

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3152

Judicial Response

Members of the Arkansas District Judges Council were surveyed regarding their usage of the ignition interlock device at an annual meeting in May 1999. Thirty-seven judges participated in the survey. Thirty percent indicated that the interlock was available for them to use as a part of a DWI sentence. Sixty-eight percent of respondents stated they do not use the interlock as part of their DWI sentences. Twenty-two percent of the judges make use of the interlock as part of their sentences. Of those judges who do not use the interlock, 53% stated the primary reason was that the cost to the offender was prohibitive; 36% did not know how to arrange for the use of the device; and 12% said they believed the device was ineffective.

CONCLUSION

The breath-analyzed ignition interlock device is an example of a technological response to a technological problem. The problem is that the technology of the modern automobile in the hands of an impaired driver has created a serious danger to society. The technological response is to render the vehicle inoperable for a driver with a proscribed amount of alcohol in his or her system.

The ignition interlock device is not a perfect response, but it may be viewed as appropriate in certain cases. The sentencing judge must weigh the relevant factors. The interlock may be a burden on other family members who may have to share an interlock-equipped vehicle with an offender. It may also be a financial hardship on some offenders and their families. However, the device may also prevent numerous alcohol-related motor vehicle crashes. It provides both incapacitative and rehabilitative functions. The device is also a new approach to the concept of target hardening.

Although there is a difference in recidivism rates between the experimental and control groups, comparing these rates for all offenders, there was not a clear statistical relationship between the two. But the study demonstrates that recidivism is decreased significantly for multiple offenders who are required to drive with the interlock. Multiple offenders who are ordered to use the interlock are less than half as likely to have a subsequent conviction for drunken driving over a 3-year period. This decrease in subsequent violations has been shown by this study to continue even after the removal of the interlock device. In view of the foregoing, especially when applied to multioffenders, the breath alcohol ignition interlock device appears to be an effective tool in the prevention of drunken driving.

Table 1. DWI arrest rates.

Year	Licensed drivers	Arrests for DWI	Rate of arrest per 100,000 drivers
1988	159,486,000	1,793,300	1,124
1987	161,800,000	1,770,200	1,094
1986	164,324,000	1,754,000	1,068
1985	166,848,000	1,737,800	1,043
1984	169,372,000	1,721,600	1,017
1983	171,896,000	1,705,400	991
1982	174,420,000	1,689,200	965
1981	176,944,000	1,673,000	939
1980	179,468,000	1,656,800	913
1979	181,992,000	1,640,600	887
1978	184,516,000	1,624,400	861
1977	187,040,000	1,608,200	835
1976	189,564,000	1,592,000	809
1975	192,088,000	1,575,800	783
1974	194,612,000	1,559,600	757
1973	197,136,000	1,543,400	731
1972	199,660,000	1,527,200	705
1971	202,184,000	1,511,000	679
1970	204,708,000	1,494,800	653
1969	207,232,000	1,478,600	627
1968	209,756,000	1,462,400	601
1967	212,280,000	1,446,200	575
1966	214,804,000	1,430,000	549
1965	217,328,000	1,413,800	523
1964	219,852,000	1,397,600	497
1963	222,376,000	1,381,400	471
1962	224,900,000	1,365,200	445
1961	227,424,000	1,349,000	419
1960	229,948,000	1,332,800	393
1959	232,472,000	1,316,600	367
1958	234,996,000	1,300,400	341
1957	237,520,000	1,284,200	315
1956	240,044,000	1,268,000	289
1955	242,568,000	1,251,800	263
1954	245,092,000	1,235,600	237
1953	247,616,000	1,219,400	211
1952	250,140,000	1,203,200	185
1951	252,664,000	1,187,000	159
1950	255,188,000	1,170,800	133

Change (%) 14.6 -17.6 -28.0

Table taken from Ref. (3), citing FBI, crime in the United States (1986-1997), and Federal Highway Administration. Highway Statistics (1986-1997).

Table 2. Three-year recidivism rates by group.

	Interlock group	Comparison group
Total DWI offenders	312	315
Total offenders with DWI within 3 years (%)	55 (17.5)	79 (25.3)

Table 3. Survival rates by group.

Time (months)	Interlock (N = 315) (%)	Comparison (N = 312) (%)
6	302 (95.9)	287 (92)
12	295 (92.4)	266 (85.3)
18	284 (88.9)	252 (80.8)
24	273 (85.4)	244 (78.2)
36	260 (81.3)	233 (74.7)

Table 4. Three-year recidivism rates by offense level.

	Interlock group	Comparison group
Total DWI first offenders	232	228
First offenders with DWI within 3 years (%)	40 (17.2)	49 (21.5)
Total DWI multioffenders	83	84
Multi offenders with DWI within 3 years (%)	15 (18.1)	31 (36.9)

Asymmetric measure

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Subsequent conviction: Interlock Comparison

Change (%) 14.6 -28.3

Symmetric measures

Age	Value
Under 30 Phi	0.138
Over 30 Phi	0.086

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The Department of Premier and Cabinet
Government of Western Australia

Office of Road Safety

Your ref:

Our ref:

Enquiries:

Representative Kevin Meyer
State Capitol
Juneau, AK 99801

Dear Mr Meyer

I was fortunate to receive a draft copy of the Alcohol Interlock legislation that is being proposed for Alaska and would like to take this opportunity to offer my support for the Bill and congratulate all those that were involved in its development.

I met Narda Butler in October last year at the International Interlock Symposium in Colorado. At the Symposium I presented on the Western Australian Interlock Scheme and spent a memorable evening with Narda discussing the work we were both doing. During that discussion we discovered that Alaska and Western Australia have much in common, especially concerning our Indigenous populations, and that we share many of the same challenges in relation to establishing an effective response for convicted drink drivers.

In my role as a consultant to the Government of Western Australia (WA), I have been working on a comprehensive strategy to reduce repeat drink driving and unlicensed driving. This includes new legislation for an alcohol interlock scheme that, like Alaska, will make provision for all convicted drink drivers to apply to our Transport Department for a special interlock licence that will allow them to drive a vehicle fitted with an interlock device for the full period of their licence revocation. The aim of our program is to reduce repeat drink driving and unlicensed driving by drink driving offenders and in doing so reduce the associated road trauma and harm to the community.

The program in WA has been developed over a number of years and I believe that the process we undertook was extremely rigorous. All the components of our program are based on the latest international research and best practice indicators, which clearly suggest that interlock schemes should be managed administratively and that, if we are really serious about reducing drink driving recidivism, drink driving offenders should be engaged in an interlock program as soon as possible after receiving a drink driving conviction and retained on that program until such time that they demonstrate a clean driving record.

It is great to see another jurisdiction base their program on the evidence that Interlocks provide the best opportunity to effectively separate drinking and driving, whilst at the same time allowing drink driving offenders to remain in employment and contributing to their families and wider community. As you will be aware, the majority of these people need to drive to remain in employment and the evidence is clear that simply revoking their driver's licence does not stop them driving, nor does it stop them drink driving. A special Interlock licence that restricts these offenders to only driving a vehicle fitted with an interlock device allows them to continue to drive legally and ensures that when they do they are under the

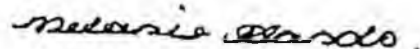
legal alcohol limit. In addition, it also reduces the incidence of unlicensed driving, which like drink driving is associated with significant road safety risks.

It is very heartening to learn that Alaska is proposing to introduce such a well considered interlock program and we should all be encouraged by the very positive results that are coming out of New Mexico, which has pioneered the approach that both Alaska and Western Australia are hoping to establish.

The Drink Driving Bill in WA is due to be considered by our Parliament in March of this year. We have done a great deal of consultation with all our legislators and politicians and all the indicators are pointing to a positive result. The community wants safer roads and everyone is keen to see legislation enacted that will reduce drink driving recidivism and the associated death and serious injury that results.

I wish you the best of luck as you progress your legislation through your political processes and will wait with interest to hear about your success.

Yours sincerely



Melanie Hands
Consultant, Office of Road Safety

17 January 2007



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States turn on to idea of ignition locks

By Haya El Nasser, USA TODAY

More convicted drunken drivers may have to blow into devices that won't let them start their cars if they're intoxicated now that several states are embracing tougher penalties.



Lobbyist Richard Roth, holds up the ignition interlock device which keeps a car from starting if the driver has been drinking.

By Jeff Geisler, AP

New Mexico last Friday became the first state to require "ignition interlock" systems for first-time offenders. The devices, which act as breath-alcohol analyzers that control a car's ignition, will be on their cars for one year. Drivers with four or more DWI convictions are required to drive with the interlocks for the rest of their lives.

The devices cost the offenders about \$1,000 a year.

Until now, they were required only for repeat offenders and for a maximum of a year.

"This is the first time it's been so broad," Jonathan Adkins, communications director for the Governors Highway Safety Association, says of the New Mexico law. "States realize we haven't won the drunken driving battle yet."

At the same time, the Senate version of a federal highway spending bill before Congress threatens to withhold about \$600 million in highway construction and maintenance funds if states don't subject high-risk offenders to stiffer sanctions, including ignition interlocks and license suspensions.

'Excellent tool'

Mothers Against Drunk Driving says 17,000 people are killed and a half-million injured in alcohol-related crashes every year. Only 18 states have mandatory ignition interlock laws, according to MADD President Wendy Hamilton.

"They have to play a bigger role," she says about the devices. "They're an excellent tool and should be used for higher-risk drivers."

High-risk drivers include repeat offenders and those convicted of driving with a blood-alcohol levels of 0.15% or higher. By August, when a Minnesota law goes into effect, the legal limit in every state will be 0.08%.

