Fourth DUI (or refusal)	120 days	\$5000	5 years	Throughout period of probation following period of revocation	May require vehicle forfeiture	Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension
Fifth DUI (or refusal)	240 days	\$6000	5 years	Throughout period of probation following period of revocation	May require vehicle forfeiture	Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension
Sixth DUI (or refusal) and beyond	360 days	\$7000	5 years	Throughout period of probation following period of revocation	May require vehicle forfeiture	Eligible for an Ignition Interlock Limited License during revocation following period of 90 days hard suspension

Judicial and Administrative Implications of HB19

Offense	Minimum Imprisonment	Minimum Fine	Minimum Driver's License Revocation	Minimum Ignition Interlock (proposed Judicial action)	Other	Ignition Interlock Limited License (proposed Administrative action)
Class C felons as per AS 28.35.030(n) (two or more DUI or refusal convictions since 1996, and within ten years preceding the date of the present offense)						
Two prior convictions	120 days	\$10,000	Permanently (under (o) of this section, this translates into a minimum of ten years)	Throughout period of probation following period of revocation	Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions	NOT eligible for an Ignition Interlock Limited License
Three prior convictions	240 days	\$10,000	Permanently (under (o) of this section, this translates into a minimum of ten years)	Throughout period of probation following period of revocation	Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions	NOT eligible for an Ignition Interlock Limited License
Four or more prior convictions	360 days	\$10,000	Permanently (under (o) of this section, this translates into a minimum of ten years)	Throughout period of probation following period of revocation	Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions	NOT eligible for an Ignition Interlock Limited License

Judicial and Administrative Implications of HB19

Offense	Minimum Imprisonment	Minimum Fine	Minimum Driver's License Revocation	Minimum Ignition Interlock (proposed Judicial action)	Other	Ignition Interlock Limited License (proposed Administrative action)
Class A misdemeanors as per 28.35.032(g) (refusal to submit to a chemical test)						
First refusal	72 hours	\$1500	90 days	12 months during period of probation after period of revocation	may require other conditions	NOT eligible for an Ignition Interlock Limited License
Second refusal	20 days	\$3000	1 year	24 months during period of probation after period of revocation	may require other conditions	NOT eligible for an Ignition Interlock Limited License
Third refusal	60 days	\$4000	3 years	36 months during period of probation after period of revocation	may require other conditions	NOT eligible for an Ignition Interlock Limited License
Fourth refusal	120 days	\$5000	Five years	Throughout period of probation following period of revocation	may require other conditions	NOT eligible for an Ignition Interlock Limited License
Fifth refusal	240 days	\$6000	Five years	Throughout period of probation following period of revocation	may require other conditions	NOT eligible for an Ignition Interlock Limited License
Sixth or more refusal	360 days	\$7000	Five years	Throughout period of probation following period of revocation	may require other conditions	NOT eligible for an Ignition Interlock Limited License

Judicial and Administrative Implications of HB19

Offense	Minimum Imprisonment	Minimum Fine	Minimum Driver's License Revocation	Minimum Ignition Interlock (proposed Judicial action)	Other	Ignition Interlock Limited License (proposed Administrative action)
Class C felons as per AS 28.35.032(p) (two or more refusal or DUI convictions since 1996, and within ten years preceding the date of the present offense)						
Two prior refusal convictions	120 days	\$10,000	Permanently (under (o) of this section, this translates into a minimum of ten years)	Throughout period of probation following period of revocation	Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions	NOT eligible for an Ignition Interlock Limited License
Three prior refusal convictions	240 days	\$10,000	Permanently (under (o) of this section, this translates into a minimum of ten years)	Throughout period of probation following period of revocation	Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions	NOT eligible for an Ignition Interlock Limited License
Four or more prior refusal convictions	360 days	\$10,000	Permanently (under (o) of this section, this translates into a minimum of ten years)	Throughout period of probation following period of revocation	Shall require vehicle forfeiture, vehicle registration revocation(s), may require other conditions	NOT eligible for an Ignition Interlock Limited License



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Mothers Against Drunk Driving
1025 Connecticut Ave., NW, Suite 1200
Washington, DC 20036
Tel: (202)293-2270
Fax: (202)293-0106
www.madd.org

January 4, 2008

Dear Senator Stedman:

MADD implores you to pass HB 19, a bill conditioning DWI offenders' ability to drive on operation of a vehicle equipped with an approved ignition interlock device. Drinking and driving is a violent crime of great incidence that can be curbed with the use of ignition interlock technology.

Annually, drinking and driving collisions cost the United States over \$161 billion. Over 17,000 people per year lose their lives to a drunk driver, and hundreds of thousands more Americans become incapacitated by a drunk driver. In 2006, the National Highway Traffic Safety Administration reported that over a quarter of all roadway fatalities in Alaska involved a drunk driver. With passage of HB 19, Alaska can further reduce the enormous suffering drinking and driving causes to the Alaska economy and Alaskans.

