

SB

239

<target><bill>SB 239</bill><subject>SB
239</subject><comm>SFIN26</comm></target>

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501-2133
Phone: (907) 269-0199
Fax (907) 269-0197
Senator_Kevin_Meyer@legis.state.ak.us



Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4945
Fax: (907) 465-3476
Toll Free: (866) 465-4945

SENATOR KEVIN MEYER
SENATE DISTRICT O

SPONSOR STATEMENT FOR SB 239

"An Act relating to ignition interlock devices, to refusal to submit to a chemical test, and to driving while under the influence."

SB 239 would clarify the sentencing statutes regarding the use of ignition interlock device (IID).

Effective in 2009, legislation was passed mandating an IID as part of the sentencing for driving while under the influence of an alcoholic beverage, inhalant, or controlled substance.

In 2009, there were 3,513 court orders requiring IID, 193 limited licenses for an IID were issued, and over 1,245 IIDs were installed in vehicles. There have been some reports of the IID being suspended in sentencing and of people with more violations having less time with an IID.

SB 239 would seek to remedy these loopholes by 1) requiring a period of time an IID to be installed stair stepped with each offense and 2) listing an IID as a condition of sentencing that cannot be suspended.

According to the National Conference of State Legislatures January 2010 Legisbrief, research shows that installation of an IID reduces can reduce recidivism up to 90 percent.

SENATE FINANCE COMMITTEE REPORT

DATE: 3/23/10

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 239

SB 239 IGNITION INTERLOCK DEVICES/DUI/CHEM. TEST

"An Act relating to ignition interlock devices, to refusal to submit to a chemical test, and to driving while under the influence."

and recommends:

- be replaced with SCS or CS _____ ()
- adopt previous SCS or CS SB 239 (Jud)
- 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 type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

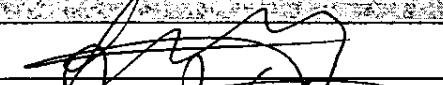

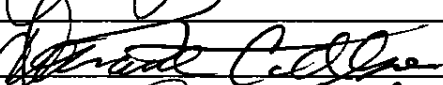

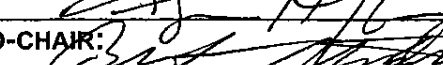
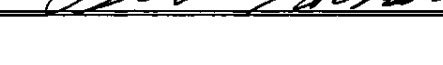
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	2/19/10			✓	1
ADM	2/22/10			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Huggins	<input checked="" type="checkbox"/>			
	Thomas	<input checked="" type="checkbox"/>			
	OLSON			<input checked="" type="checkbox"/>	
	ELLIS	<input checked="" type="checkbox"/>			
CO-CHAIR: 		<input checked="" type="checkbox"/>			
CO-CHAIR: 		<input checked="" type="checkbox"/>			

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 239(JUD)
(S) Publish Date: 3/23/10

Identifier (file name): SB239-DOA-DMV-02-22-10 Dept. Affected: Administration
Title "An Act relating to ignition interlock devices, to refusal to submit to a chemical test..." RDU Division of Motor Vehicles
Component Motor Vehicles
Sponsor Senator Meyer
Requester (S)JUD Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
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	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
1156 Receipt Supported Services								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill does not fiscally impact the Division of Motor Vehicles (DMV).

Prepared by: Whitney H. Brewster, Director
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone 907-269-5574
Date/Time 2/22/10 11:30 AM
Date 2/22/2010

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 239(JUD)
(S) Publish Date: 3/23/10

Identifier (file name): SB239-LAW-CRIM-02-19-10 Dept. Affected: Law
Title: An Act relating to ignition interlock devices, to refusal to submit to a chemical test and to driving while under the influence. RDU: CRIMINAL
Sponsor: Senator Meyer Component: Criminal Justice Litigation
Requester: Senate Judiciary Component Number: 2202

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
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	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill proposes amendments to the statutes related to ignition interlock devices. The Department of Law does not anticipate any fiscal impact from passage of this legislation.

