

ALABAMA LEGISLATURE

1331

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

77

Representative Brian Porter

February 14, 1995

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Section 8. Technical amendment.

Section 9. Technical amendment.

Section 10. Makes a third refusal to take a breath test conviction a class C felony, if it is the person's third or greater conviction within five years. Imposes a minimum fine, a minimum jail time, and prohibits probation or suspended imposition of sentence unless the minimum imprisonment is served. Requires revocation of the offender's driver's license, allows imposition of certain probation or parole conditions and allows forfeiture of the motor vehicle or aircraft used in the offense.

Section 11. Applicability section.

Section 12. Effective date.

MFF.klb:glc

95-067.klb

TONY KNOWLES, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

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January 20, 1995

The Honorable Robin Taylor
Alaska State Legislature
State Capitol, Room 30
Juneau, AK 99801-1182

The Honorable Brian Porter
Alaska State Legislature
State Capitol, Room 118
Juneau, AK 99801-1182

Dear Senator Taylor and Representative Porter:

I received your request for information regarding the prior DWI convictions of those individuals who were involved in alcohol-related fatal motor vehicle crashes.

Juanita Hensley, Chief of Driver Services for the Division of Motor Vehicles, reviewed the complete driving records of the at-fault drivers involved in all fatal motor vehicle crashes for 1992 and 1993. The results are as follows:

In 1992, a total of 14 at-fault drivers had prior DWI convictions on their records. Of the 14, 10 had one prior DWI conviction; three had two prior DWI convictions; one had three prior DWI convictions; and one had four prior DWI convictions.

In 1993, a total of 10 at-fault drivers had prior DWI convictions on their records. Of the 10, four had one prior DWI conviction; four had two prior DWI convictions; and two had three prior DWI convictions.

I have enclosed for your review a chart on the average breath alcohol concentrations in fatal crashes for 1992 and 1993. This chart was compiled by the Alaska Highway Safety Planning Agency from information they received in the Fatal Accident Report System.

Senator Taylor and Representative Porter
January 20, 1995
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Feel free to contact my office or Ms. Hensley, if you need additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald L. Otte".

Ronald L. Otte
Commissioner

Enclosures

**AVERAGE BREATH ALOCHOL COUNTS (BAC) IN FATAL CRASHES
1992 and 1993**

Sorted by: Year
Gender
Category (Victim, Surviving Driver)

*.19 BAC AVERAGE
IN ALL DWI ARRESTS..*

Year	Gender	Average BAC	Year	Gender	Average BAC		
1992	<i>Female</i>	Victim	0.177	1993	<i>Female</i>	Victim	0.179
		Surviving Driver	0.159			Surviving Driver	0.240
		Total Female	0.172			Total Female	0.191
	<i>Male</i>	Victim	0.176		<i>Male</i>	Victim	0.204
		Surviving Driver	0.147			Surviving Driver	0.159
		Total Male	0.168			Total Male	0.189
	<i>All Gender</i>	Victim	0.176		<i>All Gender</i>	Victim	0.198
		Surviving Driver	0.150			Surviving Driver	0.171
		Grand Total	0.171			Grand Total	0.190

STATE OF ALASKA

IMPAIRED DRIVING ASSESSMENT
October 2 - October 8, 1994

National Highway Traffic Safety Administration
Technical Assistance Team

William S. Ethridge
John D. Fenner
Don D. Hinton
Timothy Johnson
William T. McCollum

INTRODUCTION

Motor vehicle crashes are the leading cause of death for individuals between the ages of one and thirty-four. Nationwide, alcohol is involved in nearly one-half of these fatalities.

In pursuit of the goal to reduce alcohol-related traffic fatalities and injuries, the National Highway Traffic Safety Administration (NHTSA) developed a Technical Assistance Team evaluation program. This approach provides states the opportunity to use federal highway safety funds to support an administrative evaluation of existing and proposed alcohol and drug-impaired driving countermeasures.

NHTSA staff facilitates the process by assembling a team of individuals who, through their immediate involvement with national and state programs, have demonstrated their competence in impaired driving program development, implementation and evaluation. Selection of the Technical Assistance Team reflects experience in special areas identified by the state. These areas correlate with the components of a comprehensive impaired driving program as defined in the Highway Safety Program Advisory that was published by NHTSA. Examples of program and systems expertise among the Alaska Technical Assistance Team members include program management (both state and local levels), prevention, enforcement, prosecution, adjudication, evaluation, traffic records, driver licensing, treatment and rehabilitation.

The State of Alaska requested NHTSA's assistance in reviewing its alcohol and drug impaired driving countermeasures program. On August 3, 1994, NHTSA met with Department of Public Safety and Alaska Highway Safety Planning Agency staff members who helped to define key issues of concern to the state. NHTSA agreed to facilitate the technical review.

The Alaska Alcohol and Drug Impaired Driving Program Assessment was conducted in Anchorage from October 2 - 8, 1994. Alaska Highway Safety Planning Administrator, Lorn Campbell, arranged for State and local program experts (see Section 7, Agenda) to deliver briefings and provide support and materials to the Team on a wide variety of topics related to impaired driving. Forty-five presentations were made to the Technical Assistance Team over a period of three and one-half days.

According to 1993 statistics, the State of Alaska has a population of nearly 600,000 located across 580,000 square miles of diverse land. More than one-half of the population resides in three major communities: 300,000 in Anchorage, 40,000 in Fairbanks, and 35,000 in Juneau. The remaining population resides in smaller communities over a vast and remote area. Alaska is not divided into counties but rather has a combination of municipalities, towns, villages and very remote "bush" areas. The demographic complexion of the state is made up of approximately 74 percent Whites, 15.6 percent Native Alaskans, 4.1 percent African Americans; 3.2 percent Hispanic, and 3.1 percent Asian Pacific Americans. The median income for Alaskan residents is \$45,000 as compared to \$31,000 in the lower 48 states.

Alaska's economy has suffered due to dwindling oil and fishing revenues. The state is faced with the challenge of maintaining adequate services for its residents while reducing government spending and decreasing state government personnel. In addition, Alaska's citizens routinely reject government efforts to increase taxes on alcohol or enact other revenue raising laws including tapping into the \$14 billion reserve which could alleviate its perceived economic recession. The economic situation along with the challenges of designing programs appropriate for its geographic composition and meeting the requirements the realities for establishing a comprehensive DWI program in the State of Alaska may seem overwhelming. However, the Team believes that the recommendations contained in this report present viable options to overcoming the situation.

In addition, the following 1993 data pertaining to motor vehicle and traffic safety in Alaska were provided:

523,158	Registered vehicles
393,931	Licensed drivers
39.19	Billion vehicle miles travelled
3.01	Crash deaths per 100 million vehicle miles travelled
14,509	Motor vehicle crashes
88	Fatal Crashes
37	Alcohol-related Fatal Crashes
49	Alcohol-related Crash Deaths
\$31,995,638	Total annual cost of alcohol-related motor vehicle crashes

The Technical Assistance Team's analysis of Alaska's Alcohol and Drug Impaired Driving Program is based solely on written and oral information provided to the team during the assessment process. The Team used this information to develop recommendations after considering what could be reasonably accomplished within the state. The Team believes that enactment of the proposed recommendations will result in a comprehensive program to prevent impaired driving and will set the framework for expansion to meet future needs in the system.

8. DRUNK DRIVING

Penalties for drunk driving have become tougher over the years as the cost of this dangerous behavior rises. Reckless alcohol consumption among young people has also risen markedly, and it has been met with sharp intolerance.

Drunk driving, or driving while intoxicated (DWI) or driving under the influence (DUI), is typically determined by the alcohol content found in the driver's blood. Blood alcohol content (BAC) may be determined in two ways: through breath analysis or urinalysis. Most states have set the legal limit of blood alcohol content at 0.10 percent. Six states have no set amount of blood alcohol to presume intoxication. In these states it is still illegal to drive while drunk, but blood alcohol content is merely one piece of evidence of intoxication.

Penalties for drunk driving are severe in most states.

Virtually every state suspends the driver's license on a first offense, and the length of suspension increases sharply with each successive offense. There is, however, a great deal of variation in the lengths of suspension of driving privileges among the states. A few only impose suspension for as little as one year for multiple offenses. Michigan, however, revokes the driver's license on the second offense. Several states include revocation on the third or fourth offense.

The newest development in the laws of drunk driving concern court-ordered attendance at an alcohol abuse rehabilitation program upon conviction for driving while intoxicated. Six states still do not have rehabilitation requirements for offenders, while the rest have some sort of rehabilitation requirement for problem drinkers and drivers.

Table 8: Drunk Driving

COMPLIMENTS OF THE
CALIFORNIA STATE LIBRARY

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ALABAMA	32-5A-191	.10% BAC per se at time of driving	Yes on first offense; DUI court referral program approved by state	1st offense: 90 days; 2nd: 1 yr.; 3rd: 3 yrs.	1st offense: imprisonment up to 1 yr. and/or \$250-1000; 2nd within 5 yrs.: up to 1 yr. and \$300-2500; 3rd within 5 yrs.: up to 1 yr. and \$1000-\$5000
ALASKA	28.35.030; 28.15.181	.10% BAC as determined by test taken within 4 hours	Yes, program of alcohol education or rehabilitation that court finds appropriate for term specified by court	1st: 90 days min.; 2nd: 1 yr. min.; 3rd: 10 yrs. min.	1st: min. 72 hrs. and min. \$250; 2nd within 10 yrs.: min. 20 days and min. \$500; 3rd within 10 yrs.: min. 30 days and min. \$1000
ARIZONA	28-692, <i>et seq.</i>	.10% BAC at time of offense	Yes, alcohol abuse screening session by screening or treatment facility approved by health services; alcohol abuse classes or treatment facility if necessary; habitual abuse	1st: 90 days; 2nd within 5 yrs.; revocation: 3rd within 5 yrs.; revocation min. 3 yrs.	1st: min. 24 hrs. and min. \$250 and 8-24 hrs. community service; 2nd within 5 yrs.: min. 60 days and min. \$500; 3rd within five yrs.: min. 6 mos.
ARKANSAS	5-65-103, <i>et seq.</i>	.10% BAC as determined by test	Alcohol Education Program prescribed and approved of by Arkansas Highway Safety Program or alcohol treatment program approved by Office on Alcohol and Drug Abuse Prevention	1st: 90-120 days; 2nd: 12-16 mos.; 3rd: 24-30 mos.; 4th: 3 yrs.	1st: 1 day to 1 yr. prison, court can order public service in lieu of jail and \$150-1000; 2nd within 3 yrs.: 7 days to 1 yr. and \$400-3000; 3rd within 3 yrs.: 90 days to 1 yr. and \$900-5000; 4th within 3 yrs.: felony, 1-6 yrs.; fine only for 2nd and 3rd offenses within 5 yrs.
CALIFORNIA	Veh. §§23152, <i>et seq.</i>	0.10% BAC at time of driving (rebuttably presumed that percentage at time of driving was more than at time of test); if test is less than .05% BAC, BAC presumed not .10% when driving; if test is .05-.10%, not presumption but evidence of .10%; .10% at time of test equals .10% at time of driving	1st: if probation, must participate in alcohol or drug education program designated by court if programs approved of are available in that county; 2nd: if probation, 1 yr. in program acceptable to court	1st: 6 mos., or if probation granted, could be 90 days with exception of traveling to work and rehab program; 2nd: restricted to necessary travel (work and rehab) for 1 yr.; 3rd: 3 yrs.	1st: 96 hrs. to 6 mos. prison and \$390-1000; 2nd within 5 yrs.: 90 days to 1 yr. and \$390-1000; 3rd within 5 yrs.: 120 days to 1 yr. and \$390-\$1000

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation required?	Driver's License Suspension?	Other Penalties
COLORADO	42-2-122.1; 42-4-1202	.15 g. of alcohol per 100 mm. of blood while driving or .15 g. of alcohol per 200 mm. of blood at time of test	Court's discretion up to 2 yrs.; drug and alcohol driving safety program	1 yr.	1st: 5 days to 1 yr. and court may fine \$300-1000 and 48-96 hrs. useful community service; 2nd within 5 yrs.: 90 days to 1 yr. and court may fine \$500-1500 and 60-120 hrs. useful community service
CONNECTICUT	14-227a	.10% BAC at time of offense	Court may order participation in alcohol education and treatment program in addition to any fine or sentence	1st: 1 yr. (court's discretion); 2nd: 2 yrs.; 3rd: 3 yrs.; 4th: permanently	1st: \$500-1000 and jail up to 6 mos. or 100 hrs. community service; 2nd within 5 yrs.: \$500-2000 and jail up to 1 yr.; 3rd within 5 yrs.: \$1000-4000 and jail up to 2 yrs.; 4th within 5 yrs.: \$2000-8000 and jail up to 3 yrs.
DELAWARE	Tit. 21 §4177	.10% BAC as shown by test taken within 4 hours of offense	1st: required program of rehabilitation or course of instruction which may include inpatient up to 6 mos.; 2nd: program of education or rehabilitation which may include inpatient treatment up to 15 mos.	1st or 2nd: 1 yr.; 3rd or more: 18 mos.	1st: \$200-1000 or jail 60 days-6 mos.; for each subsequent offense within 5 yrs. of former offense: \$500-2000 and jail 2-18 mos.
DISTRICT OF COLUMBIA	40-716	.10% BAC; .13% alcohol in urine	No	Yes for unspecified time	1st: up to \$300 and/or 90 days; 2nd within 15 yrs.: up to \$5000 and/or up to 1 yr.; 3rd within 15 yrs.: up to \$10,000 and/or up to 1 yr.

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
FLORIDA	316.193	.10% BAC	Substance abuse course specified by the court	Revocation/suspension upon conviction	1st: \$250-500 and jail up to 6 mos.; 2nd within 3 yrs.: \$500-1000 and jail up to 9 mos.; 3rd within 3 yrs.: \$1000-2500 and jail up to 12 mos.; 4th within 3 yrs.: 3rd degree felony, prison up to 5 yrs.; if first offense BAC exceeds .20%: 1st: \$500-100 and jail up to 9 mos.; 2nd within 3 yrs.: \$1000-2000 and jail up to 12 mos.; 3rd within 3 yrs.: \$2000-5000 and jail up to 12 mos.; additional penalties: 1st: probation up to 1 yr. and community service of 50 hrs. minimum or \$10 fine per hour not worked
GEORGIA	40-5-63; 40-6-391	.10% BAC at time of test		1st: 1 yr.; 2nd within 5 yrs.; 3 yrs.; 3rd within 5 yrs.; considered habitual offender. 5 yrs.	1st: \$300-1000 and 10 days to 12 mos.; 2nd within 5 yrs.: \$600-1000 and 90 days to 12 mos.; 3rd: \$1000-5000 and 120 days to 12 mos. mandatory
HAWAII	291-4	.10% BAC	1st: 14 hr. minimum alcohol abuse rehab program including education and counseling or comparable program approved by court; subsequent: may be required pending evaluation by substance abuse counselor	1st: 90 days (court can make it 30 days total; prohibition and 60 days only for work and rehab); 2nd: 1 yr. absolute prohibition; 3rd: 1-5 yrs.	1st: \$150-1000 and/or min. 48 hrs. jail and/or 72 hrs. community service; 2nd within 5 yrs.: \$500-1000 and min. 48 hrs. jail or min. 80 hrs. community service; 3rd within 5 yrs.: \$500-1000 and 10-180 days jail
IDAHO	18-8004, et seq.	.10% BAC	Alcoholic evaluation (own expense) approved facility; if necessary, an alcoholic treatment program best suited for individual	1st: mandatory up to 180 days (defendant may request for necessary privilege-work and family health needs); 2nd: mandatory 6 mos. after getting out of jail and possibly an additional time up to 1 yr.; 3rd: 1-5 yrs. (no privileges at all)	1st: up to \$1000 and/or up to 6 mos.; 2nd within 5 yrs.: mandatory fine up to \$2000 and jail 10 days to 1 yr.; 3rd within 5 yrs.: felony, jail up to 5 yrs. and may be fined up to \$5000

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COMPLIMENTS OF THE
ALASKA STATE LIBRARY