Forty-three states and the District of Columbia have the option to make convicted drunken drivers use interlocks, MADD says. More are making them mandatory, applying the sentence to all offenders or lengthening the penalty.

- This month, Florida Gov. Jeb Bush signed a bill that allows the state to require the device without a court order.
- Last year, Washington state began requiring interlocks for first-time offenders with a blood-alcohol level of 0.15% or higher.
- New York Assemblyman Felix Ortiz, who spearheaded legislation that bans hands-on use of cell phones while driving in his state, introduced a bill that would require interlocks on all new cars. A similar measure failed in New Mexico last year, but others are being proposed in New Jersey, Connecticut and Washington state.

Growing business

About 80,000 interlocks are used in the USA, according to Lamar Ball, chief executive of Smart Start Inc., a manufacturer in Irving, Texas.

"I would expect that to more than double in the next five years," he says. His business is growing 30% a year.

Interlocks also can be installed voluntarily by parents who worry about their teenage children's driving habits. The system keeps a log of failed attempts to turn on the ignition.

Some drivers have tried to bypass the system by starting the car when sober and drinking while the engine is running. Others have used air compressor hoses. The devices now require random breath samples while the person is driving. They have only a few minutes to comply.

Amy Berning, research psychologist at the National Highway Transportation Safety Administration, says interlocks are "extremely effective" when they're on a car. "The concern is when the devices come off the vehicle, the recidivism starts to go back up."

Tackling the problem

New Mexico, which ranks sixth in the nation in the rate of alcohol-related car fatalities, is becoming one of the toughest enforcers. There are 3,000 interlocks on cars in the state, the highest per capita of any state.

In 2003, 198 of New Mexico's 439 traffic fatalities were alcohol-related, according to the most recent government data. It was the first time since 1998 that the state's alcohol-related fatalities fell below 200.

Fighting drunken driving is one of Gov. Bill Richardson's signature issues. He has appointed DWI Czar Rachel O'Connor and several task forces to tackle the problem of repeat offenders and set up drunken-driving checkpoints statewide.

"An interlock device is like a mechanical probation officer on duty and monitoring DWI offenders 24 hours per day and seven days per week," Richardson says. "It's a wonderful device. It's going to dramatically curb DWI in New Mexico."

• REPRINTS & PERMISSIONS

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THE DIFFERENCES BETWEEN A CRIMINAL CASE AND AN ADMINISTRATIVE REVIEW (DRIVING UNDER THE INFLUENCE)

A DUI offense involves two separate processes and is explained in writing on the Notice and Order of Revocation that you received from the police on the day of the incident. The DUI laws have two separate areas of concern which are 1.) a violation of a criminal law and 2.) an individual's driving behavior and road safety. The two different focuses of the law are why a license may be revoked administratively when a criminal charge has been dropped.

The court action is a legal proceeding that takes place because someone has violated a criminal law. It is handled by a state or municipal attorney, depending upon the jurisdiction in which the incident took place. The attorney can consider many issues in deciding how to proceed with a particular case.

The administrative license revocation law and hearing process are geared around the issues of driver behavior and road safety. The hearing officers are limited by law to consideration of only certain issues at these hearings. The issues are 1.) whether the arresting officer had reasonable grounds to believe that you were driving or operating a motor vehicle while intoxicated, and 2.) whether the breath test result was .08 or greater or you refused to give a breath sample.

I hope this information helps to clarify why there are two processes and why the license revocation is not tied to the court proceeding. If you have specific questions about the reinstatement process, the Driver Improvement staff at the Anchorage Benson Blvd DMV office are happy to help. They can be reached at 269-3770.

THE DIFFERENCES BETWEEN A CRIMINAL CASE AND AN ADMINISTRATIVE REVIEW (ZERO TOLERANCE)

A Zero Tolerance offense involves two separate processes and is explained in writing on the Notice and Order of Revocation that a person receives from the police on the day of the incident. Zero Tolerance laws have two separate areas of concern which are 1.) a violation of a criminal law and 2.) an individual's driving behavior and road safety. The two different focuses of the law are why a license may be revoked administratively when a criminal charge has been dropped.

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Traffic Safety Facts

LAW

January 2006

Administrative License Revocation

Background

The National Highway Traffic Safety Administration (NHTSA) encourages States to require prompt, mandatory revocation or suspension of driver's licenses for alcohol and other drug test failure and refusal. Motor vehicle crashes are the leading cause of death for people 3 through 33 years old in the United States. Thirty-nine percent of motor vehicle crash fatalities are alcohol-related. Suspending or revoking driver's licenses for those driving while under the influence of alcohol or other drugs has proven to be a successful deterrent when implemented by a State.

Administrative license revocation (ALR) laws are based on objective chemical tests (usually breath, sometimes blood or urine) and are similar to "illegal per se" criminal laws against impaired driving. ALR allows law enforcement and driver

licensing authorities to revoke or suspend a driver's license swiftly, without long delays, while awaiting a criminal trial. The offender retains the right of due process through an administrative appeal system.

Key Facts

- As of January 2006, 41 States and the District of Columbia have ALR laws that result in immediate license revocation based on a blood alcohol concentration (BAC) of .08 grams per deciliter or a breath test refusal.
- In 2004, 39 percent of the 38,253 fatal motor vehicle crashes nationwide were alcohol-related. This percentage equates to 16,694 alcohol-related deaths.
- Research has found that ALR laws reduced fatal crashes by approximately 9 percent during high-risk (late night) periods of alcohol involvement.
- Research in Illinois, New Mexico, Maine, North Carolina, Colorado, and Utah showed significant reductions in alcohol-related fatal crashes after enacting ALR laws.
- For laws to be effective, publicity is an important factor because drivers must know and understand the consequences of their actions. One research study conducted in Nevada found a 12-percent reduction in alcohol-related crashes following implementation of a publicity campaign designed to inform the public about the ALR procedure.
- ALR does not have a major impact on an offender's job or income. A 1996 study compared three ALR States with one State that used other sanctions for impaired-driving; there was no difference between ALR and non-ALR States in offender employment or income. In both ALR and non-ALR States, 94 percent of the offenders who were working at the time of their arrest were still working one month later; 4 percent were unemployed; and the remaining 2 percent were in school. License revocations as long as 90 days did not lead to a loss of job or income.
- ALR is constitutional. All cases in which the highest State appellate courts have considered ALR issues have held that a separate criminal trial for an impaired driving offense following an ALR action does not constitute double jeopardy under either Federal or State constitutional law.
- The U.S. Supreme Court has found that the right of due process is not violated if a driver's license is suspended

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prior to an administrative hearing, as long as provisions are made for a swift post-suspension hearing [*Mackey v. Montrym*, 443 U.S. 1 (1979)].

- As of January 2006, 41 States and the District of Columbia have ALR laws that result in immediate license revocation based on a BAC \geq .08 or a breath test refusal.

How Do ALR Laws Work?

What Provisions Should Be Included in an ALR Law?

- The language of these laws should be consistent with the provisions of the State's administrative procedures acts.
- The arresting officer should, at the time of arrest, serve the notice of revocation (suspension), take the offender's license, and issue a temporary permit.
- The driver must have the opportunity for an administrative hearing.
- The hearing request should not be allowed to delay the revocation (suspension).
- There should be an initial license revocation (suspension) period for test failure with some period of full revocation followed by restricted driving during any remainder. Restricted driving privileges should be permitted only in very limited circumstances, and only after an initial "hard" revocation (suspension) period has been served. The initial license revocation (suspension) period for a test refusal should be longer than the period for

test failure, with no restricted driving privileges. For a repeat DWI offense within five years, the revocation (suspension) period should be considerably longer with no restricted driving privileges. In addition, licensing actions should take effect within 30 days of notice.

- The administrative sanction should be handled separately from the criminal proceeding. Due to differing procedural aspects, the findings and outcome of an ALR action should not normally affect a criminal proceeding, and vice versa.
- Although the benefits of an ALR law are numerous, some jurisdictions do experience problems in implementation that can affect the usefulness of the law. With implementation problems, States should look for ways to improve applications of ALR procedures. A recent study examined Utah's new law allowing telephonic testimony at ALR hearings. After the availability of telephonic hearings, there was a statistically significant 20-percent reduction in cases where the driver's license was returned to the offender due to the absence of the arresting officer, as a percentage of all cases where the license was returned.

How Much Does An ALR Program Cost?

A 1991 study analyzed the costs and benefits associated with ALR laws in Illinois, Mississippi, and Nevada. The study revealed that start-up and operating costs were adequately covered

with the assessment of license reinstatement fees. In addition, the annual savings in costs for night-time crashes that were reduced as a result of ALR laws ranged from \$37 million in Nevada to \$104 million in Mississippi.

How Can ALR Be Financed?

The offenders, rather than taxpayers, should pay for these programs. Some States have significantly increased the reinstatement fee for drivers whose licenses are revoked for driving while intoxicated (DWI); some States have raised all reinstatement fees; and other States have increased all license application and renewal fees. Other fines, fees, or taxes also can provide funding, such as an alcoholic beverage tax that can be earmarked for alcohol program expenses, including ALR.

Incentive Grant Program

In 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Section 2007 of SAFETEA-LU continues the alcohol-impaired driving countermeasures incentive grant program (under Section 410 of chapter 4 of Title 23) that encourages States to adopt and implement effective programs, including ALR laws, to reduce traffic safety problems resulting from individuals driving while impaired by alcohol. A qualifying State may use these grant funds to implement impaired driving activities in accordance with the Federal statute.