Prepared by: Eileen Donahue, Division Operations Manager
Division: Administrative Services
Approved by: Daniel S. Sullivan, Attorney General
Department of Law

Phone 465-5427
Date/Time 2/19/10 5:00 PM
Date 2/19/2010

S T A T E O F F I C E
ALASKA PEACE OFFICERS ASSOCIATION

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



Business Manager

Joseph Young
Anchorage

**Board of Directors
Officers**

John Lucking, Jr.
APOA President
Soldotna

Dan Frerich, Vice President
Anchorage

Angella Long, Past President
Wasilla

Directors

John Waldron, President
Aleutian Islands Chapter
Unalaska

Michele Logan, President
Anchorage Chapter
Anchorage

Kris Sell, President
Capital City Chapter
Juneau

Brad Johnson, President
Farthest North Chapter
Fairbanks

Howard Townsend, President
First City Chapter
Ketchikan

Kim Wannamaker, President
Kenai Peninsula Chapter
Kenai

Sam Edwards, President
Mat-Su Chapter
Wasilla

Thecla LaLonde, President
Wrangell Chapter
Wrangell

February 2, 2010

Senator Kevin Meyer
Alaska State Senate
State Capitol
Juneau AK 99801-1182

Dear Senator Meyer:

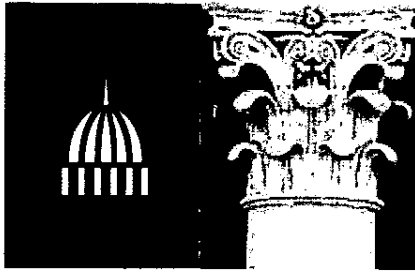
On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing Senate Bill 239, an act relating to ignition interlock devices, to refusal to submit to a chemical test, and to driving while under the influence.

The APOA State Board of Directors recently reviewed this proposed legislation and decided to unanimously support this bill.

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,

John Lucking, Jr.
State President



National Conference of State Legislatures LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

JANUARY 2010

VOL. 18, No. 3

Ignition Interlock Devices: Starting Your Engine Sober

By Anne Teigen

Ignition interlocks can help decrease the number of drunken drivers.

Devices are more accurate and less susceptible to tampering.

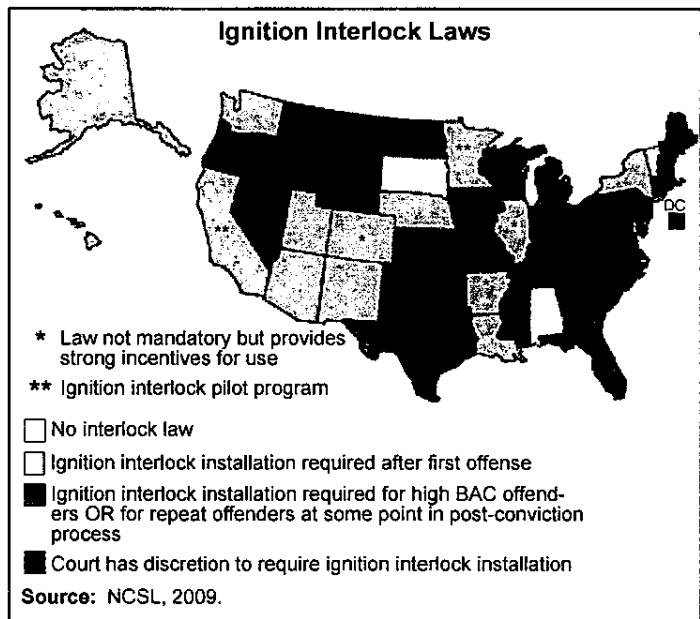
State ignition interlock laws vary.

Alcohol-impaired driving fatalities still account for 32 percent of all U.S. traffic deaths. An estimated 11,700 people were killed in alcohol-impaired crashes in 2008, an approximate average of one fatality every 45 minutes. Impaired driving remains a significant public safety issue, and legislators are considering such tools as ignition interlock technology to decrease the number of drunken drivers.

Ignition interlock devices are installed in motor vehicles to prevent them from being started if alcohol is detected on the driver's breath. Most devices require periodic retesting while the car is running to ensure that the driver is not drinking once the car is started. Technological advances have made ignition interlock devices smaller, more accurate and less susceptible to tampering. Many courts include the use of devices when sentencing DUI offenders. During sentencing, an offender whose driver's license has been suspended or revoked may be granted limited driving privileges if an ignition interlock device is installed. About 146,000 ignition interlock devices currently are in use in the United States.

