

ALASKA LEGISLATURE COMMITTEE FILES 1903-1904 8672

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HB 6

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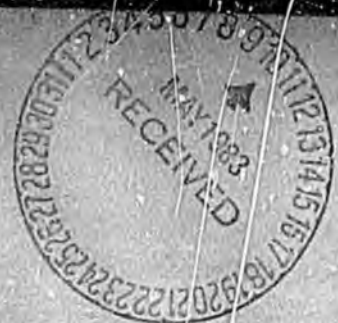
IDEE, SOLDOTNA P.O.M. 5/9/83 #15824

TO: ALL SENATORS

ALL REPRESENTATIVES

FROM: RAINBOE BOVEE  
BOX 4498  
SOLDOTNA, AK. 99669

I URGE YOU AS AN ELECTED OFFICIAL, TO INTRODUCE AND PASS LEGISLATION THAT WILL IMPOSE STIFFER PENALTIES FOR THOSE CONVICTED OF DRUNK DRIVING. JUST SINCE JANUARY 27 TH. THE LAST COUNT WAS 21 PEOPLE IN ANCHORAGE ALONE, THAT WERE DEATH OR INJURY VICTIMS OF INTOXICATED DRIVERS. THIS PROBLEM MUST BE ADDRESSED.



E.O.M.

Justice  
Reform



# REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

APR 1983  
RECEIVED  
ASSISTANT MINORITY LEADER

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## Drunken driving laws fail, judge says

by Ralph Nichols  
Times Writer

The legislature is to blame for repeat drunken driving offenders on Alaska highways, an angry District Court judge charged Tuesday.

Judge Elaine Andrews said lawmakers have failed to provide adequate alcohol abuse treatment programs for jailed drunken drivers.

"If they want drunk drivers off the road, they should do something," the judge said from the bench.

The judge became upset when she learned that Bernard Johnson, who is serving an 18-month sentence, is not receiving court-ordered treatment for alcohol abuse because no programs are available.

Johnson, 51, is in jail on three drunken driving convictions. He has 10 prior convictions for the same offense.

State dollars "obviously (are) not being spent at the preventive or treatment ends of the problem," Andrews said. "There is no place for treatment for people convicted of driving while intoxicated."

The current system does little more than steer repeat offenders through a "revolving door," Andrews continued.

They are sentenced, "warehoused in jail without treatment, and then released," she said. Because they haven't been cured, they will probably drive drunk again.

"Maybe," Andrews added, "someone ought to let the legislature know the burden is on them" to do more than just punish drunken drivers by funding alcohol treatment programs for repeat offenders serving extended sentences.

"My hands are tied," she said.

Andrews noted that Johnson -- and others like him -- can receive alcohol abuse treatment for only 30 days while incarcerated. "And I'm not going to let him out of jail" just because there is no treatment available, she said.

Assistant District Attorney Jim Wolf told the court this problem "is on the conscience of the legislature."

Andrews said later her main concern is that there has to be some responsible program to address the serious issue of repeat offenders.

While increased penalties for drunken drivers, which the legislature has approved, "are reasonable... there also has to be prevention and treatment, she said.

"If the legislature wants people warehoused for the maximum time, then it should just do what is being done now, but if it wants to address the problem, then it has to spend the money" for treatment programs, Andrews said.

Andrews added that "the court system has done all it can do. Johnson will have been in custody without treatment for one and a half years when he is released from jail."

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 25, 1983

SUBJECT: Driving a motor vehicle while intoxicated  
(CSHB 6 (Judiciary))

TO: Representative Mitchell E. Abood, Jr.

FROM: Tamara Brandt Cook  
Legislative Counsel

TBC

Here is the sectional analysis of the draft of CSHB 6 (Judiciary) that you requested. It only highlights the major changes to existing law.

Section 1 adds new requirements for a driver's license application examination: (1) that the applicant know the effects of alcohol and drugs on drivers and the related dangers of driving under their influence; and (2) that the applicant know the laws relating to driving while intoxicated.