To meet the ALR criterion of the Section 410 grant program, SAFETEA-LU provides that a State's ALR system must require of all individuals who fail or refuse to submit to a chemical test that:

- First offenders be subject to at least a 90-day license suspension, provided that after 15 days they may operate a motor vehicle to travel to and from employment, school, or a treatment program, if an ignition interlock device is installed on all motor vehicles the offenders own or operate;
- Repeat offenders be subject to at least a one-year suspension or revocation, provided that after 45 days they may operate a motor vehicle to travel to and from employment, school, or a treatment program, if an ignition interlock device is installed on all the vehicles the offenders own or operate; and
- Suspensions or revocations take effect within 30 days after offenders refuse to submit to a chemical test or receive notice of having failed a breath test.

The statutory provisions of the Section 410 program will be implemented by NHTSA through a regulatory process.

Which States have ALR?

As of January 2006, 41 States and the District of Columbia had adopted some form of administrative license revocation. The States that do not have ALR are Kentucky, Michigan, Montana, New Jersey, New York,

Pennsylvania, Rhode Island, South Dakota, and Tennessee.

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Effects of Administrative License Revocation on Employment. Kathleen Knoebel and H. Lawrence Ross, Ketrion, National Highway Traffic Safety Administration, Washington, DC, DOT HS 808 462, May 1996.

Examining the Effectiveness of Utah's Law Allowing for Telephonic Testimony at ALR Hearings. Connie Wilizoski, Ralph Jones, and John Lacey, National Highway Traffic Safety Administration, Washington, DC, DOT HS 809 602, July 2003.

Fatal Crash Involvement and Laws Against Alcohol-Impaired Driving. Paul L. Zador et al., Insurance Institute for Highway Safety, February 1989.

Impact of Driver's License Suspension on Employment Stability of Drunken Drivers. Elizabeth Wells-Parker and Pamela Cosby, Mississippi Alcohol Safety Education Program, Social Science Research Center, Mississippi State University, June 1987.

Police Costs Associated with Administrative License Revocation. Traffic Tech No. 59, National Highway Traffic Safety

Administration, Washington, DC,
January 1994.

*Potential Lives Saved If
Administrative License Revocation
Law Adopted - 1990.* Traffic Tech
No. 24, National Highway Traffic
Safety Administration, Washington,
DC, March 1992.

*Sample State Administrative Driver
License Suspension Forms.* DOT
HS 807 547, National Highway
Traffic Safety Administration,
Washington, DC, March 1990.

*Study in Four States Shows that
ALR Has Little Effect on Violator's
Employment or Income.* Traffic

Tech, National Highway Traffic
Safety Administration, Washington,
DC, October 1996.



U.S. Department
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Information are available
from your State Highway
Safety Office; the NHTSA
Regional Office serving
your State; NHTSA
Headquarters, Office of
Impaired Driving and
Occupant Protection,
ATTN: NTS-111, 400
Seventh Street, SW.,
Washington, DC 20590;
202-366-2683;
or NHTSA's Web site at**

www.nhtsa.gov

Jane Pierson

From: Emily Stancliff on behalf of Rep. Jay Ramras
Sent: Tuesday, February 13, 2007 2:16 PM
To: Jane Pierson
Subject: FW: REsponse to HB 19 discussion in Judiciary Committee Monday
Attachments: The Top Ten Reasons.doc

From: Narda Butler [mailto:narda@frontierk12.org]
Sent: Tuesday, February 13, 2007 2:05 PM
To: Rep. Jay Ramras; Rep. Nancy Dahlstrom; Rep. John Coghill; Rep. Bob Lynn; Rep. Ralph Samuels; Rep. Max Gruenberg; Rep. Lindsey Holmes; Rep. Kevin Meyer; Mike Pawlowski
Subject: REsponse to HB 19 discussion in Judiciary Committee Monday

Dear Representatives,

I am the Mom who testified telephonically at Monday's meeting of the Judiciary Committee on HB 19. I have invested quite a bit of time and energy becoming conversant on this topic and would like to share my further thoughts with you post-discussion. In October of 2006, I attended the International Ignition Interlock Symposium where I became acquainted with the research and researchers that I cite here. I am very interested in Alaska pursuing a course that is based on best practices and fitting with the current fiscal situation of the state. That being said, please read on. I have addressed some specific questions raised during the discussion and shared my own opinions on what to do next.

Thanks,
 Narda Butler
 346-1189

1. Public Safety - Ignition interlocks are used *primarily* as a public safety device. So the measure of their success is the answer to the question:

Do ignition interlock devices reduce recidivism rates of convicted DUI offenders?

That answer is yes. A number of studies support this finding. ^{1,2,3,4}

Recidivism rates for DUI offenders who are using the ignition interlock drop by 65-95% (That 95% number is correct, see the Position Paper listed in reference #3, below.)

2. Alternative drugs - In answer to one of the questions posed in Committee yesterday, **data shows that offenders are NOT using alternative drugs when the interlock is installed.**

Florida has tracked their DUI recidivism rate in conjunction with the Pacific Institute of Research and Evaluation (PIRE, found at: <http://www.pire.org/index.asp>) The charge of DUI

2/13/2007

in Florida encompasses both alcohol and other drugs, both prescription and illegal. Therefore, if offenders were choosing an alternative drug to alcohol in order to be able to drive their ignition interlock equipped vehicle, it would be reflected in the recidivism rate for DUI. What they have found is that their recidivism rate has dropped substantially. I spoke with Felecia Ford, Director of the Ignition Interlock Program at Florida's Department of Highway Safety and Motor Vehicles on 2/13/07 to verify this information.

3. Circumvention – IIDs have been around long enough that the technology is very sensitive to circumvention efforts. Most models require some training on the part of the user (users – in case of a shared family car) to be able to provide the appropriate breath sample. Simply handing a kid \$20 and asking him to “blow in this tube” will not start the car.

Also, IIDs require rolling retests at random time intervals as the car continues to run. This means that the operator needs to provide another breath sample. If the breath alcohol content has increased, the horn begins to sound until the car is stopped allowing the operator to choose a location to safely stop.

More current models are capable of photographing the operator while the device is being used.

Any tampering with the electronics is noted by the IID data collection device and the information is available to the vendor at the next servicing.

Tampering with the device is an offense, as is driving an unequipped vehicle.

Can the offender drive another car? Yes. If they are inclined to circumvent that way, they are probably doing just that right now.

No matter our intent, as Mike Doogan wrote, we are unable to pass a law that makes dishonest people honest.

POINTS TO REMEMBER

- The majority of people who have had their driver's licenses revoked, *drive anyway*.
- This law places *public safety* as a higher priority than punishment for the bad guy.
- A good ignition interlock program reduces DUI recidivism *while the device is installed*.
- A good ignition interlock program has both administrative and judicial components. The administrative side addresses the at-risk driving population who are outside of the court system but still living with a revoked status. The judicial allows mandated sanctions for current/future offenders.
- The longer people drive illegally, the less likely they are to choose to drive legally when the option is available. (This is supported by data - not just my opinion.) Therefore, the sooner an IID can be installed and used, the higher the rate of compliance and the safer the highway system *no matter how* we feel about restoring a 'privilege'.
- I'll reiterate: this law places *public safety* as a higher priority than punishment for the bad guy.

Can the current bill be improved?

Yes. I would, humbly, suggest three things:

1. Remove the third amendment to HB 19 allowing judges the prerogative to impose an IID restriction and separate it out into a separate bill.
2. In this second bill, conform more closely to best practices by *judicially mandating* the use of an ignition interlock device for all DUI offenders. The period of time should be offender-defined, based on performance – whatever period they require to show one year of alcohol-free driving. This could one year, it could be forever.
3. Write language such that this mandated period of interlock restricted driving cannot be waited out. It begins whenever the offender applies for the ignition interlock restricted license and shows proof of installation.

Do I really mean ALL offenders, even first? Yes. This is in alignment with published best practices. And, remember, I am currently the mom to four teenagers -- A lapse in judgment initiates consequences designed to prevent such lapses in the future. And, no, life does not always *seem* fair.

I am always available to do more research, or send along some of the information I have collected if it would bring clarity to this topic. I realize it is not the only one on your plates. Please see the attachment for more info. Thx.

¹ Beck, K., Rauch, W., Baker, E., Williams, A. (1999). Effects of ignition interlock license restrictions on drivers with multiple alcohol offenses: A random trial in Maryland. *American Journal of Public Health* 89: 1696–1700.

² Coben, J.H. and Larkin, G.L. (1999). Effectiveness of ignition interlock devices in reducing drunk driving recidivism. *American Journal of Preventive Medicine* 16: 81-87.

³ Marques, P.R., Bjerre, B., Dussault, C., Boas, R.B., Beirness, D.J., Marples, I.R., Rauch, W.J. (2001). Alcohol ignition interlock devices. Volume I: Position Paper. Oosterhout, Netherlands: International Council on Alcohol, Drugs and Traffic Safety (ICADTS).

⁴ Popkin, C.L., Stewart, J.R., Beckmeyer, J., Martell, C. (1993). An evaluation of the effectiveness of interlock systems in preventing DWI recidivism among second-time DWI offenders. In: H.-D. Utzelmann, G. Berghaus, G. Kroj (Eds.) *Alcohol, Drugs and Traffic Safety – T-92: Proceedings of the 12th international conference on alcohol, drugs and traffic safety*, Köln, Germany, 28 September – 2 October 1992. Köln: Verlage TÜV Rheinland GmbH, Vol. 3, pp. 1466–1470.

The Top Ten Reasons Why NOW is the Right Time for an Ignition Interlock Limited License Program in Alaska

1. 50-75% of drivers whose driver's licenses have been revoked *drive anyway*. Revoking a person's driver's license, in these cases, does *not* improve public safety nor serve a punitive function.