State Action State ignition interlock laws vary greatly. Currently, 47 states and the District of Columbia have some type of law. Twenty-five states require installation of an interlock device after some repeat offenders or high BAC offenders are convicted. In some states, the license revocation period may be shortened if an interlock device is installed. Eight states and the District of Columbia allow judicial discretion in sentencing offenders. Alabama, South Dakota and Vermont have no ignition interlock law.

In 2005, New Mexico became the first state to require ignition interlock devices for all convicted drunken drivers, including first-time offenders. As of December



National Conference
of State Legislatures

Executive Director
William T. Pound

Denver
7700 East First Place
Denver, Colorado 80230
Phone (303) 364-7700
www.ncsl.org

Washington, D.C.
444 North Capitol Street, NW, Suite 515
Washington, D.C. 20001
Phone (202) 624-5400

2009, Alaska, Arizona, Hawaii, Louisiana, Nebraska, New Mexico, New York, Utah and Washington had passed legislation to require ignition interlock devices for all convicted drunken driving offenders. New York's law takes effect in August 2010, and Hawaii's law is effective in January 2011.

Three states address interlocks for first-time offenders with certain qualifications. Colorado's ignition interlock law is not mandatory for first-time offenders. The law provides strong incentives to use ignition interlocks by allowing first-time offenders' license suspension to be reduced from nine months to one month if an interlock is installed. Illinois requires first-time offenders to have interlocks installed unless an offender chooses in writing not to do so. Arkansas allows discretion to issue an ignition interlock license to a first-time offender.

In 2009, 32 states considered some sort of ignition interlock legislation, and two passed pilot programs. Minnesota's program—available to all DUI offenders—is administered by the Minnesota Department of Public Safety, Driver and Vehicle Services. The program allows first-time and repeat DUI offenders to regain driving privileges if they participate in the pilot program. First-time offenders must use an ignition interlock device for one year, after a 15-day license suspension. Second- or third-time offenders must use the device for a year and six months after a 30-day license suspension. The pilot project began July 1, 2009, and will end June 30, 2011. The commissioner must submit a final report to the Legislature by Sept. 30, 2011, evaluating the pilot project, including information on participation rates, and recommending whether to continue an ignition interlock program. California's pilot program requires interlocks for all DUI offenders in four counties. The DMV must report to the Legislature on the pilot program's effectiveness in reducing the number of first-time DUI violations and repeat offenses.

Virginia modified its ignition interlock law in 2009, making it a Class 1 misdemeanor for anyone required to have an interlock installed to operate a vehicle without the device. Convicted drivers also are subject to license revocation. Many other states are revising their laws to provide penalties for offenders who violate ignition interlock laws.

Effects of state laws. Research shows that installation of these devices reduces recidivism by between 50 percent and 90 percent. A Maryland study of repeat offenders showed that interlock program participation reduced the risk of committing an alcohol traffic violation within the first year by 65 percent. A 2002 Illinois study found offenders who used ignition interlock devices were 20 percent less likely to be re-arrested for a DUI during the first year, compared to offenders who did not install the device. The installation rate of ignition interlocks is key in determining a law's effectiveness. Approximately 1.4 million drunken driving offenders are arrested and convicted each year, yet only 10 percent of convicted DWI drivers ordered to install an interlock device on their vehicle have done so.

Federal Action In preparing to reauthorize the surface transportation program (SAFETEA-LU), Congress is considering provisions that would require states to enact and enforce ignition interlock laws. In the provisions under debate, states would have to enact mandatory ignition interlock laws for all those convicted of driving while intoxicated and require the device to be installed for at least six months for the first offense. States would lose a percentage of highway maintenance funds for failing to pass such laws. The bill was introduced in December 2009.

Contacts for More Information

Anne Teigen
NCSL—Denver
(303) 364-7700, ext. 1652
anne.teigen@ncsl.org

Melissa Savage
NCSL—Denver
(303) 364-7700, ext. 1527
melissa.savage@ncsl.org

The Century Council
www.centurycouncil.org

New laws in nine states require devices for all DUI offenders.

In 2009, two states authorized ignition interlock pilot programs.