Table 3: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ILLINOIS	625 ILCS 5/11-501, et seq.	.10% BAC: less than .05% at test: presumed not to have required BAC at time of driving; .05%-.10% at test: no presumption of guilt but take it with other evidence; .10% at test: guilty	Professional evaluation to determine if there is abuse problem and extent; defendant pays cost; program must be approved/licensed by Dept. of Alcohol and Substance Abuse	Up to 1 yr.	1st: Class A misdemeanor; jail up to 1 yr.; 2nd within 5 yrs.: mandatory min. 48 hrs. jail or min. 10 days community service; 3rd: Class 4 felony, 1-3 yrs. prison
INDIANA	9-30-5-1, et seq.	.10% BAC	No	1st: 90 days to 2 yrs.; 2nd 10 or more yrs. ago: 90 days to 2 yrs.; 2nd 5-10 yrs. ago: 6 mos. to 2 yrs.; 2nd within 5 yrs.: 1-2 yrs.	1st: Class A misdemeanor; 2nd within 5 yrs.: min. 5 days jail or min. 80 hrs. community service in addition to Class D felony (min. 2 yrs.) and may be fined up to \$10,000
IOWA	3213.1, et seq.	.10% BAC	2nd offense: must undergo substance abuse evaluation prior to sentencing; 3rd offense or if evaluation recommends treatment: may be required to commit to treatment	1st: 180 days; 2nd within 6 yrs.: 1 yr.	1st: serious misdemeanor, \$500-1000 and min. 48 hrs. jail, may perform up to 200 hrs. community service in lieu of fine if court allows; 2nd: aggravated misdemeanor, min. \$750 and min. 7 days jail; 3rd: Class D felony, min. \$750 and 30 days to 1 yr. jail
KANSAS	8-1008, 1014, 1567	.10% BAC at time of test	Presentence alcohol and drug evaluation conducted by community-based alcohol and drug safety action program, supervision and monitoring of all convicted persons	1st: 30 days or upon completion of required treatment program (whichever is longer); subsequent: 1 yr. or upon completion of required treatment program (whichever is longer)	1st: \$200-500 and 48 hrs. to 6 mos. jail or 100 hrs. community service; 2nd: \$500-1000 and 90 days to 1 yr. jail; 3rd: \$1000-2500 and 90 days to 1 yr. jail

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
KENTUCKY	189A.010, <i>et seq.</i>	No limit per se. "While under the influence of alcohol"	1st offense: 90 day alcohol or substance abuse program can lessen driver suspension from 6 mos. to 30 days	1st: 6 mos.; 2nd: 1 yr.; 3rd: 2 yrs.	1st: \$250-500 or 48 hrs. to 30 days jail or 2-30 days community labor; 2nd within 5 yrs.: \$350-500 and 7 days to 6 mos. jail and may get 10 days to 6 mos. community labor in addition to jail term; 3rd within 5 yrs.: \$500-1000 and 30 days to 12 mos. jail and may get 10 days to 1 yr. community labor in addition to jail term
LOUISIANA	14:98; 32:414	.10% BAC	Rehabilitation provided for 1st and 2nd offense, includes screening procedure to determine portion of program which may be applicable and appropriate for individual offender	1st: 60 days	1st: \$125-500 and 10 days to 6 mos. jail; 2nd: \$300-500 and 30 days to 6 mos. jail; 3rd: up to \$1000 and 1-5 yrs. jail; 4th: hard labor 10-30 yrs.
MAINE	Tit. 29 §1312	.10% BAC	1st: Education program conducted by Dept. of Human Services; 2nd: education program conducted by Dept. of Human Services and where required by Dept. of Human Services, alcohol or rehab program	1st: 30 days or successful completion of educational program, whichever is longer; 2nd: 1 yr. (may be reduced to 6 mos. on successful completion of educational program)	1st: up to \$1000 and up to 90 days jail; 2nd: \$250-2000 and 24 hrs. to 6 mos. jail
MARYLAND	Transp. 16-205; 16-212; 21-902; 27-101	"While intoxicated or while under the influence of a controlled dangerous substance"	Driver Improvement Program and Alcohol Education Program required	1st: up to 60 days; 2nd within 3 yrs.: up to 120 days	1st: up to \$1000 and/or up to 1 yr. jail; 2nd within 3 yrs.: up to \$1000 and/or 48 hrs. to 2 yrs. jail, may also receive min. 80 hrs. community service; 3rd within 3 yrs.: up to \$2000 and/or up to 3 yrs. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
MASSACHUSETTS	Ch. 90 §24	No limit per se	1st offense: appropriate to defendant with his/her consent as a condition of probation upon written finding that appropriate and adequate treatment is available to defendant and defendant would benefit and safety of public would not be endangered; minimum 14 days in residential alcohol treatment program	1st: 1 yr.; 2nd: 2 yrs.; 3rd: 5 yrs.; after 2 yrs. can apply for new license on limited basis on grounds of hardship and present/past violation dealt with and under control	1st: \$100-1000 and/or up to 2 yrs. jail; 2nd within 6 yrs.: \$300-1000 and 7 days to 2 yrs. jail; 3rd within 6 yrs.: \$500-1000 and 60 days to 2 yrs. jail
MICHIGAN	MCL 9.2325	.10% BAC	Screening and assessment to determine the likely benefit from rehabilitation. court may order person to participate and successfully complete one or more rehab programs	1st: 6 mos. to 2 yrs. (can get restricted license); 2nd: revoked; 3rd: revoked	1st: \$100-500 and/or up to 90 days jail and costs of prosecution and community service up to 45 days; 2nd within 7 yrs.: \$200-1000 and either 10-90 days community service and up to 1 yr. jail or up to 90 days community service and 48 hrs. to 1 yr. jail; 3rd within 10 yrs.: \$500-5000 and/or 1-5 yrs. jail
MINNESOTA	169.121, et seq.	.10% BAC within 2 hrs. of time of driving	Alcohol problem assessment in counties of more than 10,000 population and report made to court including recommendation as to treatment or rehab program	1st: min. 30 days; 2nd within 5 yrs.: min. 90 days and until court has certified treatment/rehabilitation has been successfully completed; 3rd within 5 yrs.: min. 1 yr. and until rehab completed; 4th within 5 yrs.: min. 2 yrs. and until rehab completed	2nd within 5 yrs.: gross misdemeanor, min. 30 days jail or 8 hrs. community service for each jail day; 3rd within 10 yrs.: gross misdemeanor, min. 30 days jail or 8 hrs. community service for each jail day
MISSISSIPPI	63-11-30	.10% BAC	1st: required alcohol safety education program; subsequent: may participate	1st: 90 days or successful completion of program, whichever is longer; 2nd: 2 yrs. (can be reduced after successful completion of program); 3rd: 5 yrs. (eligible for reinstatement after 3 yrs.); 4th: 5 yrs.	1st: \$250-1000 and/or up to 24 hrs. jail; 2nd within 5 yrs.: \$600-1000 and 48 hrs. to 1 yr. jail or 10 days to 1 yr. community service; 3rd within 5 yrs.: \$800-1000 and 30 days to 1 yr. jail; 4th within 5 yrs.: \$2000-5000 and 90 days to 5 yrs. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
MISSOURI	577.012, (49)	.10% BAC	1st: Court may order participation and successful completion of alcohol or drug-related traffic offender education or rehab program which meets standards established by Dept. of Public Safety and Dept. of Mental Health	Upon failure to submit to breath test	1st: Class C misdemeanor, \$50 min. and/or up to 3 mos. jail; 2nd within 3 yrs.: Class A misdemeanor, 7 days to 6 mos. jail; 3rd within 3 yrs.: Class D felony, 45 days to 1 yr. jail
MONTANA	61-5-200, 205: 61-2-406, 722	.10% BAC	Defendant shall complete alcohol information course at alcohol treatment program approved by Dept. of Corrections & Human Services which may include alcohol or drug treatment or both if considered necessary by counselor conducting program	Up to 1 yr. per offense	1st: \$100-500 and up to 10 days jail; 2nd: \$300-500 and 48 hrs. to 30 days jail; 3rd: \$500-1000 and 48 hrs. to 6 mos. jail
NEBRASKA	28-106; 39-669.07, <i>et seq.</i>	.10% BAC	None	1st: 6 mos (if judge orders suspension of sentence or probation, 60 days from time of order); 2nd within 10 yrs.: 1 yr. (if judge orders suspension of sentence or probation, 6 mos. from time of order); 3rd within 10 yrs.: 15 yrs. (if judge orders suspension of sentence or probation, 1 yr. from time of order)	1st: \$200-500 and 7-30 days jail; 2nd: \$500 and 30 days jail; 3rd: \$500 and 3-6 mos. jail

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
NEVADA	484.379, <i>et seq.</i>	.10% BAC	1st or 2nd within 7 yrs.: may apply to undergo program of treatment for alcoholism or drug abuse for at least one yr. if classified by physician/counselor as alcoholic or drug abuser; if defendant pays costs and has served jail sentence; 1st: must do educational course on alcohol and substance abuse		1st: \$200-1000 and 2 days to 6 mos. jail or 48 hrs. community service (jail sentence can be lessened if defendant participates in rehab program); 2nd within 7 yrs.: \$500-1000 and 10 days to 6 mos. jail; 3rd within 7 yrs.: \$2000-5000 and 1-6 yrs. jail; in addition to any penalty, civil penalty of \$35 paid to court
NEW HAMPSHIRE	263:65-a: 265.82	.10% BAC	Yes, Impaired Driver Intervention Program; must successfully complete to get license back; must be approved by director of Office of Alcohol and Drug Abuse Prevention and commissioner	1st: 60 days to 2 yrs.; 2nd: 3 yrs.; 3rd: Indefinite, min. 3 yrs.	1st: up to \$1000; 2nd within 7 yrs.: up to \$1000 and 7 days to 6 mos. jail; 3rd within 7 yrs.: up to \$1000 and 7 days to 6 mos. jail
NEW JERSEY	39:4-50	.10% BAC	Screening evaluation referral program and fee requirements of Div. of Alcoholism's Intoxicated Driving Programs Unit and 12-48 hrs. in two consecutive days in Intoxicated Driver Resource Center and a program of alcohol education and highway safety as proscribed by director of Div. of Motor Vehicles	6 mos. to 1 yr.; 2nd: 2 yrs.; 3rd: 10 yrs.	1st: \$250-400 and up to 30 days jail; 2nd within 10 yrs.: \$500-1000, 30 days community service, and 48 hrs. to 90 days jail; 3rd within 10 yrs.: \$1000 and min. 180 days jail; up to 90 days of jail can be exchanged for community service

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Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
NEW MEXICO	66-5-29; 66-8-102	.10% BAC	May be required by court to enroll in screening program to determine level of abuse and recommendation of treatment, if necessary; must complete any recommended treatment program required by court; 1st offense: can attend driver rehab program as a deferred sentence	1 yr. (on 1st offense suspension can be avoided by attending driver rehab program)	1st: \$300-500 and/or 30-90 days jail; 2nd within 5 yrs.: up to \$1000 and/or 90 days to 1 yr. jail; 3rd or more within 5 yrs.: up to \$1000 and min. 6 mos. jail
NEW YORK	VEH. & TRAF. 1192(2)	.10% BAC	Court may require attendance at single session of "victims impact program"	1st: 6 mos.; 2nd within 10 yrs.: 1 yr.	1st: \$350-500 and/or up to 1 yr. jail; 2nd: \$500-5000 and/or min. 1 yr. jail, Class E felony
NORTH CAROLINA	20-138.1. 179	.10% BAC at time of test	Assessment may be required for alcoholism and substance abuse and appropriate treatment if necessary	1st: 1 yr.; 2nd within 3 yrs.: 4 yrs. (conditionally restored after 2 yrs.); 3rd with most recent within 5 yrs.: permanent (conditionally restored after 3 yrs.)	1st: up to \$1000 and 7 days to 12 mos. jail; subsequent within 7 yrs.: \$2000 and 14 days to 24 mos. jail
NORTH DAKOTA	39-06-31; 39-08-01	.10% BAC at time of test given within 2 hrs. of driving	Order for addiction evaluation by appropriate licensed addiction treatment program with appropriate treatment if necessary	1 yr. or period as recommended by trial court	1st: Class B misdemeanor, min. \$250; 2nd within 5 yrs.: Class B misdemeanor, min. \$500 and min. 4 days jail or 10 days community service; 3rd within 5 yrs.: Class A misdemeanor, \$1000 and min. 60 days jail; 4th within 7 yrs.: Class A misdemeanor, \$1000 and 180 days jail
OHIO	3793.10; 4507.16; 4511.19	.10% BAC	1st: Driver's Intervention Program (in suspended jail sentence); rehab may be required in sentences	1st: 60 days to 3 yrs.; 2nd within 5 yrs.: 120 days to 5 yrs.; 3rd within 5 yrs.: 180 days to 10 yrs.	1st: \$150-1000 and 3 days to 6 mos. jail; 2nd within 5 yrs.: \$150-1000, 10 days to 6 mos. jail; 3rd within 5 yrs.: \$150-1000 and 30 days to 1 yr. jail
OKLAHOMA	Tit. 47 §§6-205.1, 11-902	.10% BAC at time of test	Dept. of Mental Health Treatment Program may be required upon evaluation	1st: 90 days; 2nd within 5 yrs.: 1 yr.; 3rd within 5 yrs.: 3 yrs.	Up to \$1000 and 10 days to 1 yr. jail; subsequent within 10 yrs.: up to \$2500 and 1-5 yrs. jail

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
OREGON	161.615, <i>et seq.</i> ; 813.010, <i>et seq.</i>	.08% BAC	Mandatory complete exam by court approved agency/organization to determine whether individual has a problem condition involving alcohol or controlled substances; complete a treatment program if exam shows it necessary; if none necessary, then complete alcohol and drug information program.	1st: 1 yr.; 2nd within 5 yrs.; 3 yrs.; 3rd within 5 yrs.; 3 yrs.	1st: Class A misdemeanor, up to \$2500, up to 1 yr. jail, fees for programs; 2nd, impound vehicle in addition to above
PENNSYLVANIA	Tit. 75 1548; 1532; 3731	.10% BAC	2nd or subsequent offense within 5 yrs.: evaluation to determine if person needs or would benefit from treatment for alcohol or drug abuse; may order treatment if necessary	12 mos.	1st: min. \$300 and min. 48 hr. jail
RHODE ISLAND	27-21	.10% BAC	1st: attendance required at special course on DWI or under the influence of controlled substance and/or alcoholic or drug treatment for individual; 2nd: drug and alcohol treatment	1st: 3-6 mos.; 2nd: 1-2 yrs.	1st: \$100-300 and 10-60 hrs. community service and/or up to 1 yr. jail; 2nd within 5 yrs.: \$400 and 10 days to 1 yr. jail; 3rd: in addition to 2nd offense penalties, may have car seized and sold by State of Rhode Island and proceeds going to general fund; in addition anyone convicted under this section pays highway assessment fine of \$500
SOUTH CAROLINA	56-5-2930, <i>et seq.</i>	"Under influence of intoxicating liquors"	Successful completion of Alcohol and Drug Safety Action Program certified by South Carolina Commission on Alcohol and Drug Abuse prior to reinstatement of license	1st: 6 mos.; 2nd within 10 yrs.; 1 yr.; 3rd within 10 yrs.; 2 yrs.; 4th within 10 yrs.; 3 yrs.; 5th within 10 yrs.; permanent	1st: \$200 and 48 hrs. to 30 days jail or 48 hrs. public service; 2nd within 10 yrs.: \$2000-5000 and 48 hrs. to 1 yr. jail or min. 10 days public service; 3rd within 10 yrs.: \$3500-6000 and 60 days to 3 yrs. jail; 4th within 10 yrs.: 1-5 yrs. jail

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
SOUTH DAKOTA	32-23-1, <i>et seq.</i>	.10% BAC	1st: required if .17% BAC; court-ordered evaluation	1st: min. 30 days to 1 yr.; 2nd: min. 1 yr.; 3rd: min. 1 yr. (unconditional); 4th: min. 2 yrs.	1st: \$1000 and/or 1 yr. jail; 2nd within 5 yrs.: \$1000 and/or 1 yr. jail; 3rd within 5 yrs.: \$2000 and/or 2 yrs. jail; 4th: Class 5 felony, 5 yrs. jail and may impose fine of \$5000
TENNESSEE	55-10-401, 403	"Under the influence"	2nd offense: may be required to participate in court-approved inpatient alcohol and drug treatment program	1st: 1 yr.; 2nd: 2 yrs.; 3rd: 3-10 yrs.	1st: \$250-1000 and 48 hrs. to 11 mos. 29 days jail; 2nd within 10 yrs.: \$500-2500 and 45 days to 11 mos. 29 days jail; 3rd: \$1000-5000 and 120 days to 11 mos. 29 days jail
TEXAS	Tex. Rev. Civ. Stat. Art. 67011-1	.10% BAC	Evaluation	1st: 90-365 days; 2nd or 3rd: 180 days to 2 yrs.	1st: \$100-2000 and 72 hrs. to 2 yrs. jail; 2nd: \$300-2000 and 15 days to 2 yrs. jail; 3rd: \$500-2000 and 30 days to 2 yrs. jail or 60 days to 5 yrs. state penitentiary
UTAH	41-6-44	.08% BAC	1st: assessment and educational series at a licensed alcohol rehab facility; 2nd: same as above and treatment at court's discretion; 3rd: same as above and treatment at alcohol rehab facility is mandatory; 4th: treatment required	1st: 90 days; subsequent within 6 yrs. of prior conviction: 1 yr.	1st: Class B misdemeanor, up to \$1000 and 48-240 hrs. jail or 24-50 hrs. community service; 2nd within 6 yrs.: up to \$1000 and 240-720 hrs. jail or 80-240 hrs. community service; 3rd within 6 yrs.: 720-2160 hrs. jail or 240-720 hrs. community service; if prior two convictions were both after 4/23/90, then: \$1000-2500 and 240-2160 hrs. jail or 240-720 hrs. community service; 4th within 6 yrs.: if all after 4/23/90, \$1000-5000 and 720-2160 hrs. jail or 240-720 hrs. community service
VERMONT	1201, <i>et seq.</i>	.08% BAC	1st: alcohol assessment screening-therapy program or driver rehab if necessary at court's discretion; 2nd completion of therapy program at court's discretion	1st: 90 days; 2nd: 18 months; 3rd: 3 yrs.; 4th: life	1st: max. \$750 and/or up to 2 yrs. jail; 2nd: up to \$1500 and/or 48 hrs. to 2 yrs. jail; 3rd: up to \$2500 and/or up to 5 yrs. jail