2. Over the past five years, 14% of all DUI arrests are accompanied with a Driving with License Revoked/Suspended charge as well. That number is *not* decreasing.

3. Installation of Ignition Interlock devices effectively separates the act of drinking from the act of driving.

Data from a Maryland study¹ shows a 60% reduction in risk of committing an alcohol-related offense with an interlock installed.

An Ohio study² demonstrates a 65% decrease in the probability of a subsequent DUI for offenders *who have the interlock installed in their car*.

4. Interlocks work while they are installed³, therefore they should be installed *as soon* as possible for *as long* as possible.

5. The most current technology is alcohol-specific, tamper-resistant (the vendor gets a record of any disconnects) and becoming increasingly person-specific (some devices are equipped with cameras that photograph the person activating the device).

6. Every time an individual is prevented from driving because the device detects alcohol, there is potential for saving a life. This device serves as an on-board, external conscience. Persons should not be removed from the program for attempting to start their car while under the influence of alcohol. Ignition interlocks are not a perk, nor are they, in and of themselves, rehabilitative. They are a safety device whose *primary purpose* is to protect the public.

7. Ignition interlock limited licenses allow multiple DUI offenders the opportunity to become self-supporting citizens who are contributors to society, instead of takers.

8. An administrative program allows the Department of Motor Vehicles to collect data to document performance and make data-driven decisions regarding reinstatement of regular driver's licenses.

9. An administrative ignition interlock program is the most cost-effective means of capturing the largest population of at-risk drivers initially. *The costs of the interlock devices and monthly monitoring, are borne by the offender*. And, the cost savings realized if 35 individuals choose to install the device and *not* be arrested and charged with Driving with License Revoked or Suspended would fund one DMV administrative position.

10. An administrative program can be implemented sooner rather than later and provide protection on the highways in a time-effective manner.

¹ Beck, K. H., Rauch, W. J., Baker, E. A., & Williams, A. F. (1999). Effects of ignition interlock license restrictions on drivers with multiple alcohol offenses: A randomized trial in Maryland. *American Journal of Public Health*. 89(11), 1696-1700.

² Elliot, D. S., & Morse, B. J. (1993). *In-vehicle BAC test devices as a deterrent to DUI*. (Final Report). Washington, DC: National Institute on Alcohol Abuse and Alcoholism.

³This figure is taken from :

Marques, P., Bjerre, B. Dussault, C., Voas, R., Beirness, D., Marples, I. and Rauch, W. (2001b) Alcohol ignition interlock devices. Position Paper {also available online: <http://www.icadts.org/reports/AlcoholInterlockReport.pdf> accessed 31 January 2007}. Washington D.C.: International Council on Drugs, Alcohol and Traffic Safety (ICDATS)

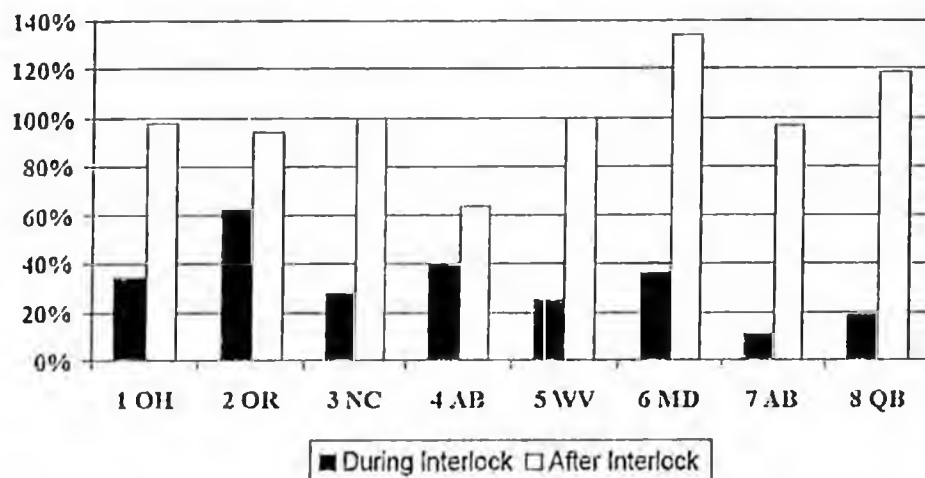


Figure 1: Eight studies that compared interlock recidivism rates (%) during the interlock (dark bars) and after the interlock (open bars) against recidivism for non-interlock contrast groups (set to 100%).

For additional information, see:

MADD's Issue Brief on the Ignition Interlock at:
<http://www.madd.org/activism/0,1056,7604,00.html>

MADD's Ignition Interlock Fact Sheet at:
<http://www.madd.org/news/docs/Interlock%20Fact%20Sheet%20Final.pdf>

"Best Practices for Alcohol Interlock Programs" from the Traffic Injury Research Foundation at: http://www.trafficinjuryresearch.com/publications/PDF_publications/BestPracticesReport.pdf

Contact information:
Narda Butler, Citizen Advocate
346-1189 (home)/301-1611 (cell)
narda@frontierk12.org

Jane Pierson

From: Duane Bannock [duane_bannock@admin.state.ak.us]
 Sent: Tuesday, February 13, 2007 1:38 PM
 To: Jane Pierson; Mike Pawlowski
 Cc: Hennings, Kerry
 Subject: [Fwd: [Fwd: Admin Actions]]
 Attachments: ALR.pdf; THE DIFFERENCES BETWEEN A CRIMINAL CASE AND ADMIN ACTION.doc

Here's a couple more numbers from 2006

4449 - Administrative Actions (DUI/Refusal)
186 - Approx. 20% dismissed

4263 DMV Admin Actions

3040 First Offenders (71%)
 1223 Multiple Offenders (29%)

Received Limited DL (drive from home to work; work to home)

234 First Offender (8%)
 37 Multiple Offender (3%)

This is a 'snapshot' of CY 2006. We're still attempting to identify the total quantity of drivers revoked currently, but that's not a stat we normally track. please stay tuned.
 Duane

----- Original Message -----

Subject:[Fwd: Admin Actions]
 Date:Tue, 13 Feb 2007 12:54:23 -0900
 From:Duane Bannock <duane_bannock@admin.state.ak.us>
 Organization:State of Alaska
 To:Jane Pierson <jane_pierson@legis.state.ak.us>

Does this help?
 dab

----- Original Message -----

Subject:Admin Actions
 Date:Mon, 12 Feb 2007 16:25:25 -0900
 From:Kerry hennings <kerry_hennings@admin.state.ak.us>
 Organization:State of Alaska
 To:Duane A Bannock <duane_bannock@admin.state.ak.us>

Duane,

2/13/2007

2006

4449 - Administrative Actions

926 - Hearings Requested

186 - Approx. 20% dismissed

740 - Revoked by hearing

11 - Appeals filed

6 - Dismissed by Appellant

5 - Pending

Less than .005

Kerry

STORK

Materials Technology

Stork Twin City Testing Corporation

**STORK TWIN CITY TESTING CORPORATION
662 CROMWELL AVENUE
ST. PAUL, MN 55114**

**Report of Tests on
Breath Alcohol Ignition Interlock Device (BAIID)
per Federal Register/Vol. 57, No. 67**

**Prepared for:
SMART START INCORPORATED
Attn: Mr. James Ballard
4850 Plaza Drive
Irving, TX 75063**

Tests Conducted By:

Mike Olszewski

Mike R. Olszewski
Engineering Technician
Product Testing Department
Phone: (651) 659-7324

Reviewed By:

Mathew N. Botz

Mathew N. Botz
Project Manager
Product Testing Department
Phone: (612) 659-7353

The test results contained in this report pertain only to the samples submitted for testing and not necessarily to all similar products.

JOB NUMBER: 30160 03-51983
STORK - TWIN CITY TESTING CORPORATION

PAGE: 2 of 56
DATE: July 15, 2003

BAIID TESTING

INTRODUCTION:

This report presents the results of tests performed on two BAIIDS per the Federal Register (Vol. 57, No. 67/Tuesday, April 7, 1992/Notices). The scope of our work was limited to specific test requirements 1.1.T through 2.5.T. The test units were submitted to our laboratory on May 2, 2002 by Mr. Jim Ballard of Smart Start, Inc. The testing and data analysis was completed on July 8, 2003.

SUMMARY OF RESULTS:

Both test units were found to be in full compliance with the National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT) Specifications [Docket No. 91-07, Notice 2].

SPECIMEN IDENTIFICATION:

Two units were submitted for testing, each was identified as a model SSI-1000 and were labeled with the following serial numbers: Unit A - Logger #51133L, Head #52624; Unit B - Logger #L81159, Head #H71362. Both Units share the same basic dimensions:

Loggers are 4.1875" long, 3.25" wide, 1.5" tall.
Head units are 5.25" long, 2" wide, ~ 1.5" tall.



Unit A



Unit B

The normal Calibration Period was identified by the manufacturer as being 60 days.

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STORK - TWIN CITY TESTING CORPORATION

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DATE: July 15, 2003

TEST METHODS:

Test methods were as outlined in the National Highway Traffic Safety Administration [Docket No. 91-07, Notice 2] 1.1.T through 2.5.T.