MADD recognizes HB 19 as a significant step towards eliminating drinking and driving. To truly eliminate the possibility of drinking and driving, MADD encourages Alaska to support legislation that will mandate ignition interlock driver's restrictions for all DWI offenders, including first offenders. Statistics from the Department of Transportation confirm that over 1/3 of all DWI offenders have previously had a DWI conviction. In states such as New Mexico, where mandatory ignition interlock legislation has passed and been implemented, there has been a 50%-90% reduction in the rate of DWI recidivism. Studies corroborate that most DWI offenders consider ignition interlock devices to be a fair sanction. Additionally, a great percentage of the public supports ignition interlock devices as a sanction for all DWI offenders.

MADD appreciates Alaska's efforts to reduce Alaska's incidence of drinking and driving, a tremendously violent crime. Help MADD preserve more Alaskan lives by passing HB 19. Additionally, consider eliminating the possibility of drinking and driving by formulating legislation that will mandate the use of ignition interlocks for all DWI offenders.

Sincerely,

Glynn R. Birch
National President
Mothers Against Drunk Driving

MADD'S Response to Suggested Amendments to HB 19

From an email from Julie Clements, Director of State Legislative Affairs for MADD

Narda,

I have looked at your materials! You have a pretty good understanding of MADD's position with respect to interlocks ("IIEDs"). I will only add a few changes.

MANDATORY IIED FOR ALL OFFENDERS

NM, LA, AZ, and IL are the 4 states requiring all offenders, even those with one DWI, to use an ignition interlock device for a period of time.

HARD SUSPENSION OF 30 DAYS-

Across the board, whether the offender has one DWI offense or multiple DWI offenses, MADD recommends a hard suspension of license for 30 days but no more. Why? MADD knows that 70% of the DWI offenders whose licenses are revoked or suspended, drive without a license. MADD wants to minimize the period in which these people could drive under the radar-thus drive without an IIED. If the IIED must be installed on the car immediately after the 30 day hard suspension, an offender has minimal chances for driving and evading being held accountable for his actions. However, MADD still wants the 30 day hard suspension for any DWI offense. The hard suspension is worthy as a general deterrent to not drink and drive- even more so than it is worthy as a specific deterrent, thus to those who choose to drink and drive.

COMPLIANCE-BASED

MADD believes that all offenders should have interlocks and that the period of time for which an offender has an interlock be compliance-based. MADD clearly recognizes that persons with multiple DWI convictions should have an interlock device on their car for a lengthier period of time than those without a previous offense. At the same time, MADD wants the laws written so there is an incentive to the offender to behave, drive with the interlock as he is ordered to do....MADD recommends the IIED period include the 30 day hard suspension within it. For example, if a first offender is required to have a IIED on his car for 180 days-he gets credit for the 30 day hard suspension as counting towards the 180 days if he demonstrates he can drive 150 days without tampering with the IIED or evading use of the IIED.

What we're typically seeing is---

1st offense- 6 months of interlock-1 year of interlock

2nd offense- 1 to 2 years of interlock use

3rd offense- 3 years of interlock use

4th offense- 4 years of interlock use

IIEDs FOR FELONS

Chuck Hurley, MADD's CEO, has not wanted to specifically address what should happen to DWI offenders having committed three or more DWIs in a bill. He does not want MADD writing such language, in general, because he feels, given national stats that 1/3 of all DWI offenders are previous DWI offenders, widespread, mandatory use of the IIED for all offenders, won't lead to persons with several DWI's, thus enough in most states to constitute a felony, having to have a IIED installed on their vehicle. There is a point at which there will be great returns in the form of fewer and fewer repeat DWI offenders, thus those qualifying for felony charges, having a IIED installed in their vehicle and/or driving with a IIED driver's license restriction (depending upon how various states define it in their laws) as more first offenders are required to immediately have a IIED driver's restriction.

However, MADD will support high BAC, repeat offender, and first offender IIED bills that require those convicted of a felony to drive with a IIED. In fact, MADD is supporting such a bill provision in FL presently. MADD is not going to withdraw its support for a bill which says, "with four offense, defined in FL as a felony, the convicted must use a IIED" and so on for fifth, sixth, and seventh offenders who may likely be defined as felons. With the advent of interlock technology, MADD has had to do a 180 in the way it addresses the so called hard core offenders. We're no longer in the business of saying that guy should never drive! We realize that many repeat offenders will drive on a suspended license. At least the technology behind interlocks serves as one practically foolproof way to ensure that the offender's drinking will be severed from his driving!

I agree with your changes to strengthen HB 19- The Administrative component should be amended to include felons, those convicted of refusal to have their BAC tested, and those convicted of DWI during the period of hard suspension. It should include all offenders! I would amend the judicial component so "during period of probation" is deleted.