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
VIRGINIA	18.2-266(i), <i>et seq.</i>	.10% BAC	Alcohol Safety Action Program for 1st or 2nd offense at court's discretion	1st: 1 yr.; 2nd within 10 yrs.; 3 yrs.; 3rd within 10 yrs.; 3 yrs.	2nd within 10 yrs.: \$200-2500 and 1 mo. to 1 yr. jail; 3rd: \$500-2500 and 2 mos. to 1 yr. jail
WASHINGTON	46.61.502 (1), 515	.10% BAC	1st: alcohol information course or more intensive treatment program as determined by court; 2nd: diagnostic evaluation by alcoholism agency approved by Dept. of Social & Health Services	1st: 90 days; 2nd within 5 yrs.; 1 yr.; 3rd within 5 yrs.; 2 yrs.	1st: \$250-1000 and 24 hrs. to 1 yr. jail; 2nd within 5 yrs.: \$500-2000 and 7 days to 1 yr. jail
WEST VIRGINIA	17C-5-2	.10% BAC	Motor Vehicle Alcohol Test and lock program upon revocation of license	1st: min. 6 mos.; 2nd: 10 yrs.; 3rd: life	1st: \$100-500 and 1 day to 6 mos. jail; 2nd: \$1000-3000 and/or 6 mos. to 1 yr. jail; 3rd: \$3000-5000 and/or 1-3 yrs. jail
WISCONSIN	343.30; 346.63	.10% BAC	Not mentioned	1st: 6-9 mos.; 2nd within 5 yrs.; 1 yr. to 18 mos.; 3rd or more within 5 yrs.: 2-3 yrs.	1st: \$150-300; 2nd within 5 yrs.: \$300-1000 and 5 days to 6 mos. jail; 3rd within 5 yrs.: \$600-2000 and 30 days to 1 yr. jail; 4th within 5 yrs.: \$600-2000 and 60 days to 1 yr. jail; 5th within 5 yrs.: \$600-2000 and 6 mos. to 1 yr. jail
WYOMING	31-5-233; 31-7-127	.10% BAC	No	3rd conviction within 5 yrs.: 3 yrs.	1st: up to \$750 and/or up to 6 mos. jail; 2nd within 5 yrs.: \$200-750 and 7 days to 6 mos. jail

ANCHORAGE DUI REPEATERS

DWI W/REPEAT OFFENDER > ZERO
AS OF 08/24/94

Jim Wolf - Muni Prosecutor

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
	FREDERICK	D	940003755	9489863	19940601	94	0004058	.215	02
ERMAN	ADELBERT	P	940003965	9497636	19940613	94	0004372	.127	01
S	FRANK	L	940004138	94100429	19940617	94	0004470	.000	01
AW	ANDREW		940005251	94133733	19940803	94	0005687	.225	02
MO	MICHELLE	Y	940002525	9458601	19940413	94	0002708	.248	02
ONAK	MATTHEW	J	940002753	9465728	19940424	94	0003043	.000	02
ERSON	ART	A	940005126	94129940	19940729	94	0005529	.199	02
ERSON	RONALD	A	930000189	93187572	19931121	93	0008760	.171	01
ILL	KERRY	S	940005086	94129278	19940728	94	0005504	.118	01
ONY	ANNE	M	930000797	93205768	19931225	93	0009583	.335	02
	CHARLES		940003239	9475939	19940511	94	0003505	.246	01
HOLOMEW	DOUGLAS	J	940000615	94011708	19940122	94	0000551	.221	02
HI	WADE	H	940005063	94128239	19940726	94	0005465	.336	01
ON	NEIL	D	940001596	9438875	19940310	94	0001880	.206	02
MAN	MICHAEL	L	940004580	94115095	19940707	94	0001985	.242	02
NG	SCOTT	W	930000549	93197663	19931210	93	0009198	.170	01
EREN	JOHN	S	940004588	94115137	19940707	94	0004986	.000	01
ARD	JOHN	J	940003343	9478015	19940514	94	0003575	.157	01
	SARAH		940000435	93869460	19931119	93	0008694	.172	01
ETTE	MARY	J	940003231	9475761	19940510	94	0003499	.316	02
	MAUREEN	T	940000267	947760	19940115	94	0000366	.190	01
	AUGUST	E	940005624	94146073	19940822	94	0006158	.364	01
HIFORD	THOMAS	S	940000436	93199630	19931215	93	0009274	.230	07
ER	MARY	J	940001591	9438839	19940310	94	0001875	.241	01
	IAN	C	940003984	9496012	19940610	94	0004318	.141	02
CK	JOHNNY	L	940002413	9456119	19940409	95	0002594	.142	02
	STEVEN	J	940002827	9464522	19940422	94	0002986	.078	02
UIN	ROBERT	H	940001979	9446258	19940323	94	0002191	.235	02
	JOEL	H	940000362	949662	19940118	94	0000428	.200	01
S	RICHARD	D	940000943	9420396	19940206	94	0001013	.200	02
S	RICHARD	D	940000875	9420396	19940206	94	0001013	.200	01
ENDER	WILLIS	L	940003658	9486953	19940528	94	0003961	.232	01
	BRIAN	E	940003805	9491780	19940604	94	0004141	.251	01
AL	SHELLEY	P	940002044	9447723	19940326	94	0002262	.000	01
S	JOHNNIE	C	940003774	9490485	19940602	94	0004086	.296	01
	ROLAND		940002207	9451593	19940401	94	0002389	.000	01
	ROLAND		940000540	9413909	19940126	94	0000645	.282	01
ERIT	JULIE	A	940002152	9427984	19940219	94	0002152	.265	01
	JAMES	A	940000370	94007750	19940115	94	0000362	.214	03
	NICHOLAS	W	930000405	93195329	19931206	93	0009066	.079	01
	PAUL		940004628	94116851	19940710	94	0005064	.000	02
OTHER	MITCHELL	A	940001826	9444156	19940319	94	0002097	.324	03

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BELL	RONNELL	J	940000754	9417772	19940201	94	0000851	.000	01
C	KENNY	L	940001592	9438752	19940310	94	0001872	.000	01
CATIKOFF	NICK	A	940001149	9426392	19940217	94	0001326	.195	01
C	EARNEST	G	940000931	9419664	19940205	94	0000986	.230	01
C	DELBERT	A	940003387	9478675	19940514	94	0003598	.215	01
C	CLIFFORD	C	940001292	9430200	19940224	94	0001469	.000	01
C	ROBERT	G	940000843	946077	19940112	94	0000254	.017	01
C	STEVEN	J	940004020	9496281	19940611	94	0004324	.248	01
C	RICHARD	J	940001406	9433665	19940302	94	0001632	.236	03
C	MARVIN	R	940002045	9447802	19940326	94	0002266	.237	01

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DWI W/REPEAT OFFENDER > ZERO
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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
OK	BRUCE	W	940003896	9493620	19940607	94	0004212	.000	03
OK	LAURA	L	940002950	9467610	19940428	94	0001145	.227	01
OLEY	MICHAEL	T	940001479	9435582	19940305	94	0001734	.151	02
RBEIL	GORDON	C	940003304	9477156	19940512	94	0003537	.167	01
DOVA	STEVE	A	940001333	9431376	19940226	94	0001537	.183	02
SART	ROBERT	M	930000215	93189362	19931124	93	0008838	.070	01
SAN	VICTOR		940003645	94884256	19940530	94	0004005	.342	02
UGHEN	JAMES	M	940000346	947164	19940114	94	0000318	.105	02
Z	FORTUNATO	A	940002949	9467730	19940428	94	0003147	.000	01
MINGS	ERIC		940002728	9461020	19940417	94	0002835	.149	01
ID	MARK	C	940003927	9494885	19940609	94	0004279	.220	01
ID	SHELBY	F	940004479	94111606	19940703	94	0004877	.113	02
WIDSON	DOUGLAS	G	940000773	9417787	19940201	94	0000853	.188	01
VIS	RICARDO		940000713	94015600	19940129	94	0000744	.171	03
VIS	ROBERT	W	940003519	9483070	19940522	94	0003781	.139	01
ASON	SUSAN	M	940001143	9426292	19940217	94	0001316	.191	01
LKETTIE	GERALD	H	940000246	94002752	19940105	94	0000115	.000	03
JOE	LESLIE	M	940003501	9483272	19940521	94	0003759	.144	02
NBRE	JEFFREY	K	940000439	93186339	19931118	93	0008690	.000	01
YARMON	RICHARD	D	940000147	944446	19940108	94	0000192	.000	02
SON	LUDENE	S	940001088	9425022	19940214	94	0001257	.259	02
VIDIO	MICHAEL	B	940005023	94127031	19940724	94	0005424	.000	01
LE	DENNIS	D	940002210	9452353	19940402	94	0002418	.159	01
STERDAY	PATRICK	L	940005279	94134525	19940804	94	0005727	.220	01
AM	JEFFREY		940005402	94140031	19940813	94	0005939	.175	01
LISON	ROBERT	L	930000839	93205933	19931225	00	0000000	.145	03
OSLEY	ROBERT	M	940002529	9458849	19940413	94	0002715	.275	01
SLINGER	JON	H	940000556	9413824	19940125	94	0000643	.190	01
CKMELRA	BILLY	J	940000269	948344	19940115	94	0000382	.118	01
IS	GREGORY	C	930000314	93192745	19931201	93	0008982	.197	01
IS	GREGORY	C	930000109	93185301	19931116	93	0008637	.142	01
BER	ROCHELLE	M	940001478	9435554	19940305	94	0001730	.247	02
YNUS	RAFAL		940005152	94131974	19940731	94	0005599	.156	01
USON	TIMOTHY	C	940005154	94130862	19940730	94	0005566	.000	03
AD	CHAD	A	940003653	9487704	19940529	94	0003988	.261	01
BARBARA	BARBARA	L	940002058	9448627	19940327	94	0002291	.000	01
CHARLES	CHARLES	J	940000876	9419580	19940205	94	0000987	.000	03
ROBERT	ROBERT	W	940004309	94105196	19940624	94	0004624	.255	01
MICHAEL	MICHAEL	A	940004957	94126597	19940724	94	0005413	.160	02
FRANK	FRANK	A	940000382	9410337	19940119	94	0000450	.000	03
KEVIN	KEVIN	J	940001472	9436622	19940306	94	0001768	.150	02
ERNEST	ERNEST	L	940001904	9443653	19940318	94	0002077	.146	03

G	PROY	JOSEPH	H	940004546	94113830	19940706	94	0004923	.000	03
G	COLI	MARTHA		930000145	93182774	19931112	93	0008520	.212	01
G	ENS	CLAUD	W	930000114	93183844	19931114	93	0008576	.174	01
G	T	RALPH	E	940001635	9440019	19940312	94	0001933	.256	02
G	Y	TED	D	940001908	94124801	19940721	94	0005332	.211	01
G	SCH	BRYAN	S	940002186	9451044	19940401	94	0002346	.157	01
G	Y	KENNETH	N	940004973	94126143	19940723	94	0005393	.248	01
G	BERGEN	DUSTIN	L	940000572	9414459	19940127	94	0000677	.238	02
G		RAUL	C	940000965	9420365	19940206	94	0001011	.168	03
G	III	JOHN	S	940003974	9496599	19940611	94	0004333	.000	02

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DWI W/REPEAT OFFENDER > ZERO
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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	EA RES	RPT OFF
LINE	WILLIAM	L	940005445	94139961	19940813	94	0005936	.183	03
G	JOHNNY	D	940000312	93208777	19931231	93	0009723	.320	01
ERREZ	ARON		940004162	94102357	19940619	94	0004550	.174	01
	JAY	W	940000857	93203784	19931221	93	0009475	.000	01
	KIMBERLY	S	940000160	94003796	19940107	94	0000163	.295	02
ARK	RONALD	H	940003801	9492544	19940605	94	0004165	.000	01
TON	KEVIN	F	930000244	93189959	19931126	93	0008862	.155	01
L	JOHN	J	930000245	93189883	19931125	93	0008859	.224	01
ON	GARY	E	940004485	94110865	19940702	94	0004849	.175	01
	DAVID	B	940005513	94141800	19940815	94	0005993	.170	02
N	ROY	L	940001332	9431402	19940226	94	0001538	.159	02
N	TODD	D	940004478	94111342	19940702	94	0004874	.150	01
S	JACK	R	940004322	94105851	19940625	94	0004642	.175	02
S	TOMMY	M	940000847	94728	19940102	94	0000041	.253	02
EY	MCKINLEY	W	940004767	94120915	19940716	94	0005197	.105	02
RICKSON	GILBERT	A	940004866	94123251	19940719	94	0005274	.217	01
RIX	RUSSELL	J	940001336	9431809	19940226	94	0001549	.157	02
Y	JAMES	E	940004824	94122932	19940718	94	0005261	.000	03
Y	JAMES	E	940001173	9426867	19940218	94	0001352	.174	02
ERA	JOSE	R	940002316	9454129	19940406	94	0002485	.000	01
MANN	CHARLES		940001639	9439308	19940311	94	0001894	.000	08
OG-KAHAYURA	MARTHA	M	940004949	94126824	19940725	94	0005420	.331	02
	RANDALL	L	940000446	93187872	19931121	93	0008771	.269	01
	WILLIAM	L	940001334	9431250	19940226	94	0001529	.160	01
	ROBERT	D	930000291	93191240	19931129	93	0008936	.185	01
ERT	STEVEN	C	940000863	93203284	19931220	93	0009439	.208	04
RE	ARNOLD	K	940001290	9429864	19940223	94	0001458	.000	02
	DANIEL	A	940003125	9473464	19940507	94	0003434	.217	01
M	STEVEN	R	940003010	9469678	19940501	94	0003239	.243	01
SCHER	MARLA	R	940005151	94130777	19940729	94	0005564	.120	02
SCHER	MARLA	R	940003146	9473436	19940507	94	0003427	.144	01
REY	RODNEY	C	930000669	93201495	19931218	93	0009390	.000	02
MAN	ROBERT	E	940001408	9433508	19940302	94	0001627	.000	02
MAN	SCOTT	J	940000761	9417936	19940202	94	0000862	.168	01
ISON	GRANT	T	940003605	9485501	19940525	94	0003889	.178	03
ISON	GRANT	T	940002988	9464067	19940422	94	0002988	.171	02
N	ROY	D	940002222	9452965	19940404	94	0002442	.000	01
GG	RONALD	L	940001739	93201225	19931217	93	0000000	.000	03
TT	JAMES	J	940000167	93208644	19931231	93	0009716	.166	01
LES	MICHAEL	V	940000591	9414896	19940127	94	0000706	.000	03
INGS	CHARLES	B	930000486	93196067	19931207	93	0009109	.185	01
ON	MISTY	K	930000981	9386337	19930605	93	0004388	.304	01

J	S	MICHAEL	H	930000393	93174963	19930806	93	0007690	.000	01
J	S	ROBERT	C	930000290	93190936	19931128	93	0008919	.000	03
J	W	THOMAS	W	940002289	9453483	19940404	94	0002468	<u>.193</u>	02
J	E	SCOTT	E	930000317	93192832	19931202	93	0008985	.185	01
K	HATAG	BARBARA	A	940001314	9430715	19940225	94	0001500	.000	01
K	HATAG	EDWARD	J	940005297	94136523	19940807	94	0005794	.202	01
K	TER	STEVEN	E	940003632	9486093	19940526	94	0003920	.064	01
K	ON	ROBERT	D	940001027	9423540	19940212	94	0001205	.134	06
K		KALEILANI	F	940000733	9417349	19940201	94	0000830	.227	01
K	EILUK	DOLLY		940004338	94105991	19940125	94	0004650	.263	01