- 1.1.1.T UnStressed Accuracy/Precision Testing, Units were tested under controlled Lab conditions. A sample solution of 0.01% w/v above the set point (0.03%) was introduced to the BAID 20 times. This corresponds to an overall testing BrAC of 0.04% w/v for this test.
Criteria: The BAID must successfully lock out 90% of the time, or 18 of the 20 times.
- 1.1.2.T Stressed Accuracy/Precision Tests, Units were subject to stress tests from sections, 1.3, 1.4 - 1.6.4, 1.7 (i.e., Vibration, temperature, etc.). The devices were then exposed to a solution of 0.02% w/v above the set-point (0.03%), 20 times. This corresponds to an overall testing BrAC of 0.05% w/v for this test.
Criteria: The BAID must successfully lock out 90% of the time, or 18 of the 20 times.
- 1.2.T Breath Sampling Requirement Test, Units were tested for how much air passed through before a sample was taken.
Criteria: 1.5 liters of air pass through the system before the unit samples the air.
- 1.3.T Calibration Stability Test, The units were calibrated and remained in the laboratory, untouched for 7-days plus the specified calibration period. The calibration test was conducted using Alcohol Samples and Non-Alcohol samples. Nine of the ten days the units were tested with 10 cycles per day with the Non-Alcohol sample. On the tenth day the units were tested with the Alcohol sample. The units were tested to section 1.3.1.T. The units were tested to 1.1.2.T.
Criteria: Units must function normally throughout the entire calibration period.
- 1.3.1.T Evaluation of Lockout for Expiration of Service Interval, The devices were evaluated for warning signals/alerts after the specified service duration.
Criteria: The units shall prevent ignition after the service duration.
- 1.4.T Power Tests, Units were attached to a variable DC Power Supply and voltage set to 11 and 16 volts. Then subject to section 1.1.2.T
Criteria: Units must function normally at each voltage extreme.
- 1.5.1.1.T-1.5.1.4.T Temperature Tests, Logger portion of Units was placed in an environmental chamber and stabilized at the following conditions: -40°C, -20°C, +70°C, +85°C for a duration of 1 hour and then tested according to 1.1.2.T
Criteria: Units must function normally at each temperature.

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STORK - TWIN CITY TESTING CORPORATION

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TEST METHODS: Continued

- 1.6.1.T - 1.6.4.T Vibration Stability Tests. Units were subject to Simple Harmonic motion having amplitude of:
Unit A: *0.76 mm, with an initial frequency of 10 Hz, then increased to 30Hz in 2.5min, then decreased to 10 Hz in 2.5 min.
Unit B: *0.38 mm, with an initial frequency of 30 Hz, then increased to 60Hz in 2.5min, then decreased to 30 Hz in 2.5 min.
Each device was tested to the above conditions in three directions. The devices were subjected to testing according to 1.1.2.T.
Criteria: Units must function normally after vibration testing.
- 1.6.5.T Post Vibration Examination. Units were inspected for damage after vibration testing
Criteria: Units must show no damage after vibration.
- 1.7.T Radio Frequency Interference. Units were subject to a cellular phone and radio interference by placing the unit 5cm from the interference source in three orthogonal orientations. The units were tested in accordance with 1.1.2.T while cellular phone, radio being used.
Criteria: Units must not allow the engine to start (i.e. Sample/Pass) as a result of the RFI.
- 1.8.1.1.T Tampering and Circumvention Tests /Power Loss Tests. Units were disconnected from the power source. Time and date were recorded, and when data was downloaded from unit, it was inspected to see that it showed this power loss. This was done at random 20 times during testing.
Criteria: Units must Log power loss.
- 1.8.1.2.T Tampering and Circumvention Tests/Circuit Tampering. Each device was operated at varying voltage levels during the course of testing. Logs were then checked to see that corresponding data was present.
Criteria: Units must Log power changes.
- 1.8.2.1.T Circumvention/Non-Human Sample. Each device was tested using three non-human compressed air sources with no alcohol present. These included a Mylar balloon, a rubber balloon, and canned air.
Criteria: The device shall detect or fail 80% of non-human breath samples.
- 1.8.2.2.T Circumvention/Filtered Sample. Each device was tested according to 1.1.2.T using two different filters; a standard toilet paper tube filled with cat litter, and a wet filter constructed from a capped styrofoam coffee cup filled with hot water. Both filters had tubing input/outputs.
Criteria: The device shall detect or fail 80% of filtered samples.
- 1.8.2.3.T Circumvention/Rolling retest to thwart curbside assistance. Each unit was tested as to whether it would require a re-test after a passing test.
Criteria: Units must require a re-test within a 5-30 minute period after a passing test, and must give a three minute period in which to take the re-test.

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TEST METHODS: Continued

- 1.9.T Sample Free Restart Test, (in the event of a stall) Each device shall permit a free restart for 2 ± 0.25 min. Each was tested three times with alcohol-free sample at 1.5-min and 2.5 min. Criteria: The devices shall allow a start the first three tests and fail to start the last three tests.
- 1.10.T Data Recording Test, Testing consisted of recording time, date and introduced sample concentration. These results were then compared to the data recorded by the unit. Criteria: Data logged must be accurate.
- 2.1.1.T Utility Accuracy Testing Of Unstressed BAIIID, Each device was tested with a solution that is 0.01% w/v below the alcohol setpoint (0.03% BrAC). This corresponds to an overall testing BrAC of 0.02% w/v for this test. The tests were repeated 20 times on each device. Criteria: Units must meet 90% accuracy.
- 2.2 T Clearance Rate Test, Each device was tested with BrAC = 0.05%w/v. A timer was activated upon receipt of the result. The timer was paused upon receiving a "ready" condition from the device. Criteria: The device shall reset within 3 min.
- 2.3.T Warm Up Test, Each device was conditioned at -20°C for four hours. A timer was started concurrently with the activation of the BAIIID. The time required for the device to register "ready" was recorded. Criteria: The device shall not require more than 5-min. to register "ready".
- 2.4.1.T User Display/Operational Modes, Each device was evaluated for visible or clearly audible indicators. Criteria: Units must indicate ON, Unit is Ready to Test, Unit has Received Acceptable Sample.
- 2.4.2.T User Display/Outcome, Each device was evaluated for visible indication of the results. Criteria: Units must display Pass or Fail.
- 2.4.3.T User Display/Warnings, Each device was evaluated for displayed warnings. Criteria: Unit must indicate that it needs to be Serviced or Calibrated Soon.
- 2.6 T Altitude Test, Each device was tested per Section 1.1.2 Stress Accuracy at a simulated altitude of 2.5km. Criteria: Units must hold or exceed 90% accuracy when tested at .02% above setpoint.

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TEST RESULTS:

SECTION	TEST DESCRIPTION	BAIID	COMMENT/PURPOSE	PASS/FAIL
1.1.1.T	Accuracy Tests for Safety Specifications-Unstressed	A,B	UnStressed Criterion is 90% accuracy at .01% w/v above setpoint; 20 tests, 18 or more must lock	PASS
1.1.2.T	Accuracy Tests for Safety Specifications-Stressed	A,B	Stressed Criterion is 90% accuracy at .02% w/v above setpoint; 20 tests, 18 or more must lock	PASS
1.2.T	Breath Sampling	A,B	Min. sample of 1.5L	PASS
1.3.T	Calibration Stability	A,B	Test according to 1.1.2.T at end, then recalibrate and test with 1.1.1.T	PASS (60 DAYS)
1.3.1.T	Lockout Evaluation	A,B	Lockout after 7 days beyond service interval	PASS
1.4.T	Power	A,B	11 and 16 VDC, Test according to 1.1.2.T	PASS
1.5.1.T	Temperature Ranges	A,B	Test according to 1.1.2.T at -40°C, -20°C, +70°C, +85°C	PASS
1.6.1.T	Vibration 1	A	10 to 30 to 10 Hz, 5 min. .76mm disp.	PASS
1.6.2.T	Vibration 2	B	30 to 60 to 30 Hz, 5 min. .38mm disp.	PASS
1.6.3.T	Vibration 3	A,B	As above 3 directions	PASS
1.6.4.T	Vibration 4	A,B	Test by 1.1.2.T	PASS
1.6.5.T	Post Inspection Shake	A,B	Inspect for damage	PASS
1.7.T	RFI/EMI	A,B	5 cm from in vehicle appliance	PASS
1.8.1.1.T	Tampering/Power Loss	A,B	Test for Interrupt detection	PASS
1.8.2.1.T	Circumvention/ Non-Human Sample	A,B	80% correct	PASS
1.8.2.2.T	Circumvention/Filtered Samples	A,B	80% correct	PASS
1.8.2.3.T	Circumvention/Rolling Retest	A or B	Test retest conditious	PASS
1.9.T	Sample Free Restart	A,B	Test Timer	PASS
1.10.T	Data Recorder	A,B	Observe	PASS
2.1.1.T	Accuracy/Precision for Utility Specification-Unstressed	A,B	90% correct	PASS
2.1.2.T	Stressed Utility Test	N/A	N/A	N/A
2.2.T	Clearance Rate Test	A,B	Reset Time	PASS
2.3.T	Warm Up Test	A,B	Time to ready	PASS

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 STORK - TWIN CITY TESTING CORPORATION

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RESULTS: Continued

SECTION	TEST DESCRIPTION	BAIID	COMMENT/PURPOSE	PASS/FAIL
2.4.1.T	Display Readability	A,B	Observe	PASS
2.4.2.T	Display User Feedback	A,B	Observe	PASS
2.4.3.T	Display Warnings	A,B	Observe	PASS
2.5.T	Low Temperature Provisions	N/A	N/A	N/A
2.6T	Altitude- 2.5 km	A,B	90 % correct	PASS

TEST EQUIPMENT:

RepCo 3402C Simulator (Supplied by Smart Start Inc.)