Section 2 authorizes, on refusal to submit to a chemical test of breath or if a test indicates an alcohol concentration of .08 or more, the seizure of the driver's license by the law enforcement officer and revocation of the license by the Department of Public Safety. The officer reads the driver a notice and gives him a copy of the notice. The notice explains the revocation procedure and the right of court review. The notice itself is a temporary driver's license that expires in seven days unless the driver initiates court proceedings to rescind the revocation of license. The revocation periods are the same as those imposed by a court after conviction of the same offenses under Sec. 5 of this draft. A revocation or suspension action is stayed if the person initiates a court action to rescind the Department of Public Safety's action. Procedures for court review of an administrative revocation are set out.

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Section 3 adds a new basis for the immediate revocation of a driver's license by a court: the refusal to submit to a chemical test of breath.

Section 4 extends the period limited license privileges from 30 to 60 days for offenses that are grounds for immediate revocation of a license. This does not apply to driving while intoxicated or refusal to submit to a chemical test of breath. Adds a requirement that a prior offense must occur within 15 years before longer periods of license revocation will be imposed.

Section 5 requires a court convicting a person of driving while intoxicated or refusal to submit to a chemical test of breath to revoke the person's driver's license. The period of revocation depends upon whether the person has been previously convicted in this or another jurisdiction of either offense within the preceding 15 years. If the person has not been previously convicted, the period of revocation is 90 days. If the person has been convicted once, the period is one year. If the person has been convicted more than once, the period of revocation is 10 years. Under existing law the court shall revoke the license of a person for not less than 30 days for the first conviction and may grant the person limited license privileges. The court shall revoke the license for not less than one year for a second conviction and may not grant limited license privileges. The court shall revoke the license for not less than three years for a third or subsequent conviction and may not grant limited license privileges.

Section 6 allows a court to grant limited license privileges for the final 60 days a license is revoked for driving while intoxicated or refusal to submit to a chemical test if the person has not been previously convicted.

Section 7 removes the reference to a person convicted of driving a motor vehicle while intoxicated with reference to limited license privileges, since periods of revocation are established under Sec. 5 of this bill.

Section 8 removes the references to the issuance of a new driver's licenses for persons convicted of driving a motor vehicle while intoxicated after a limited license period has expired.

Section 9 limits the penalties imposed under existing law for driving while a license is canceled, suspended, revoked or in violation of limitation to situations involving loss of driving privileges for reasons other than driving while intoxicated or refusal to submit to a chemical test.

Section 10 provides a minimum penalty of 30 days imprisonment and a fine of \$500 for driving when driving privileges have been revoked for driving while intoxicated or refusal to submit to a chemical test if the person has been convicted only once. If the person has been convicted more than once of driving while intoxicated or refusal to submit to a chemical test and drives while driving privileges have been revoked, the minimum penalty is 90 days imprisonment and a fine of \$1,000.

Section 11 decreases the level of alcohol in a person's blood from 0.10 to 0.08 percent or more by weight and from 100 to 80 milligrams per 100 milliliters for the purpose of determining whether the person is under the influence of intoxicating liquors. Decreases the level of alcohol in a person's breath from 0.10 to 0.08 per 210 liters for the same purpose.

Section 12 changes the penalties for conviction of driving while intoxicated. If a person has not been previously convicted within the preceding 15 years of driving while intoxicated or refusal to submit to a chemical test, the minimum sentence of imprisonment is 72 hours, and a fine of not less than \$250 imposed. If a person has been previously convicted once, the minimum sentence of imprisonment is not less than 20 consecutive days and a fine of not less than \$500 is imposed. If a person has been previously convicted more than once, the minimum sentence of imprisonment is 30 days and a fine of not less than \$1,000 is imposed. The five-year period used for calculating the number of convictions required to increase the penalty has been eliminated, so that all previous convictions occurring within the preceding 15 years are considered. A conviction in this or another jurisdiction, if the elements are substantially similar, is counted for purposes of determining enhanced penalties. The provision for suspension of sentence after the minimum sentence is served has been eliminated. The vehicle used in commission of the offense may be forfeited.

Section 13 requires a person involved in an accident or who commits a traffic offense while driving to submit to a

April 25, 1983

preliminary breath test that may be used by an officer in determining whether to arrest the person for driving while intoxicated. Refusal to submit to the test is a violation punishable by a fine.