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DWI W/REPEAT OFFENDER > ZERO
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LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
WICK	ROBERT	G	93000505	93197835	19931211	93	0009207	.215	01
HTEEN	DERWIN	R	94000009	94000585	19940101	94	0000036	.152	01
CHAK	ELIZABETH	S	930000743	93202804	19931220	93	0009432	.307	02
SSE	CHARLES	D	940003514	9483631	19940523	94	0003797	.162	01
JOHN	JOHN	M	930000519	93198269	19931212	93	0009217	.209	02
SH	DAGNEY	J	940001413	9433460	19940301	94	0001623	.000	01
KENNETH	KENNETH	W	940000592	9415066	19940128	94	0000771	.191	03
ARTHUR	ARTHUR	P	930000577	93199307	19931214	93	0009246	.135	01
FREEMAN	FREEMAN	L	940003825	9492103	19940605	94	0004152	.101	01
ARTEMON	ARTEMON	A	940003005	9470135	19940501	94	0003252	.229	01
WILLIAM	WILLIAM	J	930000213	93188534	19931123	93	0008802	.000	01
BRIAN	BRIAN	D	930000650	93200969	19931217	93	0009354	.197	01
WALTER	WALTER	R	940002155	9450150	19940330	94	0002325	.000	04
RICHARD	RICHARD	W	940002345	9454568	19940406	94	0002499	.000	03
WALTER	WALTER	E	940000150	943983	19940108	94	0000171	.191	01
REUBEN	REUBEN	G	940000573	9414514	19940127	94	0000681	.250	01
EDITH	EDITH	M	940001335	9431964	19940227	94	0001556	.206	01
STEVEN	STEVEN	A	940001175	9426910	19940218	94	0001355	.173	01
CHRIS	CHRIS	E	940005680	94145297	19940820	94	0006141	.260	02
JEFFERSON	JEFFERSON	A	930000035	93158564	19930930	00	0937466	.000	04
EDWARD	EDWARD		940003120	9474033	19940508	94	0003447	.135	01
DOMINICK	DOMINICK	G	940003288	9477328	19940513	94	0003549	.247	03
JUAN	JUAN	C	940005685	94145460	19940821	94	0006150	.307	04
PAUL	PAUL	D	940003495	9481974	19940520	94	0003751	.000	02
PHYLLIS	PHYLLIS	A	940000795	9418451	19940203	94	0000890	.169	02
CHRISTOPHE	CHRISTOPHE		940005678	94145442	19940821	94	0006146	.195	01
JOHNNY	JOHNNY		940000698	9416122	19940179	94	0000765	.128	02
CORY	CORY	W	940001042	9424503	19940213	94	0001240	.144	02
EDWARD	EDWARD	T	930000192	93188542	19931123	93	0008804	.192	02
VIOLET	VIOLET	E	940004171	94101610	19940618	94	0004522	.239	01
ANGRIS	ANGRIS	J	930000677	93202280	19931219	93	0009415	.245	02
JAMES	JAMES	J	940004582	94115105	19940707	94	0004984	.000	02
MICHAEL	MICHAEL	S	940004286	94104325	19940622	94	0004599	.191	02
TIM	TIM	O	940000853	94000155	19940101	94	0000015	.234	01
LAURENCE	LAURENCE	R	940001486	9436238	19940306	94	0001754	.263	01
NORMAN	NORMAN	E	940004238	94103170	19940621	94	0004573	.000	01
TAMMY	TAMMY	E	940004980	94126370	19940723	94	0005397	.000	01
MICHAEL	MICHAEL	J	940003391	9477995	19940514	94	0003572	.144	03
MICHAEL	MICHAEL	L	940004228	94101547	19940618	94	0004520	.000	05
HARRY	HARRY	S	940000807	9419018	19940204	94	0000933	.195	01
MICHAEL	MICHAEL	H	930000185	93187524	19931121	93	0008755	.176	02
DAVID	DAVID	W	940000784	9418392	19940203	94	0000885	.193	03

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KEVIN	I.	930000551	93197614	19931210	93	0009194	.289	01
ERNEST	S	940003975	9496717	19940611	94	0004337	<u>.212</u>	<u>02</u>
JAMES	K	930000331	93193411	19931203	93	0009005	<u>.216</u>	<u>02</u>
CYNTHIA	A	940003611	9485161	19940525	94	0003873	<u>.000</u>	<u>02</u>
MASSA	D	940005379	94137181	19940809	94	0005820	<u>.143</u>	<u>02</u>
CHERISE	A	940001702	9440197	19940311	94	0001944	<u>.231</u>	<u>03</u>
STEVEN	R	940003788	9490415	19940602	94	0004084	<u>.116</u>	<u>02</u>
WILLIE	E	930000575	93199287	19931214	93	0009244	.180	01
MIKE	W	940005584	94143898	19940818	94	0006087	.199	01
CLAUDE	L	940003102	9471968	19940504	94	0003351	.283	01

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DWI W/REPEAT OFFENDER > ZERO
AS OF 08/24/94

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
MEYER	BRUCE	M	940000699	9416229	19940130	94	0000775	.233	01
MEDON	BRUCE	E	940004456	94110890	19940702	94	0004851	.000	03
MEDON	CHRISTOPHE	P	940005160	94131567	19940731	94	0005584	.128	01
MEDON	JEFFRY	A	940000152	944928	19940109	94	0000214	.119	02
MEDUROFF	MACAR	J	940000746	94011466	19940121	94	0000534	.000	01
MEDOLS	CHARLES	D	940003775	9490638	19940602	94	0004091	.218	02
MEDOLS	CHARLES	D	940003012	9468710	19940429	94	0003205	.230	02
MEDOLS	JENNIFER	J	940001893	9445178	19940321	94	0002138	.108	01
MEDOLS	RAYMOND	E	940005674	94144769	19940820	94	0006127	.000	02
MEDOLSON	ROGER	C	940001185	9428557	19940220	94	0001402	.000	01
MEDON	ERIC	B	930000460	93196549	19931208	93	0009143	.139	02
MEDON	SHANNON	P	940000010	94000679	19940102	94	0000039	.169	01
MEDON	SCOTT	A	940004023	9496057	19940610	94	0004316	.145	01
MEDON	MICHAEL	J	940001043	9424696	19940214	94	0001247	.172	01
MEDON	GEORGE	N	940001656	9439627	19940312	94	0001912	.211	02
MEDON	IRENEUCZ		940005065	94128192	19940726	94	0005464	.232	01
MEDON	LEONARD	J	940004789	94121814	19940717	94	0005228	.189	02
MEDON	MELCHOR	H	940001768	9442486	19940316	94	0002005	.167	01
MEDON	DONALD	A	940004487	94110658	19940701	94	0004844	.183	01
MEDON	DAVID		940005392	94138252	19940810	94	0005852	.000	02
MEDON	KEVIN		940003660	9488257	19940530	94	0004001	.204	01
MEDON	KENNETH	Q	940001265	9429619	19940223	94	0001437	.237	01
MEDON	KENNETH	Q	940000924	9419587	19940205	94	0000981	.239	01
MEDON	WALTER	R	940003776	9490757	19940	94	0004097	.000	01
MEDON	DAVID	L	940002373	9455406	19940	94	0002557	.215	06
MEDON	RICHARD	E	940005149	94131510	1994073	94	0005583	.226	03
MEDON	CHARLES	E	930000485	93198632	19931209	93	0009149	.173	01
MEDON	BERTHA	J	940000700	9415915	19940129	94	0000758	.101	02
MEDON	VICTOR	L	930000526	93198061	19931211	93	0009212	.225	01
MEDON	JAMES	R	940005676	94144782	19940820	94	0006129	.197	01
MEDON	VERNITA	M	940000006	93195999	19931207	93	0009106	.000	02
MEDON	CHERYL	L	940000402	946042	19940113	94	0000305	.000	02
MEDON	HARRY	N	940002539	9459085	19940414	94	0002734	.037	02
MEDON	LOWELL	V	940000810	9419015	19940204	94	0000936	.199	02
MEDON	LOWELL	V	940003576	9484887	19940525	94	0003857	.244	01
MEDON	CLARENCE	R	940003339	9478520	19940514	94	0003592	.190	01
MEDON	CHARLES	F	940000274	947762	19940115	94	0000363	.000	01
MEDON	JOSEPH		940004036	9496990	19940612	94	0004349	.209	02
MEDON	GLEN		940001625	9440133	19940313	94	0001939	.159	02
MEDON	ALBEN	P	940002835	9465429	19940424	94	0003032	.139	01
MEDON	TAMMY		940005259	94136482	19940807	94	0005792	.260	01
MEDON	EARLENE	E	930000183	93187394	19931120	93	0008748	.170	01

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NAME	INITIALS	SSN	DOB	AGE	STATUS	AMOUNT	DATE
LINCOLN	N	940003976	9457009	19940612	94	0004350	.204
WALTER	L	930000358	93194031	19931204	93	0009026	.000
LORNA	D	940004024	9497584	19940612	94	0004368	.215
ANGEL	C	940003206	9471721	19940509	94	0003478	.243
ROBERT	J	940001139	9426065	19940216	94	0001307	.000
HARRY		940003804	94922730	19940606	94	0004168	.150
KIRK	T	940004186	94101875	19940619	94	0004532	.094
LYNDON	D	940005585	94143731	19940818	94	0006082	.217
GREGORY	L	940001660	9439428	19940311	94	0001898	.308
DELBERT	G	940000166	94000090	19940101	94	0000007	.213

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DWI W/REPEAT OFFENDER > ZERO
AS OF 08/24/94

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
SAMUELSON	HOWARD	B	940004344	94105721	19940624	94	0004641	.180	02
SAMUEZ-MORALES	JOSE	R	940003608	9485581	19940526	94	0003894	.264	03
SAMUEZ-MORALES	JOSE	R	940000381	9410443	19940120	94	0000452	.246	01
SAMUEZ	CHARLES	W	940004025	9496876	19940611	94	0004347	.192	01
SAMUEZ	LAURA	C	940004264	94103523	19940621	94	0004583	.249	01
SAMUEZ	ROY	B	940004954	94127057	19940725	94	0005426	.000	01
SAMUEZ	JULIE	A	930000332	93193400	19931203	93	0009002	.226	01
SCHEIDT	SCOTT	M	940000928	9419460	19940204	94	0000976	.173	01
SCHEIDT	DALE	T	940000612	94011011	19940121	94	0000510	.152	01
SCHEIDT	DAVID	F	940001188	9428162	19940220	94	0001394	.000	01
SCHEIDT	ROBERT	P	940004972	94126365	19940723	94	0005404	.000	01
SCHEIDT	JOHATHAN	B	940002982	9468324	19940429	94	0003178	.232	02
SEDERHIST	GIDEON	C	940001037	9424215	19940213	94	0001222	.257	01
SEDERHIST	JOHN		940004623	94116741	19940710	94	0005063	.000	01
SHAFER	FRITZ	L	940004331	94107257	19940627	94	0004688	.287	01
SHEPHERD	RUSSELL	L	940002899	9467158	19940427	94	0003110	.188	03
SHUMWAY	GENE	T	940000466	9411575	19940121	94	0000519	.088	01
SKIEN	WILLIAM	R	940000057	93208862	19931231	93	0009725	.200	02
SLAVIN	TONY	V	940000000	94118569	19940712	94	0005125	.187	03
SLAVIN	TONY	V	930000000	93187436	19931120	93	0008751	.000	02
SMITH	CLINTON	W	930000035	93193149	19931202	93	0008992	.213	01
SMITH	DALLAS	A	940001036	9424309	19940213	94	0001234	.186	01
SMITH	DAVID	J	940005357	94135660	19940806	94	0005754	.212	01
SOMMERHOFF	ROBERT	E	940001577	9484950	19940525	94	0003859	.206	02
SOMMERVILLE	KENNETH	G	940000703	9415117	19940128	94	0000715	.095	01
SOUTHWELL	FRANKLIN	R	940003329	9479032	19940515	94	0003607	.000	01
SOUTHWELL	JACKIE	I	920000037	92158752	19921001	92	0007595	.332	03
SPEER	JIM	L	930000809	93205950	19931225	00	0000000	.239	01
STARBUCK	MARK	S	940001196	9429143	19940222	94	0001418	.161	01
STEINBERG	CHRISTOPHE	R	940004079	9498971	19940615	94	0004423	.000	01
STEINBERG	GARY	M	940004834	94122975	19940718	94	0005263	.123	01
STEINBERG	GARY	M	940001187	9427940	19940219	94	0001387	.160	01
STEINBERG	ARTHUR	M	940004760	94121912	19940717	94	0005212	.300	01
STEINBERG	JOHN	W	940002315	9454137	19940405	94	0002482	.281	01
STEINBERG	LUCILLE		940004406	94108671	19940629	94	0004731	.000	01
STEINBERG	KEVIN		940003060	9470489	19940502	94	0003291	.327	01
STEINBERG	ALEXANDER	S	940001310	9430699	19940225	94	0001459	.090	01
STEINBERG	JAMES		940001032	9424481	19940214	94	0001238	.239	01
SMALL	SAMUEL	S	930000102	93187013	19931120	93	0008739	.105	01
THEODORE	DALE	E	930000463	93196046	19931207	93	0009107	.000	03
THEODORE	HERBERT	W	930000253	93190471	19931127	93	0008903	.116	01
THEODORE	RONNIE	T	940001335	9424203	19940213	94	0001220	.000	02

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TUPLE	OTTO	R	930000623	93200343	19931216	93	0009312	.257	04
TAS	HELEN	L	940001358	9431748	19940226	94	0001547	.166	01
T PSON	JOHN	F	940002420	9457229	19940410	94	0002625	.000	02
NE	MARK	J	940002421	9437172	19940410	94	0002622	.314	02
NTON	TROY	S	940004174	94102015	19940619	94	0004541	.000	01
	CHRISTOPHE	A	930000088	93183853	19931111	93	0008579	.177	01
	JAMES	L	930000330	93190953	19931128	93	0008917	.156	01
	TIMOTHY	H	940000858	9412387	19940123	94	0000577	.173	01
	BILLY	J	940001537	9437281	19940308	94	0001793	.000	01
KAYLOK	GLENN	W	930000339	93193414	19931203	93	0009003	.000	03

DWI W/REPEAT OFFENDER > ZERO
AS OF 08/24/94

LAST NAME	FIRST NAME	M I	CASE KEY	REPORT NUMBER	OFFENSE DATE	DC YR	DC NBR	BA RES	RPT OFF
WYLOK	THOMAS	W	940001409	9433503	19940301	94	0001624	.211	02
WYLOK	STEVEN	L	940000860	93209179	19931231	94	0000001	.283	03
WYLOK	STEVEN	L	940000428	93174814	19931028	94	0000514	.000	03
WYLOK	CRISTIAN		940003396	9479894	19940516	94	0003638	.237	01
WYLOK	TERRY	J	940000801	9418801	19940203	94	0000921	.000	02
WYLOK	KENNETH	G	940000862	93191005	19931128	93	0008925	.000	01
WYLOK	DAVID	A	940004107	9499710	19940616	94	0004445	.172	01
WYLOK	MARTY	G	940000785	9411121	19940121	94	0000515	.000	01
WYLOK	CARYN	E	940004282	94101922	19940619	94	0004538	.125	01
WYLOK	LARRY	B	940001361	9431246	19940226	94	0001531	.176	01
WYLOK	JAMES	D	940001626	9439770	19940312	94	0001922	.330	01
WYLOK	GREGORY	C	930000747	93203180	19931220	93	0009438	.205	01
WYLOK	WALTER	L	940001390	9432984	19940301	94	0001595	.205	02
WYLOK	GUSTY		940000797	9418404	19940203	94	0000888	.175	02
WYLOK	KAREN	M	940002399	9455943	19940408	94	0002586	.153	02
WYLOK	KAREN	M	940001331	9431382	19940226	94	0001535	.202	01
WYLOK	TONI	S	940000930	9419600	19940205	94	0000985	.167	01
WYLOK	CLEO	C	940000162	94001742	19940104	94	0000071	.267	07
WYLOK	DON	A	940001030	9424268	19940213	94	0001232	.145	02
WYLOK	RALPH	P	940001798	9443063	19940318	94	0002047	.188	01
WYLOK	GARY	K	940001924	9444272	19940320	94	0002110	.093	01
WYLOK	JONATHAN		940001142	9426186	19940216	94	0001310	.301	02
WYLOK	ROY	M	940000707	9415516	19940128	94	0000741	.257	01
WYLOK	LARRY	D	940004893	94124253	19940720	94	0005301	.000	04
WYLOK	DANE	J	940000309	94006453	19940112	94	0000265	.307	02
WYLOK	DANIEL	E	940000565	94012247	19940122	94	0000566	.000	02
WYLOK	KEVIN	D	940003635	9466199	19940527	94	0003823	.185	01
WYLOK	PAUL	D	930000087	93184169	19931114	93	0008591	.244	02
WYLOK	SHIRLEY	A	930000884	93186491	19931119	93	0008695	.000	01
WYLOK	TIMOTHY	B	940005123	94129868	19940729	94	0005526	.257	02
WYLOK	JASON	R	940004347	94106272	19940625	94	0004657	.284	01
WYLOK	JEFFREY	A	940004348	94105962	19940625	94	0004649	.185	01
WYLOK	PHILLIP	J	940004892	94124339	19940720	94	0005304	.236	02
WYLOK	RALPH	M	940003931	9495421	19940610	94	0004291	.000	02
WYLOK	BRETT	A	940003021	9469063	19940430	94	0003225	.000	01
WYLOK	MICHAEL	L	940001191	9427429	19940219	94	0001379	.192	02
WYLOK	AARON	Q	940005397	94138559	19940811	94	0005864	.204	02
WYLOK	AARON	Q	940003875	9493373	19940607	94	0004201	.000	01
WYLOK	JEFFREY	S	940003784	9490826	19940603	94	0004103	.234	01