Nextel Motorola i30sx Cell Phone S/N 021TCJ6S61

Hans Rudolph model 5570 three liter calibrated syringe
 S/N 557-7678

Thermotron Temperature/Altitude Chamber MM 190-018
 -90°F-300°F/ 1000-70,000 Feet

Tektronix PS281 Variable DC Power Supply MI-160-128

Fluke 8050a DMM MM180-005

Ling Dynamic Systems V 810 Vibration Table
 Dactron Controller MM 460-026

Promising Sentencing Practice No. 5 Ignition Interlock Devices



By Judge Calvin Holden (Missouri)

Overview

While DWI sanctions have generally focused on punishing, rehabilitating, or incapacitating the drinking driver, another approach to controlling the DWI offender that has emerged in recent years is to focus on the offender's vehicle as a means of influencing the offender. One of these approaches, which has proven to be effective, is the ignition interlock device.

To prevent a convicted DWI offender from driving while intoxicated, courts may require the installation of an ignition interlock device on the offender's vehicle. Courts employ this sentencing practice because:

- Installation of the device allows DWI offenders to maintain their responsibilities (e.g., driving to work, taking children to school, running errands, etc.), while also serving as a constant reminder that their privilege to drive is contingent on their sobriety.
- Given the fact that many offenders whose licenses are suspended or revoked will continue to drive without a license, a deterrent to DWI other than license suspension or revocation is necessary to protect public safety.

[top]

What Is An Ignition Interlock Driver?

An ignition interlock device consists of a breath-testing unit that is connected to a vehicle's ignition switch. To start the vehicle, the driver must blow into the unit. If the breath sample provided by the driver contains more than a predetermined blood alcohol concentration, the ignition interlock device prevents the vehicle from being started. To meet the model specifications set by NHTSA, the ignition interlock device must not only require a breath test to start the vehicle, but must also require a subsequent "rolling or running retest" to prevent another person from starting the vehicle and then allowing an impaired driver to take over the wheel. The ignition interlock system records the results of all breath tests, as well as all attempts to circumvent or tamper with the device.

Federal Law

The TEA-21 Restoration Act supports the use of ignition interlock devices by

mandating that State laws regarding second and subsequent convictions for DWI must require that all vehicles of repeat DWI offenders be impounded or immobilized for some time period during the license suspension period, or require the installation of an ignition interlock system on all of the offender's vehicles for some time period after the end of the suspension. Otherwise, the State risks losing Federal funding.⁵²

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State Laws

Forty-three States have laws providing for either the discretionary or mandatory installation of ignition interlock devices on the vehicles of repeat DWI offenders. New Mexico, for example, requires that as a condition of probation upon a first conviction for aggravated driving while under the influence of intoxicating liquor or drugs,⁵³ an offender shall be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender.⁵⁴

Costs

The offender is required to pay for the ignition interlock device. The average cost for installation of the device is approximately \$100-\$150, and monthly monitoring and calibration is approximately \$65.

Effectiveness Of The Device

The ignition interlock device has proved to be an effective deterrent to DWI because when properly installed and regularly monitored, the device is extremely difficult to circumvent. It has also proved to be an effective deterrent when it is emphasized to the offender that this is a lesser penalty than might be imposed (e.g., impounding the offender's vehicle) and is conditioned on the offender's correct use of the device every time he or she drives.

Studies have shown:

- A recidivism rate of 0-4 percent by offenders whose vehicles were equipped with an ignition interlock device.⁵⁵
- That offenders were 65 percent less likely to re-offend while the device was in place than those offenders who were not required to install the device.⁵⁶
- That multiple DWI offenders who were required to install ignition interlock devices were less than half as likely to have subsequent DWI convictions within three years, as compared with other multiple DWI offenders who were not required to install the devices.⁵⁷
- That after 30 months, the recidivism rate for offenders placed in an interlock group was only 1.5 percent, compared to 16.1 percent for offenders in the non-interlock group.⁵⁸
- That a program which combined an ignition interlock requirement with substance abuse treatment and license suspension was more effective in

preventing recidivism than any other program.⁵⁹

Other researchers have found, however, that the deterrent effect of the device generally ends once it is removed, and that the likelihood that offenders who were required to install the device will commit a repeat DWI offense following removal of the device is virtually the same as for those who were not required to install the device.⁶⁰ Research suggests that the device should remain installed until the offender can demonstrate an extended period of sobriety.⁶¹ When combined with substance abuse counseling, there is some evidence that the deterrent effect of the device may continue beyond its removal.⁶²

One court found that the practical effectiveness of the device was limited because only a small number of offenders were willing to install the device in order to be able to drive legally. Consequently, it adopted a court policy that created a strong incentive for offenders to install the device by making traditional penalties, such as jail or electronically monitored house arrest, the alternative to participation in the interlock program. Comparison of the recidivism rates of offenders subject to this policy with offenders in similar, nearby courts, not using interlocks, indicated that the policy was producing substantial reductions in DWI recidivism.⁶³

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Using Data Recorded by Device

The data recorded by the ignition interlock device may provide information regarding the offender's particular pattern of alcohol abuse that may be useful in attempting to change the offender's behavior through counseling or other means (e.g., by showing the offender's attempts to drive while intoxicated at a certain time of day or under certain circumstances).⁶⁴ Some researchers have concluded that interlock data may eventually come to serve as a useful adjunct for monitoring offenders by alcohol counselors, as well as by courts and motor vehicle authorities.⁶⁵

Barriers to Using the Device

Judges and prosecutors who participated in a 2003 study conducted by the California Department of Motor Vehicles noted three barriers that exist to requiring ignition interlock devices:

- Many offenders are unable to pay for these devices.
- Many offenders do not own a vehicle; and
- Monitoring offenders ordered to install an ignition interlock device is time-consuming and difficult.⁶⁶

One method of dealing with offenders who do not own a vehicle is to require them to sign a waiver stating that they will not own or operate a vehicle that is not equipped with an ignition interlock device.

⁵² See 23 U.S.C. § 164(a)(5)(B).

⁵³ N.M. Stat. §66-8-102 (D): Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while driving a vehicle within this state;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

⁵⁴ N.M. Stat. §66-8-102 (N).

⁵⁵ See "The Technology Answer to the Persistent Drinking Driver," National Commission against Drunk Driving (NCADD), <http://www.ncadd.com/015.cfm>.

⁵⁶ See Beck, Kenneth H., et al., "Effects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenses: A Randomized Trial in Maryland," *American Journal of Public Health*, Vol. 89, No. 11, pp. 1696-1700 (November 1999); Coben, Jeffrey, and Gregory Larkin, "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism," *American Journal of Preventive Medicine*, Vol. 16, No. 1S, pp. 81-87 (1999).

⁵⁷ See Fulkerson, Andrew, "Blow and Go: The Breath-Analyzed Ignition Interlock Device as a Technological Response to DWI," *American Journal of Drug and Alcohol Abuse*, Vol. 29, pp. 219-229 (2003).

⁵⁸ See More, Barbara J. and Delbert S. Elliott, "Effects of Ignition Interlock Devices on DUI Recidivism: Findings from a Longitudinal Study in Hamilton County, Ohio," *Crime & Delinquency*, Vol. 38, pp. 131-141 (1992).

⁵⁹ See Tashima, Helen N. and Clifford J. Helander, "1999 Annual Report of the California DUI Management Information System," *California Department of Motor Vehicles*, pp. 30, 38 (January 1999).

⁶⁰ See Raub, R., et al., "Breath Alcohol Ignition Interlock Devices: Controlling the Recidivist," *Traffic Injury Prevention*, Vol. 4, No. 3, pp. 199-205 (2003); "Alcohol Ignition Interlock Devices I: Position Paper," *International Council on Alcohol, Drugs and Traffic Safety (ICADTS)*, p. 11 (July 2001).

⁶¹ See Raub, *supra*.

⁶² See Raub, *supra*.

⁶³ See Voas, Robert A., et al., "Evaluation of a Program to Motivate Impaired Driving Offenders to Install Ignition Interlocks," *Accident Analysis and Prevention*, Vol. 34, No. 4, pp. 449-455 (2002).

⁶⁴ See Marques, Paul R., et al., "Predicting Repeat DUI Offenses With Alcohol Interlock Recorder," *Accident Analysis and Prevention*, Vol. 33, No. 5, pp. 609-619 (2001); Marques, Paul R., et al., "Behavioral Monitoring of DUI Offenders with Alcohol Ignition Interlock Recorder," *Addiction*, Vol. 94, No. 12, pp. 1861-1870 (1999).

⁶⁵ See Marques, Paul R., et al., "Behavioral Measures of Drinking: Patterns from the Alcohol Interlock Record," *Addiction*, Vol. 98, No. 2, pp. 13-19 (2003).

⁶⁶ See DeYoung, David, "An Evaluation of the Implementation of Ignition Interlock in California," *Licensing Operations Division, Research Notes - 2003*,

http://www.dmv.ca.gov/about/profile/rd/resnotes/evaluation_implementation.htm.

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Alcohol Ignition Interlock Fact Sheet

Alcohol ignition interlocks

An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's alcohol concentration is below a pre-set blood alcohol concentration (BAC). A data recorder logs the driver's BAC for each attempt to start the vehicle. Interlocks may be calibrated to have "rolling retests," which requires a driver to provide breath tests at regular intervals, preventing drivers from asking a sober friend to start the car, drink while driving, or leaving the car idling in a bar parking lot.¹

Use and prevalence of interlocks

Interlocks are used as a condition of probation for drunk driving offenders after their driver's licenses have been reinstated; they can also be directly mandated by judges. Sometimes interlocks can be used when licenses are revoked upon arrest for drunk driving as well, before conviction. As of 2006, 45 states and the District of Columbia allow for interlocks for some drunk driving offenders.²

- In 20 of these states, the law mandates the use of ignition interlock devices for DWI offenders. These states include: Arizona, California, Colorado, Florida, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Virginia and Washington.³
- Twenty-five states have laws that provide for the discretionary use of ignition interlock devices for DWI offenders. These states are: Alaska, Arkansas, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Wyoming, and the District of Columbia.⁴
- Five states, Alabama, Hawaii, Maine, South Dakota and Vermont, have no ignition interlock provisions.⁵

Despite these various laws throughout the nation, only 100,000 interlocks are in service in the United States.⁶

Effectiveness of interlocks

Interlock devices are up to 90 percent effective while installed in a vehicle.⁷ Once the interlock is removed from the offender's vehicle, however, the recidivism is similar for both offender groups.⁸ The average offender with an interlock installed in their vehicle gives a breath test five to nine times per day, of which 99 percent feature a BAC under .02.⁹ This data shows that interlocks are an effective weapon against drunk driving.