INDIGENT

It is my understanding that a lot of DWI offenders qualify as indigent, thus living in households with wages below the federal poverty line or only 150% of the FPL. NM and IL have a large number of indigent offenders. They did not want these persons to be able to circumvent using IIDs, so they created Indigent Funds within their respective interlock bills. NM requires the payment of an administrative fee, even by those deemed impoverished, into a Roadway Fund. This money is then allocated to interlock providers to provide interlocks to those offenders who the court certifies as being indigent. IL has a similar situation, except the indigent pay nothing once deemed indigent by the courts-not even a \$30 administrative fee (as is paid in NM). IL funds the indigents' interlocks by requiring all interlock providers to pay 5% of their gross interlock sale receipts into an Indigent Fund. The Secretary of State is charged with determining how much money each year needs to be appropriated to the Indigent Fund.

VEHICULAR HOMICIDE

This is really the only offense one can commit in which MADD now agrees they offender should not be able to drive PERIOD- even with a IID.

WHAT ABOUT THE GUY WHO DOES NOT DRIVE???

There will always be the DWI offender who tries to evade getting a IID by saying he does not drive. He title his car to someone else. He may claim he sold his car. If this is the case, MADD wants to be sure this driver is also held accountable. MADD supports Scram provisions (provisions saying the offender will have to where an electronic monitoring bracelet if he does not get a IID). Scram is way more costly than IID- about \$9/day versus \$2-\$3 for interlock. Often when given a choice, the offender will opt for interlock—this further ensures he won't drink and drive! (A Scram device does not have the ability to curb drinking and driving).

OFFENDERS UNDER 21

No tolerance by MADD for any BAC above .02 for an offender under 21- This person must drive with a IID for an extended period of time!

Narda, let me know if you want me to draft a letter in support of Alaska's bill over Glynn Birch, our MADD National President's signature. I am more than willing to do it. I will provide reasons for why MADD supports HB 19.

Thanks so much for all of your hard work as a citizen advocate, Narda! Impressive!

Julie

Julie A. Clements, J.D., M.P.P.

Director of State Legislative Affairs for MADD

(202)- 974-2474

julie.clements@madd.org

Ralph S. Blackman
President & CEO



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March 28, 2008

The Honorable Kevin Meyer
State Capitol, Room 515
Juneau, AK 99801-1182

Dear Representative Meyer:

The Century Council was founded in 1991 and is an independent, national not-for-profit organization headquartered in Washington, D.C. Funded by America's leading distillers (Bacardi U.S.A., Inc., Brown-Forman, Constellation Brands, Inc., DIAGEO, Future Brands, LLC, Hood River Distillers, Inc., and Sidney Frank Importing Co. Inc), the Council is dedicated to developing and implementing programs that fight drunk driving and underage drinking. To date, we have hosted nearly 2,200 community events to launch our programs across the nation bringing them to millions of parents, youth, educators, law enforcement officials and traffic safety professionals.

Through the years, The Century Council has worked extensively throughout the nation on anti-drunk driving and underage drinking efforts. Responding to a growing body of research that points to repeat offenders and hardcore drunk drivers as the source of a large and disproportionate share of highway crashes, in 1997 the Council created The National Hardcore Drunk Driver Project. The Project serves as a single, comprehensive resource to assist state legislators as well as highway safety officials, law enforcement officers, judges, prosecutors, community activists and treatment professionals in developing programs to reduce hardcore drunk driving.

At the national level, The Century Council supports MADD's *Campaign to Eliminate Drunk Driving* and the Council along with AAA and the National Transportation Safety Board have formed *The Coalition to Fight Hardcore Drunk Driving* to support state legislative proposals to enact comprehensive and effective solutions to the hardcore drunk driving problem.

Hardcore drunk drivers are those who drive with a high blood alcohol concentration (BAC) of .15 or above, who do so repeatedly, as demonstrated by having more than one drunk driving arrest, and who are highly resistant to changing their behavior despite previous sanctions, treatment or education efforts.

Hardcore drunk drivers are involved in the majority of alcohol-related traffic fatalities. Crash data shows that drivers with a BAC of .15 are 385 times more likely to be involved in a crash than a non-drinking driver. In

Alaska, 76.9 percent of drivers with known BAC levels who were involved in alcohol-related traffic fatalities in 2006 had BAC levels of .15 and above according to the National Highway Traffic Safety Administration. The national average is 59 percent.

The Century Council strongly supports the sanction of ignition interlock devices for hardcore offenders and for offenders who continually refuse to submit to a BAC test. The Council also favors tiered systems that allow for more severe penalties, treatment, and aftercare for hardcore drunk drivers.

We defer to judicial discretion for first-time/ non-hardcore offenders and for that reason we take no position on H.B. 19, which mandates the use of ignition interlock devices for all first offenders regardless of BAC level.

Based on our research, we believe that strong laws enabling swift identification, certain punishment and effective treatment are critical fundamental elements necessary to reduce the incidence of hardcore drunk driving and believe that these elements must be coordinated into a statewide system to be effective.

Should you have any questions, please feel free to contact Erik Strickland, Director of Government Relations at StricklandE@centurycouncil.org or 202-637-0077.

Sincerely,



Ralph Blackman
President & CEO