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HB

159

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/3/95

FURTHER:

DATE TURNED INTO OFFICE: 5-8-95

The Finance Committee considered CS FOR HOUSE BILL NO. 159(JUD)

Allowing a person under age 21 to be arrested by a peace officer without a warrant for illegal possession, consumption, or control of alcohol; efd.

and recommends:

- be replaced with 5 CS CS HB 159 (Fin)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title

*5CS (Fin)
 Coming
 and new
 Fiscal notes
 Coming*

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Keri</i>	✓		
		<i>Roller</i>	✓		
		<i>Bob Shamp</i>	✓		
		<i>Fiscal Note of 1,208.7 is a</i>		X	
Co-Chair:		Co-Chair: <i>Bob Shamp</i>	✓		
Co-Chair:		Co-Chair: <i>Rick Halford</i>	✓		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Courts	5/6/95	0	114.0
DOC	5/7/95		540.0

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DORaw	7/10/95		284.1
Courts	7/22/95		131.6
DPS	7/10/95		59.4
DOA	4/03/95		297.5

Budget Trust

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

BILL NO: HB159

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL VERSION: _____

Revision Date: March 7, 1995
Title: An Act relating to DWI Laws

Dept. Affected: Alaska Court System
BRU: Alaska Court System

Sponsor: Representative Porter, Bunde
Requestor: _____

Components: Trial Courts
Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services						
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE	114.0	114.0	114.0	114.0	114.0	114.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

The Court System has determined that an estimated \$760.0 in new fines could be assessed by the Courts as a result of this bill. However, between 80% and 90% of this amount will be uncollectable for lack of financial resources on the part of the defendants. The Public Defender fiscal note estimates that they will handle 80% of the prosecutions under this law. Therefore, all but between \$76.0 and \$152.0 of the assessed fines cannot be relied upon to defray the costs of this legislation. Conservatively, \$114.0 could be expected to be collected by the Court System if the 330 case average is accurate.

Prepared by: Kathryn Daughhete, Fiscal Analyst *Kad*
Legislative Finance Division

Date: May 6, 1995

Phone: 465-5435

Prepared for: Senate
Finance Committee
Rich Helford
(Chairman)

Date:

FISCAL NOTE

** CORRECTED FISCAL NOTE***

No. 6

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL
Bill Version: SCSCSHB 159 FIN
(S) Publish Date: 5/9/95

Revision Date: March 7, 1995
Title: An Act relating to DWI Laws
Sponsor: Representative Porter, Bunde
Requestor: _____

Dept. Affected: Corrections
BRU: Statewide Programs
Components: Comm Corr Director/CRCs
Serial #: 1382

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services	122.0	253.0	259.5	269.2	273.3	283.6
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	418.4	836.8	836.8	836.8	836.8	836.8
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	540.4	1089.8	1096.3	1106.0	1110.1	1120.4

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	540.4	1089.8	1096.3	1106.0	1110.1	1120.4
Federal Fund						
Other						
TOTAL	540.4	1089.8	1096.3	1106.0	1110.1	1120.4

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

This fiscal note has been prepared in conformance with the analysis the Department provided in a prior fiscal note, except that the implementation year funding has been reduced by one-half, to more accurately reflect the timing of the impact on Corrections. A copy of the Departments previous fiscal note and analysis is attached for reference.

Prepared by: Kathryn Daughhete, Fiscal Analyst Kad
Legislative Finance Division

Date: May 7, 1995
Phone: 465-5435

Prepared for: Senate Finance Committee
(Chairman) Rick Halford

Date: _____

FISCAL NOTE

No. 1

Bill Version: CSHB 159 (JUD)

(H) Publish Date: 3/29/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...classifying certain offenses...driving while
intoxicated...failure to submit to a chemical test...as felonies..." BRU: Prosecution
 Sponsor: Representative Porter Component: Third Judicial District
 Requester: Representative Porter COMPONENT SERIAL NO. 0087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	218.5	218.5	218.5	218.5	218.5	218.5
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	28.2	28.2	28.2	28.2	28.2	28.2
SUPPLIES	11.4	11.4	11.4	11.4	11.4	11.4
EQUIPMENT	30.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	294.1	264.1	264.1	264.1	264.1	264.1

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	294.1	264.1	264.1	264.1	264.1	254.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	294.1	264.1	264.1	264.1	264.1	264.1

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	4.0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill makes several changes in state laws regarding alcoholic beverages, driving while intoxicated, driving while license suspended, and refusal to submit to a chemical test.

First, the bill amends AS 12.25.030(b) to make it clear that a peace officer may arrest a person under 21 years of age without a warrant when the peace officer has reasonable cause to believe that the person knowingly possessed, consumed or controlled alcoholic beverages in violation of AS 04.16.050. This provision overrules a recent court decision, and restores past practice. Therefore, this change will not have a fiscal impact.

Second, the bill increases the penalty for a third or subsequent driving while intoxicated conviction from a class A misdemeanor to a class C felony, except that only convictions occurring within five years preceding the date of the present offense may be included. A court would be required to impose a minimum term of

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/16/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/16/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA 1995 LEGISLATIVE SESSION

ANALYSIS CONTINUATION:

imprisonment of 120 days for a third conviction and 240 days for a fourth or subsequent conviction. A minimum fine of \$5,000 would be imposed for a third or subsequent conviction. A court would not be permitted to suspend execution of sentence or grant probation except on the condition that a person serve the minimum sentence of imprisonment. And, a court would not be permitted to suspend imposition of sentence.

Currently, a third conviction results in a minimum sentence of sixty days imprisonment and a fine of not less than \$1,000. A fourth conviction results in a minimum period of imprisonment of 120 days and a fine of not less than \$2,000. A fifth conviction results in a minimum of 240 days imprisonment and a fine of not less than \$3,000. And a sixth conviction results in not less than 360 days of imprisonment and a fine of not less than \$4,000. The crime of driving while intoxicated, whatever the number of offenses, is a class A misdemeanor under existing law, and the counting of offenses for purposes of increasing the sentence covers a ten year span. Consequently, the existing penalties would remain in place for repeat offenders if the third or subsequent offense occurred between the sixth and the tenth year after the first offense.

Third, the bill raises the penalty for a third or subsequent refusal to submit to a chemical test from a class A misdemeanor to a class C felony, under the identical circumstances (three or more convictions within five years), and imposes identical minimum sentences.

Finally, the bill would also make it a class C felony if a person drives a motor vehicle while their license was revoked as a result of a felony conviction for driving while intoxicated or refusal to submit to a chemical test. Under current law, driving while a license is suspended or revoked is a class A misdemeanor. We note that the felony DWLS provision is triggered by a prior felony. The state's presumptive sentencing laws require a sentence of two years of imprisonment upon a second felony conviction.

During the past three years an average of 330 defendants have been convicted of three or more DWI/Refusal violations within five years. Based upon the department's DWI/Refusal conviction rate, approximately 400 additional felony level DWI/Refusal cases will be referred to the department for prosecution. Of this number, about 380 cases will be taken to the grand jury for indictment. The department currently handles about 4,000 felonies annually. Thus, raising this large a number of misdemeanor offenses to felony offenses represents a substantial increase in our workload, because of the additional effort required to process a felony case. This includes grand jury proceedings, motion practice, pre-sentence reports, 12-person juries, and sentencing hearings. None of these additional processes are required for the prosecution of misdemeanors. We also note, that although these cases are to be processed as felonies, the minimum sentence provisions are still those that attend misdemeanor offenses. Moreover, the increase in jail time (nearly 80% or 260 of 330 convictions are for third-time offenders) is bound to result in tougher defenses and more defendants going to trial, rather than pleading guilty. This will be of particular concern to felony defendants because of the consequences of presumptive sentencing.

Therefore, because of the large increase in felony processing, the department will have to add two Attorney III positions, one each in Anchorage, and Palmer where the largest number of offenses occur. Additionally, because of the higher level of activity one Legal Secretary I position will have to be added at both Anchorage and Palmer.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 159

ANALYSIS CONTINUATION:

FISCAL ANALYSIS

Component Location Job Title	Third Jud. District (0087)				<u>TOTAL</u>
	<u>Anchorage Attorney III</u>	<u>Anchorage Leg. Sec. I</u>	<u>Palmer Atty III</u>	<u>Palmer Leg. Sec. I</u>	
Personal Services	71.7	36.1	74.1	36.6	218.5
Travel	3.0	0.0	3.0	0.0	6.0
Contractual	8.6	6.0	7.6	6.0	28.2
Supplies	3.3	2.4	3.3	2.4	11.4
Equipment	<u>6.5</u>	<u>8.5</u>	<u>6.5</u>	<u>8.5</u>	<u>30.0</u>
Total	93.1	53.0	94.5	53.5	294.1

01/24/95

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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

1

DEPARTMENT OF LAW

SCENARIO: 3

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DRU NAME: PROSECUTION

PCH	UNANTH PCH	JOB CLASS TITLE	T S	LOCATION NAME	R C	D U	S	R&S BUDG	HOS	SALARY	PREM PAY	DERES	PER.SERV. COSTS	G. F. AMOUNT
#030		ATTORNEY III	F	ANCHORAGE	A	XE	AA	22A	12	53304	0	10305	71609.90	

*** JUSTIFICATION:

This position will be needed to handle an increased felony workload when the penalty for driving while intoxicated (or refusing to take a chemical test) for the 3rd or more times is raised from a class A misdemeanor to a class C felony.

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	6600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS 93009.90 71609.90

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 71609.90

TOTAL FUNDING 71609.90

#031		LEGAL SECRETARY I	F	ANCHORAGE	A	GC	2A	10A	12	24756	0	11367	36123.02	
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*** JUSTIFICATION:

This position will be needed to handle an increased felony workload when the penalty for driving while intoxicated (or refusing to take a chemical test) for the 3rd or more times is raised from a class A misdemeanor to a class C felony.

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	6000.00
SUPPLIES COSTS	2400.00
EQUIPMENT COSTS	8500.00
OTHER COSTS	0.00

TOTAL COSTS 53023.02 36123.02

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36123.02

TOTAL FUNDING 36123.02

*** COMPONENT TOTALS:

FULL TIME NEW POSITIONS	2	TOTAL PERSONAL SERVICES	107013.00
PART TIME/SEASONAL NEW POSITIONS	0		
NON PERMANENT NEW POSITIONS	0	TOTAL COSTS INC. ASSOC COSTS	146113.80
OTHER.....	0		

NUMBER OF NEW POSITIONS IN COMPONENT: 2

FUNDING DATA: G.F. & G.F. MATCH: 107013.00

OTHER FUNDS: 0.00

TOTAL FUNDING: 107013.00

02/14/95

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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	F S	LOCATION NAME	R B S C U	A&S HOS BUDG	SALARY	PREM PAY	DERES	PER.SERV. COSTS	G. F. AMOUNT
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31026		ATTORNEY III	P	DILLINGHAM	A XE III	22A 6	33900	0	9723	43623.54	
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*** JUSTIFICATION:

substantial increases in the penalties for commercial fishing violations will result in more vigorous defense by defendants and will increase the number of trials significantly.

TRAVEL COSTS	3500.00
CONTRACTUAL COSTS	5000.00
SUPPLIES COSTS	1200.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS	59023.54	43623.54
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*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	43623.54
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TOTAL FUNDING	43623.54
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31059		ATTORNEY III	F	ANCHORAGE	A XE AA	22A 12	53304	0	10305	71689.98	
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*** JUSTIFICATION:

This position will be needed to handle an increased felony caseload if state criminal mischief laws are amended to also the penalty for joyriding from a class A misdemeanor to a class C felony.

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	8600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS	93089.98	71689.98
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*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	71689.98
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TOTAL FUNDING	71689.98
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0307		ATTORNEY III	F	PALMER	A XE DB	22A 12	55260	0	10073	74133.41	
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*** JUSTIFICATION:

This position will be required to handle the additional legal actions required to prosecute third-time DWI/refusal prosecutions as felonies rather than misdemeanors. This includes securing grand jury indictments and overcoming a tougher defense due to the substantially increased penalties.

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	7600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

TOTAL COSTS	94533.41	74133.41
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*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	74133.41
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TOTAL FUNDING	74133.41
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03060		LEGAL SECRETARY I	F	PALMER	A GG 2A	10A 12	25140	0	11463	36603.52	
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*** JUSTIFICATION:

This position will be required to handle the additional legal actions required to prosecute third-time DWI/refusal prosecutions as felonies rather than misdemeanors. This includes securing grand jury

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	6000.00
SUPPLIES COSTS	2400.00
EQUIPMENT COSTS	6500.00

02/14/95

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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	D U	S	R&S MOS	SALARY BUDG	PREM PAY	BENEF PAY	PER.SERV. COSTS	G. F. AMOUNT
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Indictments and overcoming a tougher defense due to the substantially increased penalties.

OTHER COSTS 0.00

TOTAL COSTS 53503.52 36603.52

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36603.52

TOTAL FUNDING 36603.52

***	POSITION TOTALS:												
	FULL TIME NEW POSITIONS		3										TOTAL PERSONAL SERVICES 226050.45
	PART TIME/SEASONAL NEW POSITIONS		1										TOTAL COSTS INC. ASSOC COSTS 300950.45
	NON PERMANENT NEW POSITIONS		0										
	OTHER.....		0										
			====										
	NUMBER OF NEW POSITIONS IN COMPONENT:		4										
													FUNDING DATA: G.F. & G.F. MATCH: 226050.45
													OTHER FUNDS: 0.00
													=====
													TOTAL FUNDING: 226050.45

No. 3
 Bill. version: CSHB 159 (JUD)
 (H) Publish Date: 3/29/95

FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to DWI laws BRU: Trial Courts
 Components: _____
 Sponsor: Reps. Porter, Bunde
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	59.6	59.6	59.6	59.6	59.6	59.6
TRAVEL						
CONTRACTUAL	68.0	68.0	68.0	68.0	68.0	68.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	3.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	131.6	128.6	128.6	128.6	128.6	128.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	131.6	128.6	128.6	128.6	128.6	128.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	131.6	128.6	128.6	128.6	128.6	128.6

POSITIONS

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY	1.0	1.0	1.0	1.0	1.0	1.0

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CHC* Phone: 264-8228
 Agency: Alaska Court System Date: 02/22/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CHC* Date: 02/22/95
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
HB 159

HB 159 increases the classification of a third or subsequent conviction for driving while intoxicated or refusing to submit to a chemical test from a class A misdemeanor to a class C felony, if the offenses occurred within a five year period. A person would receive a minimum 120 days in jail for a third conviction within a five year period, and a minimum 240 days in jail for a fourth or subsequent conviction within a five year period.

The bill also allows a person under the age of 21 to be arrested without a warrant for the illegal possession, consumption or control of alcoholic beverages.

At the present time, approximately 380 persons are charged each year with a third or subsequent DWI or refusal within a five year period. Handling these as felony cases rather than misdemeanor cases will substantially increase the court costs associated with the offenses. An average third or subsequent misdemeanor DWI trial can be expected to last one day and is tried before a six member jury. A felony DWI trial can be expected to average 3 days in length and will be tried before a 12 member jury. The extra trial time results from the more serious consequences of a felony conviction; attorneys for both sides spend more time on matters such as jury selection, examination of witnesses, and motion practice.

Because of the more serious consequences of a felony conviction, the trial rates can be expected to increase substantially. Because there is no prosecutorial discretion with respect to charge or recommended sentence as there is in most other felony cases, the trial rate for this crime will very likely be higher than it is for more serious felonies. This note assumes that the trial rate will increase from approximately five percent to approximately 15 percent.