Alcohol ignition interlocks save lives

Each year, one-third of all drunk driving arrests are of drivers who have previously been convicted of drunk driving. Installing interlocks on all repeat offenders has the potential to save the lives of at least 300 individuals per year.¹⁰ Expanding the installation of interlocks into the

cars of first time offenders could save at least 1,600 lives.¹¹ By requiring interlocks for all convicted drunk drivers, we could save at least 1,900 lives per year.

The public supports the implementation of alcohol ignition interlocks

Eighty-five percent of the public supports the mandatory installation of alcohol ignition interlocks in the vehicles of repeat DWI offenders and 65 percent also support the mandatory installation of interlocks for first time offenders.¹²

Best use of interlock programs

New Mexico is the best model of successful judicial ignition interlock program. In 2005, New Mexico passed a law making interlocks mandatory for all drunk driving offenders: one year for first offenders, two years for second, three years for third, and a lifetime for the fourth offense. As of June 2006, 5,265 ignition interlocks had been installed in New Mexico, significantly more per capita than in any other state.¹³ Additionally, interlocks are perceived as a fair sanction by 85 percent of more than 3,000 offenders from that state.¹⁴

Alcohol ignition interlock programs have been adapted in other countries, as well.

- Australia has interlock programs in three of its states, adding up to 2,500 total interlock installations as of June 2006.¹⁵
- Almost all of the Canadian provinces have interlock programs for drunk driving offenders, most of which are voluntary.¹⁶
- The European Union has conducted feasibility studies in Belgium, Germany, Norway and Spain, while voluntary ignition interlock programs for convicted drunk drivers are also being tested in Finland, France, Germany and Great Britain.¹⁷
- Sweden has the most advanced interlock laws, as drunk driving offenders can choose between having their drivers license revoked or keeping it and participating in the interlock program. For two years, offenders must drive only interlock vehicles and cannot drive outside of Sweden. Drivers are dropped from the program if they are not completely sober during the second year. Two years after they left the program, successful participants had significantly fewer drunk driving arrests and crashes than they did before starting the program.¹⁸

Expanding interlock use for all convicted drunk drivers

The *Campaign* supports several approaches to implement greater use of interlocks for all convicted drunk driving offenders. First, new state laws need to be enacted to require interlock use by all drunk driving offenders, including first time offenders. Second, judges are one of the keys to increasing interlock use because they have the power to implement interlock laws and to penalize drivers who fail to comply with interlock program requirements. The *Campaign* aims to provide active education training state driver's license officials, judges and prosecutors on interlocks.¹⁹

¹¹ MADD, *International Technology Symposium: A Nation without Drunk Driving Summary Report*, November, 2006, pg 4.

¹² MADD (2006), *State-by-State Alcohol-Related Laws*, www.madd.org.

¹³ MADD (2006), *Ignition Interlock Brief*.

¹⁴ *Ibid.*

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- ⁶ Ibid.
- Marques, Paul. "Technology Today: Controlling DWI Offenders with Alcohol Ignition Interlock Programs" Presentation at the *MADD International Technology Symposium: June 19-20, 2006*.
- ⁷ Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 (12): 1849-1859. 1999.
- ⁸ Marques, Paul.
- ⁹ Ibid.
- ¹⁰ Fell, James. "Potential Role of Technology in Reducing Alcohol-Related Traffic Fatalities." Presentation at the *MADD International Technology Symposium: June 19-20, 2006*.
- ¹¹ Ibid.
- ¹² McInturff, Bill. "A Presentation of key findings from a national survey of 800 drivers conducted June 8-11, 2006." Presentation at the *MADD International Technology Symposium: June 19-20, 2006*.
- ¹³ Ibid.
- ¹⁴ Roth, Richard. "Interlocks in New Mexico". Presentation at the *MADD International Technology Symposium: June 19-20, 2006*.
- ¹⁵ MADD, *International Technology Symposium: A Nation Without Drunk Driving Summary Report*, November, 2006: pg 4.
- ¹⁶ Ibid, pg 4.
- ¹⁷ Ibid, pp 4-5.
- ¹⁸ Ibid, pg 5.
- ¹⁹ Ibid, pg 5.

HB

19

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/7/07

FURTHER:

DATE TURNED
IN TO OFFICE: 4-3-08

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

HB 19 LTD. DRIVER'S LICENSES/IGNITION INTERLOCK

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

and recommends:

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

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

NEW FISCAL NOTE(S):

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

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

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

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

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

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

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

Expenditures/Revenues (Thousands of Dollars)

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

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

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

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()	36.0	0.0	36.0	36.0	36.0	36.0	36.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services	76.0	0.0	56.5	56.5	56.5	56.5	56.5
TOTAL	76.0	0.0	56.5	56.5	56.5	56.5	56.5

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

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

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

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	.	.	.	.	.	.	.
Part-time	.	.	.	.	.	.	.
Temporary	.	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

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

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

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

Cecile Elliott

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

Tuesday, April 8, 2008

1:30 PM

SB 254-AK REGIONAL ECONOMIC ASSISTANCE PROGRAM

SB 202-PROHIBIT STATE SPENDING FOR REAL ID ACT

SB 259-EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

SB 265-SEX OFFENDERS & CHILD KIDNAPPERS: PFD

SB 243-COMMISSION ON AGING



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 31, 2008

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

FR: Representative Kevin Meyer

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

Senator Stedman,

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

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

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

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

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

Sincerely,



Representative Kevin Meyer

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

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

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

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

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

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

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

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

The following are exempt from Alaska motor vehicle registration:

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

Cross Reference:

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

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

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

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

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. R-2	Page No. 3 of 3
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Lime Village	Nulato	Quinhagak	Tanana
Little Diomedea	Nunachuk		Tanunak
Long	Nunapitchuk	Rampart	Tatitlek
Lower Kalskag	Nushagak	Red Devil	Tenakee Springs
	Nyac	Ruby	Tetlin
Manokatak		Russian Mission	Tin City
Marshall	Old Harbor		Todd
Mary's Igloo	Ophir	St. George	Togiak
McGrath	Oscarville	St. Mary's	Token
Medfra	Ouzinkie	St. Michael	Toksook Bay
Mekoryuk	Owl Village	St. Paul	Tuluksak
Meshik		Sanak	Tuntutuliak
Mellakatta	Pavlof Harbor	Sand Point	Tununak
Meyoruk	Pedro Bay	Savoonga	Twin Hills
Meyers Chuck	Pelican	Scammon Bay	Tyonek
Moses Point	Pennock Island	Selawik	
Mt. Village	Perryville	Shageluk	Ugashik
Mumtrak	Pikmiktalik	Shaktolik	Umiat
	Pile Bay	Sheldon Point	Unalakleet
	Pilot Point	Shemya	Unga
Napaimiut	Pilot Station	Shismaref	
Napaiskak	Pitka's Point	Shungnak	Venetie
Napakiak	Platinum	Shungnak Village	
Nelson Legoon	Point Baker	Skwentna	Wainwright
New Stuyanak	Point Hope	Sleetmute	Wales
Newhalen	Point Lay	Snettisham	White Mountain
Newtok	Poorman	South Naknek	Wiseman
Nightmute	Port Alexander	Squaw Harbor	Woody Island
Nikolai	Port Alsworth	Stebbins	
Nikolski	Port Ashton	Stevens Village	
Noatak	Port Graham	Stony River	
Nolan	Port Heiden	Stuyahok	
Nondalton	Port Lions		
Noorvik	Port Moller	Takotna	
Nuiqsut	Port Wakefield	Taku Harbor	



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement HB 19

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

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

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

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

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

(Updated 1/16/2007)



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

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

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

Changes:

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

Traffic Offenses

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

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

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

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

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

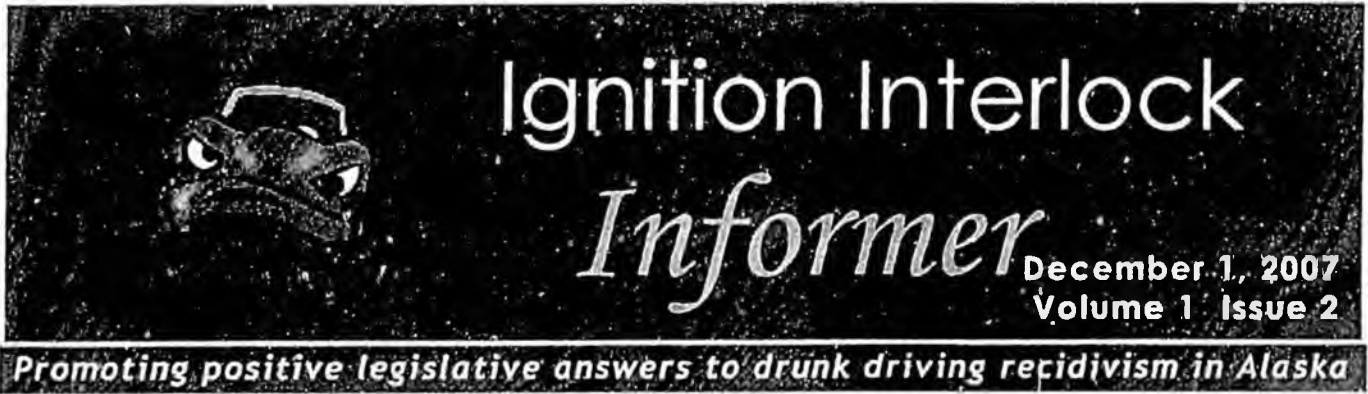
<u>Driving While License Suspended</u>	<u>Inprisonment</u>	<u>Fine</u>	<u>License¹⁷ Revocation</u>	<u>Community Work Service</u>
	<u>Min.</u>	<u>Max.</u>		
First Offense (not based on DUI)	10 days/10 susp.	1 year	\$0-10,000	90 days 80 hours minimum
Second Offense w/in 10 yrs.	10 days	1 year	\$0-10,000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

¹⁷ See footnote 13 above regarding fatal accidents.