Unlike misdemeanor cases, felony cases require presentment to a grand jury. HB 159 will increase the number of cases presented to grand juries each year approximately 14 percent, with a corresponding increase in juror costs.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 4
Version: CSHB 159 (JUD)
(H) Publish Date: 3/29/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: DWI Laws/minors in possession BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Porter
 Requestor: (H) Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	59.4	59.4	59.4	59.4	59.4	59.4
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	59.4	59.4	59.4	59.4	59.4	59.4
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	59.4	59.4	59.4	59.4	59.4	59.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	59.4	59.4	59.4	59.4	59.4	59.4

Estimate of current year (FY 95) impact: \$ -0-

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.)
See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 02/13/95
 Approved by Commissioner: Ronald L. Otte Date: 2-16-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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 Div. of Admin. Services
 Dept. of Public Safety
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ANALYSIS
HB 159

This legislation will allow for the arrest of minors for violations of liquor laws, establishes Class C felonies for third time offenders of Driving While Intoxicated (DWI) or Breath Test Refusal and for Driving With License Revoked (DWLR) if the license was revoked as a result of a felony DWI or Breath Test Refusal Conviction. This fiscal note is intended to provide sufficient State Trooper clerical support time to meet the increased demands resulting from this bill.

Section 1 of the bill allowing for the warrantless arrest of minors for alcohol violations addresses the impact of recent court interpretations that ruled that law enforcement officers must obtain an arrest warrant before an arrest of this type can be made. This statute change will allow the police to continue past practices in enforcement of the alcohol laws as they pertain to minors. Therefore this change will have no financial impact.

Sections 5, 7 and 10 relating to the establishment of Class C felonies for third time DWI, Breath Test Refusal and or certain DWLR convictions will financially impact the Alaska State Troopers.

Although precise statistics can not be made available within the time frame necessary for this fiscal note response, approximately 400 DWI arrests per year are believed to be made for third time offenders. Of these, 380 go to grand jury and approximately one-third, or 127 of the grand jury cases involve the State Troopers.

The assumptions upon which this fiscal note are based are discussed below:

1) It is estimated that approximately 127 cases of this type per year will be investigated by the Alaska State Troopers.

2) Felony cases require evidentiary hearings and grand jury hearings that are not required had the cases been misdemeanors. Virtually all DWI arrests take place on swing or grave yard shifts, but all evidentiary and grand jury hearings take place during the day, causing Trooper time to be either overtime and/or on call out.

3) Felony cases average the following additional effort:

- 4 to 8 hours for grand jury and/or hearings
- 2 to 3 hours of clerical support time (transcriptions, etc.)
- 10 to 20% of felonies go to trial - 16 to 24 hours

This bill contains a provision that would create a felony offense of Driving with a Revoked License (DWRL), if the revocation was for a felony conviction of DWI. While a statistical analysis at this time is not available, it is possible that in the future this provision of the bill could have a fiscal impact on the Alaska State Troopers.

Currently, Troopers arrest about 2,000 persons per year for DWLR and related offenses. If a significant number of these became felony offenses, increased trooper costs for grand jury and other related activities could impact the Division in the future. These costs are not included in this fiscal note since no firm basis exists on which to make a projection.

Costs other than personal services are not material and are not included in this fiscal note.

**Division of Alaska State Troopers
Analysis
House Bill 159**

	FY96	FY97	FY98	FY99	FY00	FY01
<u>Personal Services:</u>						
A) Grand Jury/Hearings 127 cases x 6 hour average x \$46.75 (*1)	35,624					
B) Clerical Support 127 cases x 2.5 hour average x \$18.98 (*2)	6,026					
C) Trials 19 cases x 20 hour average x \$46.75 (*1)	17,765					
TOTAL PERSONAL SERVICES	59,415	59.4	59.4	59.4	59.4	59.4

*1 - Overtime hourly cost for a State Trooper, Range 76, Step D/E - (See PACS Scenario #1, PCN 1371.)

*2 - Hourly cost for an Administrative Clerk II, Range 8, Step A - (See PACS Scenario #1, PCN 1444.)

FISCAL NOTE

No. 5
 Bill Version: CSHB 159 (JUD)
 (H) Publstr Date: 4/27/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act classifying certain offenses... driving while
intoxicated... failure to submit to chemical test... as felonies...
 Sponsor: Representative Porter
 Requestor: _____

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	221.5	221.5	221.5	221.5	221.5	221.5
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	30.0	30.0	30.0	30.0	30.0	30.0
SUPPLIES	10.0	10.0	10.0	10.0	10.0	10.0
EQUIPMENT	30.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	297.5	267.5	267.5	267.5	267.5	267.5

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	297.5	267.5	267.5	267.5	267.5	267.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	297.5	267.5	267.5	267.5	267.5	267.5

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME	4.0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

Prepared by: John B. Salemi, Director
 Division: Public Defender Agency

Phone: (907) 264-4412
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 4/13/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 159 (H.D.)

ANALYSIS: (continued)

This bill makes substantial changes in state law regarding alcoholic beverages, DWI, DWLS, and Refusal to Submit to a Chemical Test. The committee substitute amends the original bill regarding treatment of DWLS offenders. In discussions with the Department of Law, it has been determined that these changes will not affect the fiscal impact as originally determined. See Department of Law fiscal note dated February 16, 1995, and PD fiscal note dated March 9, 1995.

The most significant section of this bill increases the penalty for a third or subsequent DWI conviction from a Class A misdemeanor to a Class C felony. Upon conviction the sentencing court will be required to impose a minimum sentence of 360 days in jail and a fine of not less than \$1,000. The sentence cannot be suspended, nor is a suspended imposition of sentence permitted. This is a significant difference from the current structure and penalty range for third and subsequent DWI convictions. Currently a third conviction results in a 60-day period of imprisonment (minimum). A fourth conviction carries 120-day minimum and a fifth conviction a minimum of 240 days in jail.

A separate provision creates the same felony penalty structure if the individual is convicted of a third or subsequent "refusal" in connection with a DWI arrest.

The final provision of significance is that which makes it a Class C felony for a person to drive a motor vehicle while their license was suspended or revoked if said revocation was for a felony conviction for DWI or Refusal.

The Department of Law has indicated in their fiscal note that during the last three years "an average of 330 defendants have been convicted of three or more DWI/Refusal violations within five years. Based upon the department's DWI/Refusal conviction rate, approximately 400 additional felony level DWI/Refusal cases will be referred to the department for prosecution." The prosecution indicates it will need three felony-level lawyers and two secretaries to handle the increased workload.

The vast majority of these cases will involve Public Defender representation. Individuals who are convicted of third or subsequent driving offenses involving alcohol typically are either not employed or in very difficult financial straits. The Public Defender therefore estimates that more than 80 percent of these prosecutions will become Public Defender cases.

The Public Defender Agency will react to this legislation by placing felony-level lawyers (Attorney III) in Anchorage and in Palmer. Because these are felony level matters, a Legal Secretary I position will be established in each location as support.

FISCAL ANALYSIS

	<u>Anchorage Attorney III</u>	<u>Anchorage Legal Secty I</u>	<u>Palmer Attorney III</u>	<u>Palmer Legal Secty I</u>	<u>TOTAL</u>
Personal Services	72.8	36.7	75.3	36.7	221.5
Travel	3.0	0.0	3.0	0.0	6.0
Contractual	9.0	6.0	9.0	6.0	30.0
Supplies	3.0	2.0	3.0	2.0	10.0
Equipment	<u>6.5</u>	<u>8.5</u>	<u>6.5</u>	<u>8.5</u>	<u>30.0</u>
TOTAL	94.3	53.2	96.8	53.2	297.5

04/04/95

Position Information Inquiry/Update

09:34:30

Position: 02-02#074	Project: 0	Salary Costs: 24,756.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 11,905.03
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 36,661.03

Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00 | Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
0 | Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
| Class/Sched Prefix: 2 Schedule: 2A (actual:)
| Bargaining Unit: GG Range: 10 (actual:)
| Location Code: EBA Place: ANCHORAGE
| Job Class Code: P1145 Title: LEGAL SECRETARY I _____
Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED
04/04/95 Position Information Inquiry/Update

09:33:59

Position: 02-02#066 Project: 0 Salary Costs: 53,304.00
Component: 02-65-07-01-00-00 Region: Benefits Costs: 19,542.68
Scenario: 2 FY: 96 COLA %= 0.000 Total Costs: 72,846.68

Actuals not available (Status: UNKNOWN) Retirement Code: A

00/00/00 Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
0 Class/Sched Prefix: 0 Schedule: AA (actual:)
Bargaining Unit: XE Range: 22 (actual:)
Location Code: EBA Place: ANCHORAGE
Job Class Code: P7144 Title: ATTORNEY III
Seasonal Indic.: F Type:

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0

POSITION INFORMATION HAS BEEN UPDATED

04/04/95

Position Information Inquiry/Update

09:36:15

Position: 02-02#074	Project: 0	Salary Costs: 24,756.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 11,905.03
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 36,661.03

 Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 10 (actual:)
	Location Code: ECF Place: PALMER
	Job Class Code: P1145 Title: LEGAL SECRETARY I _____
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

04/04/95

Position Information Inquiry/Update

09:37:02

Position: 02-02#066	Project: 0	Salary Costs: 55,260.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 20,072.55
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 75,332.55

 Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 0 Schedule: BB (actual:)
	Bargaining Unit: XE Range: 22 (actual:)
	Location Code: ECF Place: PALMER
	Job Class Code: P7144 Title: ATTORNEY III
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0

5-7-95am
Amend.
pl. line 8 (3R)
Adopted.
9-LS0600AK

CS for CS FOR HOUSE BILL NO. 159(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/29/95
Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER, Bunde, Green, Toohy

*Norma -
Please call
to legal
Called in
@ 2:33 PM*

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing a person under age 21 to be arrested by a peace officer
2 without a warrant for illegal possession, consumption, or control of alcohol;
3 relating to the offenses of driving while intoxicated and failure to submit to a
4 chemical test of breath or blood; and providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 12.25.030(b) is amended to read:

7 (b) In addition to the authority granted under (a) of this section, a peace officer
8 without a warrant may arrest a person when the peace officer has ^{probable} reasonable cause for
9 believing that the person has committed a crime under, or violated conditions imposed
10 as a part of the person's release before trial on misdemeanor charges brought under,

11 (1) AS 04.16.050 or an ordinance with similar elements;

12 (2) AS 11.41.270 or AS 11.56.740; or

13 (3) [(2)] AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an
14 ordinance with elements substantially similar to the elements of a crime under

1 AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a spouse or former
2 spouse of the person who committed the crime; a parent, grandparent, child, or
3 grandchild of the person who committed the crime; a member of the social unit
4 comprised of those living together in the same dwelling as the person who committed
5 the crime; or another person who is not a spouse or former spouse of the person who
6 committed the crime but who previously lived in a spousal relationship with the person
7 who committed the crime or is in or has been in a dating, courtship, or engagement
8 relationship with the person who committed the crime.

9 * Sec. 2. AS 12.55.102(d) is amended to read:

10 (d) The court may include the cost of the ignition interlock device as a part
11 of the fine required to be imposed against the defendant under AS 28.35.030(b) or (n)
12 or 28.35.032(g) or (q).

13 * Sec. 3. AS 28.35.030(b) is amended to read:

14 (b) ~~Except as provided under (n) of this section, driving~~ [DRIVING] while
15 intoxicated is a class A misdemeanor. Upon conviction

16 (1) the court shall impose a minimum sentence of imprisonment of

17 (A) not less than 72 consecutive hours and a fine of not less
18 than \$250 if the person has not been previously convicted;

19 (B) not less than 20 days and a fine of not less than \$500 if the
20 person has been previously convicted once;

21 (C) not less than 60 days and a fine of not less than \$1,000 if
22 the person has been previously convicted twice and is not subject to
23 punishment under (n) of this section;

24 (D) not less than 120 days and a fine of not less than \$2,000
25 if the person has been previously convicted three times and is not subject to
26 punishment under (n) of this section;

27 (E) not less than 240 days and a fine of not less than \$3,000 if
28 the person has been previously convicted four times and is not subject to
29 punishment under (n) of this section;

30 (F) not less than 360 days and a fine of not less than \$4,000 if
31 the person has been previously convicted more than four times and is not

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subject to punishment under (n) of this section;

(2) the court may not

(A) suspend execution of sentence or grant probation except on condition that the person serve the minimum imprisonment under (1) of this subsection;

(B) suspend imposition of sentence;

(3) the court shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181, and may order the motor vehicle or aircraft that was used in commission of the offense to be forfeited under AS 28.35.036.

* Sec. 4. AS 28.35.030(h) is amended to read:

(h) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment. If a person is convicted under (n) of this section, the court shall order the person to be evaluated as required by this subsection before the court imposes sentence for the offense.

* Sec. 5. AS 28.35.030(j) is amended to read:

(j) If a person fails to satisfy the requirements of an authorized agency under (i) of this section, the court

(1) may impose any portion of a suspended sentence; however, if the person was convicted under (n) of this section, the court shall impose the remaining portion of any suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's driver's license, privilege to drive, and privilege to obtain a driver's license until the requirements are satisfied.

* Sec. 6. AS 28.35.030(m)(4) is amended to read:

(4) "previously convicted" means having been convicted in this or another jurisdiction, within 10 years preceding the date of the present offense, of any

1 of the following offenses [, OR OF ANOTHER LAW OR ORDINANCE WITH
2 SUBSTANTIALLY SIMILAR ELEMENTS]; however, convictions for any of these
3 offenses, if arising out of a single transaction and a single arrest, are considered one
4 previous conviction:

5 (A) operating a motor vehicle, aircraft, or watercraft while
6 intoxicated, in violation of this section or in violation of another law or
7 ordinance with similar elements, except that the other law or ordinance
8 may provide for a lower level of alcohol in the person's blood or breath
9 than imposed under (a)(2) of this section;

10 (B) refusal to submit to a chemical test in violation of
11 AS 28.35.032 or in violation of another law or ordinance with similar
12 elements; or

13 (C) operating a commercial motor vehicle while intoxicated in
14 violation of AS 28.33.030 or in violation of another law or ordinance with
15 similar elements, except that the other law or ordinance may provide for
16 a lower level of alcohol in the person's blood or breath than imposed
17 under AS 28.33.030(a)(2).

18 * Sec. 7. AS 28.35.030 is amended by adding a new subsection to read:

19 (n) A person is guilty of a class C felony if the person is convicted of driving
20 while intoxicated and has been previously convicted two or more times. For purposes
21 of determining if a person has been previously convicted, the provisions of (m)(4) of
22 this section apply, except that only convictions occurring within five years preceding
23 the date of the present offense may be included. Upon conviction the court

24 (1) shall impose a fine of not less than \$5,000 and a minimum sentence
25 of imprisonment of not less than

26 (A) 120 days if the person has been previously convicted twice;

27 (B) 240 days if the person has been previously convicted three
28 times;

29 (C) 360 days if the person has been previously convicted four
30 or more times;

31 (2) may not

- 1 (A) suspend execution of sentence or grant probation except on
- 2 condition that the person serve the minimum imprisonment under (1) of this
- 3 subsection; or
- 4 (B) suspend imposition of sentence;
- 5 (3) shall revoke the person's driver's license, privilege to drive, or
- 6 privilege to obtain a license under AS 28.15.181(c);
- 7 (4) may order as a condition of probation or parole that the person take
- 8 a drug or combination of drugs, intended to prevent the consumption of an alcoholic
- 9 beverage; a condition of probation imposed under this paragraph is in addition to any
- 10 other condition authorized under another provision of law; and
- 11 (5) may also order forfeiture under AS 28.35.036 of the vehicle or
- 12 aircraft used in the commission of the offense, subject to remission under
- 13 AS 28.35.037.

14 * Sec. 8. AS 28.35.032(f) is amended to read:

15 (f) Except as provided under (q) of this section, refusal [REFUSAL] to

16 submit to a chemical test authorized by AS 28.33.031(a) or AS 28.35.031(a) or (g)

17 is a class A misdemeanor.

18 * Sec. 9. AS 28.35.032(g) is amended to read:

- 19 (g) Upon conviction under this section
- 20 (1) the court shall impose a minimum sentence of imprisonment of
- 21 (A) not less than 72 consecutive hours and a fine of not less
- 22 than \$250 if the person has not been previously convicted;
- 23 (B) not less than 20 days and a fine of not less than \$500 if the
- 24 person has been previously convicted once;
- 25 (C) not less than 60 days and a fine of not less than \$1,000 if
- 26 the person has been previously convicted twice and is not subject to
- 27 punishment under (q) of this section;
- 28 (D) not less than 120 days and a fine of not less than \$2,000
- 29 if the person has been previously convicted three times and is not subject to
- 30 punishment under (q) of this section;
- 31 (E) not less than 240 days and a fine of not less than \$3,000 if

1 the person has been previously convicted four times and is not subject to
2 punishment under (q) of this section:

3 (F) not less than 360 days and a fine of not less than \$4,000 if
4 the person has been previously convicted more than four times and is not
5 subject to punishment under (q) of this section;

6 (2) the court may not

7 (A) suspend execution of the sentence required by (1) of this
8 subsection or grant probation, except on condition that the person serve the
9 minimum imprisonment under (1) of this subsection; or

10 (B) suspend imposition of sentence;

11 (3) the court shall revoke the person's driver's license, privilege to
12 drive, or privilege to obtain a license under AS 28.15.181, and may order the motor
13 vehicle or aircraft that was used in commission of the offense be forfeited under
14 AS 28.35.036; and

15 (4) the sentence imposed by the court under this subsection shall run
16 consecutively with any other sentence of imprisonment imposed on the person.

17 * Sec. 10. AS 28.35.032(l) is amended to read:

18 (l) The court shall order a person convicted under this section to satisfy the
19 screening, evaluation, referral, and program requirements of an agency authorized by
20 the court to make referrals for rehabilitative treatment or to provide rehabilitative
21 treatment. If a person is convicted under (q) of this section, the court shall order
22 the person to be evaluated as required by this subsection before the court imposes
23 sentence for the offense.

24 * Sec. 11. AS 28.35.032(n) is amended to read:

25 (n) If a person fails to satisfy the requirements of an authorized agency under
26 (m) of this section, the court

27 (1) may impose any portion of a suspended sentence; however, if the
28 person was convicted under (q) of this section, the court shall impose the
29 remaining portion of any suspended sentence;

30 (2) may punish the failure as contempt of the authority of the court
31 under AS 09.50.010 or as a violation of a condition of probation; and

1 (3) shall order the revocation or suspension of the person's driver's
2 license, privilege to drive, and privilege to obtain a driver's license until the
3 requirements are satisfied.

4 * Sec. 12. AS 28.35.032 is amended by adding a new subsection to read:

5 (q) A person is guilty of a class C felony if the person is convicted under this
6 section and has been previously convicted two or more times. For purposes of
7 determining if a person has been previously convicted, the provisions of
8 AS 28.35.030(m)(4) apply, except that only convictions occurring within five years
9 preceding the date of the present offense may be included. Upon conviction,

10 (1) the court shall impose a fine of not less than \$5,000 and a
11 minimum sentence of imprisonment of not less than

12 (A) 120 days if the person has been previously convicted twice;

13 (B) 240 days if the person has been previously convicted three
14 times;

15 (C) 360 days if the person has been previously convicted four
16 or more times;

17 (2) the court may not

18 (A) suspend execution of the sentence required by (1) of this
19 subsection or grant probation, except on condition that the person serve the
20 minimum imprisonment under (1) of this subsection; or

21 (B) suspend imposition of sentence;

22 (3) the court shall revoke the person's driver's license, privilege to
23 drive, or privilege to obtain a license under AS 28.15.181(c);

24 (4) the court may order as a condition of probation or parole that the
25 person take a drug or combination of drugs intended to prevent consumption of an
26 alcoholic beverage; a condition of probation imposed under this paragraph is in
27 addition to any other condition authorized under another provision of law;

28 (5) the sentence imposed by the court under this subsection shall run
29 consecutively with any other sentence of imprisonment imposed on the person; and

30 (6) the court may also order forfeiture under AS 28.35.036, of the
31 vehicle or aircraft used in the commission of the offense, subject to remission under

1 AS 28.35.037.

2 * Sec. 13. APPLICABILITY. This Act applies to offenses that are committed on or after
3 the effective date of this Act, except that references to previous convictions include
4 convictions occurring before, on, or after the effective date of this Act.

5 * Sec. 14. This Act takes effect July 1, 1995.

Alaska State Legislature

Representative Brian S. Porter

5-6-95
Read by
Staffer

CHAIRMAN
HOUSE JUDICIARY COMMITTEE

MEMBER
HOUSE LABOR & COMMERCE COMMITTEE
HOUSE STATE AFFAIRS COMMITTEE
INTERNATIONAL TRADE & TOURISM
COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
DEPARTMENT OF LAW
DEPARTMENT OF EDUCATION
COURTS



DISTRICT 20

Sponsor Statement for CSHB 159 DWI LAWS

SESSION:
STATE CAPITOL, ROOM 118
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-4930
FAX: (907) 465-1834

INTERIM:
716 W. 4TH AVE., SUITE 640
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-9197
FAX: (907) 258-5310

It's a crime drunk driving remains a misdemeanor in our state no matter how many times a person is convicted. At some point - a repeat conviction should become a felony.

CSHB 159 *DWI/minor in Possession* provides the criminal justice system with the tools needed to combat this crime: (1) allows a peace officer, in any municipality, to arrest without a warrant minors who drink alcohol; (2) renders drunk driving a felony on the third offense within a five year period with a minimum sentence of 120 days with a \$5,000 fine upon conviction; (3) grants prosecution the ability to convict prior offenses of lower BAC levels than is provided for in current statute.

CSHB 159 allows the court the option of ordering a person to take Antabuse or a similar drug as a condition of parole or probation. Secondly, this bill requires a person convicted of a felony DWI to be evaluated by an alcohol screening agency before the person is sentenced. Thirdly, the court is to impose any suspended jail time on a person convicted of felony DWI who fails to complete the alcohol treatment ordered by the court.

The most frequent violent crime in the country is drunk driving. A study published by the Alaska Department of Transportation and Public Facilities stated alcohol was a factor in 982 Accidents statewide in 1993. In the same year, 49 Alaskans died in 37 alcohol or drug related accidents.

Repeat offenders account for a disproportionate number of fatal accidents, in spite of licenses suspended and jail time served. In fatal accidents in which the driver is drunk, people with a prior conviction for drunk driving are almost five times more likely to be involved than those with no record, according to the National Highway Transportation Safety Administration.

Driving is a privilege not a right. CSHB 159 gives Alaska one of the toughest drunk driving statutes in the nation. CSHB 159 will send a clear message that Alaskans will no longer tolerate persons who drive drunk.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 109
Juneau, Alaska 99801-2105

MEMORANDUM

April 12, 1995

SUBJECT: Sectional Summary of CSHB 159(JUD).
TO: Representative Brian Porter
FROM: Michael F. Ford
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Allows a person under age 21 to be arrested by a peace officer, without a warrant, for illegal possession, consumption, or control of an alcoholic beverage in violation of state law or a municipal ordinance.

Section 2. Allows a court to include the cost of an ignition interlock device as a part of a fine imposed for convictions of driving while intoxicated or refusal to take a breath test.

Section 3. Technical amendment

Section 4. Requires evaluation for rehabilitation treatment before sentencing, if the person is convicted of felony driving while intoxicated.

Section 5. Requires the court to impose the remaining portion of any suspended sentence, if the person is convicted of felony D.W.I.

Section 6. Amends the definition of "previous conviction" for purposes of determining the penalty applicable to a driving while intoxicated or refusal to take a breath test conviction.

Section 7. Makes a third driving while intoxicated conviction a class C felony; if it is the person's third or greater conviction within five years. Imposes a minimum fine, minimum jail time, and prohibits probation or suspended imposition of sentence unless the minimum imprisonment is served. Requires revocation of the offender's driver's license, allows

Representative Brian Porter
April 12, 1995
Page 2

imposition of certain probation or parole conditions and allows forfeiture of the motor vehicle or aircraft used in the offense.

Section 8. Technical amendment.

Section 9. Technical amendment.

Section 10. Requires evaluation for rehabilitation treatment before sentencing if the person is convicted of felony breath test refusal.

Section 11. Requires the court to impose the remaining portion of any suspended sentence, if the person is convicted of felony breath test refusal.

Section 12. Makes a third refusal to take a breath test conviction a class C felony, if it is the person's third or greater conviction within five years. Imposes a minimum fine, a minimum jail time, and prohibits probation or suspended imposition of sentence unless the minimum imprisonment is served. Requires revocation of the offender's driver's license, allows imposition of certain probation or parole conditions and allows forfeiture of the motor vehicle or aircraft used in the offense.

Section 13. Applicability section

Section 14. Effective date.

MFF:klb
95-260.klb

FISCAL NOTE

BILL NO: HB159

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL VERSION: _____

Revision Date: March 7, 1995
Title: An Act relating to DWI Laws

Dept. Affected: Corrections
BRU: Statewide Programs

Sponsor: Representative Porter, Bunde
Requestor: _____

Components: Comm Corr Director/CRCs
Serial #: 1392

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services	122.0	253.0	259.5	269.2	273.3	283.6
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	418.4	836.8	836.8	836.8	836.8	836.8
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	540.4	1089.8	1096.3	1106.0	1110.1	1120.4

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

This fiscal note has been prepared in conformance with the analysis the Department provided in a prior fiscal note, except that the implementation year funding has been reduced by one-half, to more accurately reflect the timing of the impact on Corrections. A copy of the Departments previous fiscal note and analysis is attached for reference.

Prepared by: Kathryn Daughettee, Fiscal Analyst *Kad*
Legislative Finance Division

Date: May 7, 1995
Phone: 465-5435

Prepared for: Senate Finance Committee
Rich Halford
(Chairman)

Date: _____

STATE OF ALASKA
1995 LEGISLATIVE SESSION

FISCAL YEAR REPORTED OUT OF
HFC 4/26/95

Publish Date: 3/29/95

Effective Date: _____
 Title: An Act possession and consumption of alcohol
 and DWI
 Sponsor: Rep. Porter
 Requester: Rep. Porter
 Dept. Affected: Corrections
 BRU: Statewide programs
 Component: CC Dir.'s office/CRCs
 COMPONENT SERIAL NO. 1382

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	243.9	253.0	259.5	269.2	273.3	283.5
TRAVEL						
CONTRACTUAL	836.8	836.8	836.8	836.8	836.8	836.8
SUPPLIES						
EQUIPMENT ?						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,080.7	1,089.8	1,096.3	1,106.0	1,110.1	1,120.4
CAPITAL EXPENDITURES						

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,080.7	1,089.8	1,096.3	1,106.0	1,110.1	1,120.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,080.7	1,089.8	1,096.3	1,106.0	1,110.1	1,120.4

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	5					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would make a third or subsequent conviction of DWI or refusal to submit to a chemical test under AS 28.33.031 a class C felony and sets minimum sentences. It also makes DWRL based on conviction under the new Class C felony sections a class C felony. The minimum sentence under this bill exceeds the current minimum only for the third and fourth offenses.

261 people will be convicted of a third offense annually and will be sentenced to an additional 60 days imprisonment. They will serve 40 of these days after statutory goodtime. 53 offenders will be convicted of a fourth offense and will serve an additional 80 days.

261 X 40 = 10,440 additional prisoner days
 53 X 80 = 4,240 additional prisoner days

CONTINUED ON NEXT PAGE:

Prepared by: Jerry Shriner Phone: 465-4840
 Division: Commissioner's Office Date: 2/15/95
 Approved by Commissioner: Walter H. Pugh Date: 2/15/95
 Agency: Department of Corrections

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FISCAL NOTE

HB 159

2/14/95

page 2

This totals 14,680 bed days or 41 additional beds on an annual basis. With rare exception this class of prisoners would be housed in a treatment facility or CRC.

The average cost of a CRC bed is \$57 per day or \$20,805 per year.

$$14,680 \times \$57 = \$836.8 \text{ thousand.}$$

If fifth and subsequent convictions resulted in more than the minimum sentence or if the minimum sentence is greater than the average sentence under the current sentencing practices, there would be additional costs. At this time sufficient data is not available to address this issue.

Recent experience shows that after the second offense covered by this bill, the ability to collect either from the individual or to attach their permanent fund to offset these costs falls precipitously and no program receipts are expected.

As a felony, each conviction would require a pre-sentence investigation and report prepared by a probation officer, as well as additional time in court. The department's standard for this process is 18 hours per pre-sentence report. 330 individuals would be convicted of a felony under this bill, even though some would not receive a longer sentence.

$$330 \text{ PSIs} \times 18 \text{ hours} = 5,940 \text{ total hours.}$$

Allowing for vacation and sick leave we can expect a probation officer position to devote 1,875 hours to pre-sentence investigations annually.

$$5,940 / 1,875 = 3.2 \text{ position equivalents.}$$

Four probation officer positions and one clerical person have been included to support the required investigation and report function and a one time cost for equipment at \$5,000 per staff person has been included.

FISCAL NOTE

BILL NO: HB159

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL VERSION: _____

Revision Date: March 7, 1995
Title: An Act relating to DWI Laws

Dept. Affect: Alaska Court System
BRU: Alaska Court System

Sponsor: Representative Porter, Bunde
Requestor: _____

Components: Trial Courts
Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services						
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	114.0	114.0	114.0	114.0	114.0	114.0
---------	-------	-------	-------	-------	-------	-------

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

The Court System has determined that an estimated \$760.0 in new fines could be assessed by the Courts as a result of this bill. However, between 80% and 90% of this amount will be uncollectable for lack of financial resources on the part of the defendants. The Public Defender fiscal note estimates that they will handle 80% of the prosecutions under this law. Therefore, all but between \$76.0 and \$152.0 of the assessed fines cannot be relied upon to defray the costs of this legislation. Conservatively, \$114.0 could be expected to be collected by the Court System if the 330 case average is accurate.

Prepared by: Kathryn Daughhete, Fiscal Analyst *Kad*
Legislative Finance Division

Date: May 6, 1995

Phone: 465-5435

Prepared for: Senate
Finance Committee

Rick Helford
(Chairman)

Date: _____

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB159

BILL VERSION: _____

Revision Date: March 7, 1995

Dept. Affected: Corrections

Title: An Act relating to DWI Laws

BRU: Statewide Programs

Sponsor: Representative Porter, Bunde

Components: Comm Corr Director/CRCs

Requestor: _____

Serial # 1382

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services	122.0	253.0	259.5	269.2	273.3	283.6
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	418.4	836.8	836.8	836.3	836.8	836.8
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	540.4	1089.8	1096.3	1106.0	1110.1	1120.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

This fiscal note has been prepared in conformance with the analysis the Department provided in a prior fiscal note, except that the implementation year funding has been reduced by one-half, to more accurately reflect the timing of the impact on Corrections. A copy of the Departments previous fiscal note and analysis is attached for reference.

Prepared by:

Kathryn Daugherte, Fiscal Analyst *Kad*

Date: May 7, 1995

Legislative Finance Division

Phone: 465-5435

Prepared for: Senate
Finance Committee

Rich Halford
(Chairman)

Date:

STATE OF ALASKA
1995 LEGISLATIVE SESSION

HFC 4/26/95

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act possession and consumption of alcohol BRU: Statewide programs
 and OWI Component: CC Dir.'s office/CRCs
 Sponsor: Rep. Porter
 Requester: Rep. Porter COMPONENT SERIAL NO. 1382

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	273.3	253.0	259.5	269.2	273.3	283.8
TRAVEL						
CONTRACTUAL	836.3	836.3	836.8	836.8	836.8	836.3
SUPPLIES						
EQUIPMENT ?						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,080.7	1,089.3	1,096.3	1,106.0	1,110.1	1,120.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,080.7	1,089.3	1,096.3	1,106.0	1,110.1	1,120.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,080.7	1,089.3	1,096.3	1,106.0	1,110.1	1,120.4

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	5					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would make a third or subsequent conviction of DWI or refusal to submit to a chemical test under AS 28.33.031 a class C felony and sets minimum sentences. It also makes DWRL based on conviction under the new Class C felony sections a class C felony. The minimum sentence under this bill exceeds the current minimum only for the third and fourth offenses.

261 people will be convicted of a third offense annually and will be sentenced to an additional 60 days imprisonment. They will serve 40 of these days after statutory goodtime. 53 offenders will be convicted of a fourth offense and will serve an additional 80 days.

261 X 40 = 10,440 additional prisoner days
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CONTINUED ON NEXT PAGE:

Prepared by: Jerry Shriner Phone: 465-4640
 Division: Commissioner's Office Date: 2/15/95
 Approved by Commissioner: Maureen M. Pugh Date: 2/15/95
 Agency: Department of Corrections

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FISCAL NOTE

HB 159

2/14/95

page 2

This totals 14,680 bed days or 41 additional beds on an annual basis. With rare exception this class of prisoners would be housed in a treatment facility or CRC.

The average cost of a CRC bed is \$57 per day or \$20,305 per year.

$$14,680 \times \$57 = \$836.8 \text{ thousand.}$$

If fifth and subsequent convictions resulted in more than the minimum sentence or if the minimum sentence is greater than the average sentence under the current sentencing practices, there would be additional costs. At this time sufficient data is not available to address this issue.

Recent experience shows that after the second offense covered by this bill, the ability to collect either from the individual or to attach their permanent fund to offset these costs falls precipitously and no program receipts are expected.

As a felony, each conviction would require a pre-sentence investigation and report prepared by a probation officer, as well as additional time in court. The department's standard for this process is 18 hours per pre-sentence report. 330 individuals would be convicted of a felony under this bill, even though some would not receive a longer sentence.

$$330 \text{ PSIs} \times 18 \text{ hours} = 5,940 \text{ total hours.}$$

Allowing for vacation and sick leave we can expect a probation officer position to devote 1,875 hours to pre-sentence investigations annually.

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Four probation officer positions and one clerical person have been included to support the required investigation and report function and a one time cost for equipment at \$5,000 per staff person has been included.