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

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

²⁰ First offender may receive limited license for 60 days.



On the Road to Safer Highways

INSIDE THIS ISSUE

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

INSERTS: Ignition Interlock Program Comparison Chart

Judicial and Administrative Implications of HB19

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

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

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

Additionally, the bill

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



Every failed attempt has the potential to save lives!

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

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

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

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

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

A Better Bill

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

IN THE PRESS

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

Omaha World Herald
December 3, 2007

For more news items, see
www.ignitioninterlockalaska.com

Here are the caveats to consider:

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

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

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

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

Please see *A Better Bill* on page 3

A Better Bill cont'd from page 2

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

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

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

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

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

Amend HB19 to:

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

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

Amend HB19 to:

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

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

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

DID YOU KNOW?

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

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

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

A Sanction; Not a Perk

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

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

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

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

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

Ignition Interlock Informer

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

Ignition Interlock Program Comparison Chart

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

Ignition Interlock Program Comparison Chart

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

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

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

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

Judicial and Administrative Implications of HB19

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

Judicial and Administrative Implications of HB19

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

Judicial and Administrative Implications of HB19

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

Judicial and Administrative Implications of HB19

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



MADD

Activism | Victim Services | Education

RECEIVED

JAN - 8 2008

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

January 4, 2008

Dear Senator Stedman:

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

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

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

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

Sincerely,

Glynn R. Birch
National President
Mothers Against Drunk Driving

MADD'S Response to Suggested Amendments to HB 19

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

Narda,

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

MANDATORY IIED FOR ALL OFFENDERS

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

HARD SUSPENSION OF 30 DAYS-

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

COMPLIANCE-BASED

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

What we're typically seeing is---

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

2nd offense- 1 to 2 years of interlock use

3rd offense- 3 years of interlock use

4th offense- 4 years of interlock use

IIEDs FOR FELONS

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

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

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

INDIGENT

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

VEHICULAR HOMICIDE

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

WHAT ABOUT THE GUY WHO DOES NOT DRIVE???

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

OFFENDERS UNDER 21

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

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

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

Julie

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

Director of State Legislative Affairs for MADD

(202)- 974-2474

julie.clements@madd.org

Ralph S. Blackman
President & CEO



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*Chief (Ret.) Colorado State Patrol
Former Vice President of IACP*

Anthony E. Wolf, PhD
Clinical Psychologist and Best Selling Author

March 28, 2008

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

Dear Representative Meyer:

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

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

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

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

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

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

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

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

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

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

Sincerely,



Ralph Blackman
President & CEO

HB

22

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 22
(H) Publish Date: 4/30/07

Revision Date/Time (Note if correction): _____ Dept Affected: OOG
Title: "An Act extending the termination date for the RDU: Executive Operations
Board of Governors of the Alaska Bar Assoc..." Component: Executive Office
Sponsor: Representatives Stoltze, Rainras, Gruenberg
Requester: House Judiciary Committee Component No. 6

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will have no fiscal impact on the Office of the Governor.

Prepared by: Gail Fenuniai, Asst. Admin. Director
Division: Division of Administrative Services
Approved by: Linda J. Perez, Administrative Director
Agency: Office of the Governor, Division of Administrative Services

Phone: 465-3885
Date/Time: 4/20/2007, 9:21am
Date: 4/20/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 22
(H) Publish Date: 4/30/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title Extend Board of Governors ABA RDU Corp, Bus & Prof Licensing (117)
Component Corp, Bus & Prof Licensing
Sponsor Stoltze, Ramras, Gruenberg
Requester House Judiciary Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would extend the Board of Governors of the Alaska Bar Association to 2010. This board is governed by the Board of Governors of the Alaska Bar, not this division. Accordingly, this legislation would not have a fiscal impact on the operations of the division.

Prepared by: Chris Wyatt, Administrative Manager
Division: Corporations, Business, and Professional Licensing
Approved by: Emil Notti, Commissioner
Agency: Commerce, Community, and Economic Development

Phone: (907) 465-2572
Date/Time: 4/20/07 5:41 PM
Date: 4/20/2007

HOUSE BILL NO. 22

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES STOLTZE AND RAMRAS, Gruenberg

Introduced: 1/16/07

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date for the Board of Governors of the Alaska Bar
2 Association; and providing for an effective date."

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

4 * Section 1. AS 08.03.010(c)(2) is amended to read:

5 (2) Board of Governors of the Alaska Bar Association (AS 08.08.040)

6 - June 30, 2010 [2007];

7 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT \

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CS HB22 (FIN)

Page 1, line 2:

Delete: "and making disbursements by the Alaska Bar Association subject to legislative appropriation as program receipts under the Fiscal Procedures Act; relating to employees of the Alaska Bar Association; establishing the lawyers' fund for client protection in the general fund;"

Page 1 line 10 through Page 3 line 13:

Delete all material.

Page 3 line 15:

Delete all material.

moved 5/9/07
MH objected failed (3-7)

25-LS0138VL
Bullard
5/8/07

CS FOR HOUSE BILL NO. 22()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES STOLTZE AND RAMRAS, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date for the Board of Governors of the Alaska Bar
2 Association and making disbursements by the Alaska Bar Association subject to
3 legislative appropriation as program receipts under the Fiscal Procedures Act; relating
4 to employees of the Alaska Bar Association; establishing the lawyers' fund for client
5 protection in the general fund; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * Section 1. AS 08.03.010(c)(2) is amended to read:

8 (2) Board of Governors of the Alaska Bar Association (AS 08.03.010)
9 - June 30, 2010 [2007];

10 * Sec. 2. AS 08.08.080(c) is amended to read:

11 (c) Consistent with this chapter and the Alaska Bar Rules, the board may

12 (1) provide for employees of the Alaska Bar, the time, place and
13 method of their selection, and their respective powers, duties, terms of office, and

1 compensation; an employee hired under this paragraph is not a state employee for
2 any purpose;

3 (2) establish, collect, deposit, invest, and, subject to appropriation by
4 the legislature, disburse membership and admission fees, penalties, and other funds;

5 (3) sue in the name of the Alaska Bar in a court of competent
6 jurisdiction to enjoin a person from doing an act constituting a violation of this
7 chapter;

8 (4) provide for all other matters affecting in any way the organization
9 and functioning of the Alaska Bar.

10 * Sec. 3. AS 08.08 is amended by adding a new section to article 2 to read:

11 **Sec. 08.08.105. Annual budget.** The Board of Governors shall submit a
12 budget for each fiscal year to the administrative director of the Alaska Court System.
13 The administrative director of the Alaska Court System shall annually submit that
14 estimated budget to the governor for information purposes in the preparation of the
15 executive budget.

16 * Sec. 4. AS 08.08 is amended by adding a new section to article 5 read:

17 **Sec. 08.08.255. Lawyers' fund for client protection.** (a) The lawyers' fund
18 for client protection is established in the general fund to compensate individuals who
19 have lost money, property, or other things of value as the result of the dishonest
20 conduct of a lawyer.

21 (b) The legislature may appropriate money to the fund from Alaska Bar
22 Association member dues, income earned on investment of the money in the fund, and
23 all money collected by the Alaska Bar Association under its subrogation rights of the
24 fund's applicants claims. Money in the fund does not lapse. The Alaska Bar
25 Association may use the money in the fund to pay for claims against the fund for
26 hearing and legal expenses directly related to fund operations and claims. Nothing in
27 this section creates a dedicated fund.

28 (c) A claim against the fund must meet the requirements and follow the
29 procedure established in the Alaska Bar Rules. A claim may not be made for a loss
30 that is covered by insurance or bond.

31 * Sec. 5. AS 37.05.146(c) is amended by adding a new paragraph to read:

1 (82) receipts of the Alaska Bar Association (AS 08.08.080(c)(2)).

2 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPLICABILITY. A claim filed before the effective date of sec. 4 of this Act against
5 the Alaska Bar Association's lawyers' fund for client protection shall be considered a claim
6 against the lawyers' fund for client protection established under AS 08.08.255, enacted by sec.
7 4 of this Act.

8 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITIONAL PROVISIONS. The Alaska Bar Association shall transfer the
11 balance of the lawyers' fund for client protection existing before the effective date of this
12 section to the lawyers' fund for client protection established under AS 08.08.255, enacted by
13 sec. 4 of this Act.

14 * Sec. 8. Section 1 of this Act takes effect immediately under AS 01.10.070(c).

15 * Sec. 9. Sections 2 - 7 of this Act take effect July 1, 2009.