Replaced by new LFD/Correctives Note

No. 2

FISCAL NOTE

Bill Version: CSHB 159 (JUD)

(H) Publish Date: 3/29/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act possession and consumption of alcohol and DWI BRU: Statewide programs
 Sponsor: Rep. Porter Component: CC Dir.'s office/CRCs
 Requester: Rep. Porter COMPONENT SERIAL NO. 1382

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	243.9	253.0	259.5	269.2	273.3	283.6
TRAVEL						
CONTRACTUAL	836.8	836.8	836.8	836.8	836.8	836.8
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CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,080.7	1,089.8	1,096.3	1,106.0	1,110.1	1,120.4
1005 GF/Program Receipts						
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Other						
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Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would make a third or subsequent conviction of DWI or refusal to submit to a chemical test under AS 29.33.031 a class C felony and sets minimum sentences. It also makes DWRL based on conviction under the new Class C felony sections a class C felony. The minimum sentence under this bill exceeds the current minimum only for the third and fourth offenses.

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CONTINUED ON NEXT PAGE:

Prepared by: Jerry Shriner Phone: 465-4640
 Division: Commissioner's Office Date: 2/15/95
 Approved by Commissioner: Margaret M. Pugh Date: 2/15/95
 Agency: Department of Corrections

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FISCAL NOTES

Re: HB 159 DWI LAWS/ MINOR IN POSSESSION LAWS

<u>No.</u>	<u>Dept.</u>	<u>Date</u>	<u>Amount</u>
1.	DOLaw	2/16/95	\$294.1
2.	DOC	2/15/95	\$1,080.7
3.	Courts	2/22/95	131.6
4.	DPS	2/16/95	59.4
5.	DOA (PDA)	4/03/95	297.5

Prepared by Senate Finance
5-4-95

STATE OF ALASKA

IMPAIRED DRIVING ASSESSMENT
October 2 - October 8, 1994

National Highway Traffic Safety Administration
Technical Assistance Team

William S. Ethridge
John D. Fenner
Don D. Hinton
Timothy Johnson
William T. McCollum

INTRODUCTION

Motor vehicle crashes are the leading cause of death for individuals between the ages of one and thirty-four. Nationwide, alcohol is involved in nearly one-half of these fatalities.

In pursuit of the goal to reduce alcohol-related traffic fatalities and injuries, the National Highway Traffic Safety Administration (NHTSA) developed a Technical Assistance Team evaluation program. This approach provides states the opportunity to use federal highway safety funds to support an administrative evaluation of existing and proposed alcohol and drug-impaired driving countermeasures.

NHTSA staff facilitates the process by assembling a team of individuals who, through their immediate involvement with national and state programs, have demonstrated their competence in impaired driving program development, implementation and evaluation. Selection of the Technical Assistance Team reflects experience in special areas identified by the state. These areas correlate with the components of a comprehensive impaired driving program as defined in the Highway Safety Program Advisory that was published by NHTSA. Examples of program and systems expertise among the Alaska Technical Assistance Team members include program management (both state and local levels), prevention, enforcement, prosecution, adjudication, evaluation, traffic records, driver licensing, treatment and rehabilitation.

The State of Alaska requested NHTSA's assistance in reviewing its alcohol and drug impaired driving countermeasures program. On August 3, 1994, NHTSA met with Department of Public Safety and Alaska Highway Safety Planning Agency staff members who helped to define key issues of concern to the state. NHTSA agreed to facilitate the technical review.

The Alaska Alcohol and Drug Impaired Driving Program Assessment was conducted in Anchorage from October 2 - 8, 1994. Alaska Highway Safety Planning Administrator, Lorn Campbell, arranged for State and local program experts (see Section 7, Agenda) to deliver briefings and provide support and materials to the Team on a wide variety of topics related to impaired driving. Forty-five presentations were made to the Technical Assistance Team over a period of three and one-half days.

According to 1993 statistics, the State of Alaska has a population of nearly 600,000 located across 580,000 square miles of diverse land. More than one-half of the population resides in three major communities: 300,000 in Anchorage, 40,000 in Fairbanks, and 35,000 in Juneau. The remaining population resides in smaller communities over a vast and remote area. Alaska is not divided into counties but rather has a combination of municipalities, towns, villages and very remote "bush" areas. The demographic complexion of the state is made up of approximately 74 percent Whites, 15.6 percent Native Alaskans, 4.1 percent African Americans; 3.2 percent Hispanic, and 3.1 percent Asian Pacific Americans. The median income for Alaskan residents is \$45,000 as compared to \$31,000 in the lower 48 states.

Alaska's economy has suffered due to dwindling oil and fishing revenues. The state is faced with the challenge of maintaining adequate services for its residents while reducing government spending and decreasing state government personnel. In addition, Alaska's citizens routinely reject government efforts to increase taxes on alcohol or enact other revenue raising laws including tapping into the \$14 billion reserve which could alleviate its perceived economic recession. The economic situation along with the challenges of designing programs appropriate for its geographic composition and meeting the requirements the realities for establishing a comprehensive DWI program in the State of Alaska may seem overwhelming. However, the Team believes that the recommendations contained in this report present viable options to overcoming the situation.

In addition, the following 1993 data pertaining to motor vehicle and traffic safety in Alaska were provided:

523,158	Registered vehicles
393,931	Licensed drivers
39.19	Billion vehicle miles travelled
\$.01	Crash deaths per 100 million vehicle miles travelled
14,509	Motor vehicle crashes
88	Fatal Crashes
37	Alcohol-related Fatal Crashes
49	Alcohol-related Crash Deaths
\$31,995,638	Total annual cost of alcohol-related motor vehicle crashes

The Technical Assistance Team's analysis of Alaska's Alcohol and Drug Impaired Driving Program is based solely on written and oral information provided to the team during the assessment process. The Team used this information to develop recommendations after considering what could be reasonably accomplished within the state. The Team believes that enactment of the proposed recommendations will result in a comprehensive program to prevent impaired driving and will set the framework for expansion to meet future needs in the system.

8. DRUNK DRIVING

Penalties for drunk driving have become tougher over the years as the cost of this dangerous behavior rises. Reckless alcohol consumption among young people has also risen markedly, and it has been met with sharp intolerance.

Drunk driving, or driving while intoxicated (DWI) or driving under the influence (DUI), is typically determined by the alcohol content found in the driver's blood. Blood alcohol content (BAC) may be determined in two ways: through breath analysis or urinalysis. Most states have set the legal limit of blood alcohol content at 0.10 percent. Six states have no set amount of blood alcohol to presume intoxication. In these states it is still illegal to drive while drunk, but blood alcohol content is merely one piece of evidence of intoxication.

Penalties for drunk driving are severe in most states.

Virtually every state suspends the driver's license on a first offense, and the length of suspension increases sharply with each successive offense. There is, however, a great deal of variation in the lengths of suspension of driving privileges among the states. A few only impose suspension for as little as one year for multiple offenses. Michigan, however, revokes the driver's license on the second offense. Several states include revocation on the third or fourth offense.

The newest development in the laws of drunk driving concern court-ordered attendance at an alcohol abuse rehabilitation program upon conviction for driving while intoxicated. Six states still do not have rehabilitation requirements for offenders, while the rest have some sort of rehabilitation requirement for problem drinkers and drivers.

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Table 8: Drunk Driving

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ALABAMA	32-5A-191	.10% BAC per se at time of driving	Yes on first offense; DUI court referral program approved by state	1st offense: 90 days; 2nd: 1 yr.; 3rd: 3 yrs.	1st offense: imprisonment up to 1 yr. and/or \$250-1000; 2nd within 5 yrs.: up to 1 yr. and \$500-2500; 3rd within 5 yrs.: up to 1 yr. and \$1000-\$5000
ALASKA	28.35.030; 28.15.181	.10% BAC as determined by test taken within 4 hours	Yes, program of alcohol education or rehabilitation that court finds appropriate for term specified by court	1st: 90 days min.; 2nd: 1 yr. min.; 3rd: 10 yrs. min.	1st: min. 72 hrs. and min. \$250; 2nd within 10 yrs.: min. 20 days and min. \$500; 3rd within 10 yrs.: min. 30 days and min. \$1000
ARIZONA	28-692. et seq.	.10% BAC at time of offense	Yes, alcohol abuse screening session by screening or treatment facility approved by health services; alcohol abuse classes or treatment facility if necessary; habitual abuse	1st: 90 days; 2nd within 5 yrs.; revocation; 3rd within 5 yrs.; revocation min. 3 yrs.	1st: min. 24 hrs. and min. \$250 and 8-24 hrs. community service; 2nd within 5 yrs.: min. 60 days and min. \$500; 3rd within five yrs.: min. 6 mos.
ARKANSAS	5-65-103. et seq.	.10% BAC as determined by test	Alcohol Education Program prescribed and approved of by Arkansas Highway Safety Program or alcohol treatment program approved by Office on Alcohol and Drug Abuse Prevention	1st: 90-120 days; 2nd: 12-16 mos.; 3rd: 24-30 mos.; 4th: 3 yrs.	1st: 1 day to 1 yr. prison, court can order public service in lieu of jail and \$150-1000; 2nd within 3 yrs.: 7 days to 1 yr. and \$400-3000; 3rd within 3 yrs.: 90 days to 1 yr. and \$900-5000; 4th within 3 yrs.: felony, 1-6 yrs.; fine only for 2nd and 3rd offenses within 5 yrs.
CALIFORNIA	Vch. §§23152, et seq.	.10% BAC at time of driving (rebuttably presumed that percentage at time of driving was more than at time of test); if test is less than .05% BAC, BAC presumed not .10% when driving; if test is .05-.10%, not presumption but evidence of .10%; .10% at time of test equals .10% at time of driving	1st: if probation, must participate in alcohol or drug education program designated by court if programs approved of are available in that county; 2nd: if probation, 1 yr. in program acceptable to court	1st: 6 mos., or if probation granted, could be 90 days with exception of traveling to work and rehab program; 2nd: restricted to necessary travel (work and rehab) for 1 yr.; 3rd: 3 yrs.	1st: 96 hrs. to 6 mos. prison and \$390-1000; 2nd within 5 yrs.: 90 days to 1 yr. and \$390-1000; 3rd within 5 yrs.: 120 days to 1 yr. and \$390-\$1000

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension ¹	Other Penalties
COLORADO	42-2-122.1; 42-4-1202	.15 g. of alcohol per 100 mm. of blood while driving or .15 g. of alcohol per 200 mm. of blood at time of test	Court's discretion up to 2 yrs.; drug and alcohol driving safety program	1 yr.	1st: 5 days to 1 yr. and court may fine \$300-1000 and 48-96 hrs. useful community service; 2nd within 5 yrs.: 90 days to 1 yr. and court may fine \$500-1500 and 60-120 hrs. useful community service
CONNECTICUT	14-227a	.10% BAC at time of offense	Court may order participation in alcohol education and treatment program in addition to any fine or sentence	1st: 1 yr. (court's discretion); 2nd: 2 yrs.; 3rd: 3 yrs.; 4th: permanently	1st: \$500-1000 and jail up to 6 mos. or 100 hrs. community service; 2nd within 5 yrs.: \$500-2000 and jail up to 1 yr.; 3rd within 5 yrs.: \$1000-4000 and jail up to 2 yrs.; 4th within 5 yrs.: \$2000-8000 and jail up to 3 yrs.
DELAWARE	Tit. 21 §4177	.10% BAC as shown by test taken within 4 hours of offense	1st: required program of rehabilitation or course of instruction which may include inpatient up to 6 mos.; 2nd: program of education or rehabilitation which may include inpatient treatment up to 15 mos.	1st or 2nd: 1 yr.; 3rd or more: 18 mos.	1st: \$200-1000 or jail 60 days-6 mos.; for each subsequent offense within 5 yrs. of former offense: \$500-2000 and jail 2-18 mos.
DISTRICT OF COLUMBIA	40-716	.10% BAC; .13% alcohol in urine	No	Yes for unspecified time	1st: up to \$300 and/or 90 days; 2nd within 15 yrs.: up to \$5000 and/or up to 1 yr.; 3rd within 15 yrs.: up to \$10,000 and/or up to 1 yr.

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required ¹	Driver's License Suspension ²	Other Penalties
FLORIDA	316-193	.10% BAC	Substance abuse course specified by the court	Revocation/ suspension upon conviction	1st: \$250-500 and jail up to 6 mos.; 2nd within 3 yrs.; \$500-1000 and jail up to 9 mos.; 3rd within 3 yrs.; \$1000-2500 and jail up to 12 mos.; 4th within 3 yrs.; 3rd degree felony, prison up to 5 yrs.; if first offense BAC exceeds .20%: 1st: \$500-1000 and jail up to 9 mos.; 2nd within 3 yrs.; \$1000-2000 and jail up to 12 mos.; 3rd within 3 yrs.; \$2000-5000 and jail up to 12 mos.; additional penalties: 1st: probation up to 1 yr. and community service of 50 hrs. minimum or \$10 fine per hour not worked
GEORGIA	40-5-63; 40-6-391	.10% BAC at time of test		1st: 1 yr.; 2nd within 5 yrs.; 3 yrs.; 3rd within 5 yrs.; considered habitual offender, 5 yrs.	1st: \$300-1000 and 10 days to 12 mos.; 2nd within 5 yrs.; \$600-1000 and 90 days to 12 mos.; 3rd: \$1000-5000 and 120 days to 12 mos. mandatory
HAWAII	291-4	.10% BAC	1st: 14 hr. minimum alcohol abuse rehab program including education and counseling or comparable program approved by court; subsequent: may be required pending evaluation by substance abuse counselor	1st: 90 days (court can make it 30 days total prohibition and 60 days only for work and rehab); 2nd: 1 yr. absolute prohibition; 3rd: 1-5 yrs.	1st: \$150-1000 and/or min. 48 hrs. jail and/or 72 hrs. community service; 2nd within 5 yrs.: \$500-1000 and min. 48 hrs. jail or min. 80 hrs. community service; 3rd within 5 yrs.: \$500-1000 and 10-180 days jail
IDAHO	18-8004, <i>et seq.</i>	.10% BAC	Alcoholic evaluation (own expense) approved facility; if necessary, an alcoholic treatment program best suited for individual	1st: mandatory up to 180 days (defendant may request for necessary privilege-work and family health needs); 2nd: mandatory 6 mos. after getting out of jail and possibly an additional time up to 1 yr.; 3rd: 1-5 yrs. (no privileges at all)	1st: up to \$1000 and/or up to 6 mos.; 2nd within 5 yrs.; mandatory fine up to \$2000 and jail 10 days to 1 yr.; 3rd within 5 yrs.: felony, jail up to 5 yrs. and may be fined up to \$5000

(Continued)

Table 8: Drunk Driving—Continued

State	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension?	Other Penalties
ILLINOIS	625 ILCS 5/11-501, et seq.	.10% BAC, less than .05% at test: presumed not to have required BAC at time of driving; .05%- .10% at test: no presumption of guilt but take it with other evidence; .10% at test: guilty	Professional evaluation to determine if there is abuse problem and extent; defendant pays cost; program must be approved/licensed by Dept. of Alcohol and Substance Abuse	Up to 1 yr.	1st: Class A misdemeanor; jail up to 1 yr.; 2nd within 5 yrs.: mandatory min. 48 hrs. jail or min. 10 days community service; 3rd: Class 4 felony, 1-3 yrs. prison
INDIANA	9-30-5-1, et seq.	.10% BAC	No	1st: 90 days to 2 yrs.; 2nd 10 or more yrs. ago: 90 days to 2 yrs.; 2nd 5-10 yrs. ago: 6 mos. to 2 yrs.; 2nd within 5 yrs.: 1-2 yrs.	1st: Class A misdemeanor; 2nd within 5 yrs.: min. 5 days jail or min. 30 hrs. community service in addition to Class D felony (min. 2 yrs.) and may be fined up to \$10,000
IOWA	3213.1, et seq.	.10% BAC	2nd offense: must undergo substance abuse evaluation prior to sentencing; 3rd offense or if evaluation recommends treatment: may be required to commit to treatment	1st: 180 days; 2nd within 6 yrs.: 1 yr.	1st: serious misdemeanor, \$500-1000 and min. 48 hrs. jail, may perform up to 200 hrs. community service in lieu of fine if court allows; 2nd: aggravated misdemeanor, min. \$750 and min. 7 days jail; 3rd: Class D felony, min. \$750 and 30 days to 1 yr. jail
KANSAS	8-1008, 1014, 1557	.10% BAC at time of test	Presentence alcohol and drug evaluation conducted by community-based alcohol and drug safety action program. supervision and monitoring of all convicted persons	1st: 30 days or upon completion of required treatment program (whichever is longer); subsequent: 1 yr. or upon completion of required treatment program (whichever is longer)	1st: \$200-500 and 48 hrs. to 6 mos. jail or 100 hrs. community service; 2nd: \$500-1000 and 90 days to 1 yr. jail; 3rd: \$1000-2500 and 90 days to 1 yr. jail

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