Section 14 makes it clear that refusing to submit to a chemical test after being arrested constitutes the crime of refusing to submit to a chemical test. Refusing to submit to the preliminary breath test provided for in Sec. 13 of this bill is a separate offense.

Section 15 provides new penalties for refusal to submit to a chemical test which are similar to the fines and terms of imprisonment imposed for driving while intoxicated under this bill.

Section 16 provides that the levels of alcohol concentration in a person's blood or breath are decreased to conform to Sec. 11 of this bill.

Section 17 provides that the levels of alcohol concentration in a person's blood or breath are decreased to conform to Secs. 11 and 15 of this bill.

Section 18 removes provisions allowing the district court to find extenuating circumstances and to modify or nullify the suspension or revocation of a driver's license or permit for refusing to submit to a chemical test of breath.

Section 19 adds new sections providing for the forfeiture of a motor vehicle used in the commission of an offense under AS 28.35.030 (Operating a Vehicle, Aircraft or Watercraft While Intoxicated), and also for the forfeiture of a motor vehicle used in the commission of an offense under AS 28.-35.032 (Refusal to Submit to a chemical Test of Breath). In addition, provision is made for the remission of forfeitures, a procedure to allow a person with ownership or security interests in a forfeited motor vehicle to claim the vehicle or interest in the vehicle through court proceedings. A municipality is granted authority to provide for impoundment and forfeiture of a motor vehicle in similar circumstances.

Section 20 repeals provisions that have been replaced by other provisions throughout this bill.

REPRESENTATIVE ABOOD'S COMMENTS

ON HOUSE BILL #6

(before the Judiciary Committee,  
March 15, 1983)

House Bill # 6, under the title "An Act relating to driving a motor vehicle," has a rather innocuous sound as to meaning. But I want to point out some of the meaning of that.

I would like to quote Mr. Leo Walsh, President of the West Anchorage High School student body, from a statement he made to me by phone March 14, 1983. Mr. Walsh says:

"Individually, as a senior in high school, if the drinking age were raised to 21 from the present age of 19, it wouldn't make that much of a difference in my attitude towards alcoholic beverages. I have been taught to deal with it in a responsible manner."

That is a profound statement when dealing with responsible drinkers and irresponsible drinkers, regardless of age.

That is the whole point of House Bill # 6; the tough sentences, fines, impoundments, and confiscations of vehicles are all tools to eliminate the drunk driver from our highways.

I won't quote statistics, because I am sure you are all aware of them. But one fact in particular that I will bring you back to is the reason for the formation of M.A.D.D. (Mothers Against Drunkers) in Alaska, which is the deaths of the Gersish children

This individual tragedy was enough to prompt the people of this State, (as well as similar tragedies in other states) to finally say "THAT IS ENOUGH!! WE NO LONGER CAN TOLERATE THE TAKING OF LIVES AND PROPERTY BY THE

IRRESPONSIBLE, DRUNKEN DRIVER!!

That is why House Bill # 6 has such rigid and tough clauses against drunken driving. To the responsible driver and drinker, it will really not make any difference; because of the sense of responsibility that he has toward his family, friends, and associates.

To the irresponsible driver and drinker, it will mean longer jail sentences, heavier fines, impoundment of his vehicle (or the friend's vehicle that he was driving), confiscation of the vehicle, possible loss of employment, and embarrassment to his loved ones.

But more than that, this legislation will take him off the streets if he considers the penalties and punishment of driving while intoxicated. This is the sole thrust and effort of House Bill #6.

Mr. Chairman, in conclusion I believe it is the duty of this Committee, the Court system, and especially those people who think nothing of driving while intoxicated, to take this law seriously; to realize that not just the legislature, or the Court system, but all citizens of our State cannot and will not tolerate any more deaths, injuries, property damage, and pain.

Mr. Chairman, thank you for the opportunity to present the people's case against drunk driving to this Committee. I urge you to act promptly, for each day we delay may mean another life.

## Drunk Driving Penalties In Other Countries

For those who think that the new DUI laws recently passed in many states are far too harsh, we advise those people to take a look at how other nations around the world are dealing with the problem of the drinking driver. In some of the following cases you'll find that a few of these countries don't have near the drunk driving problem that now exists here in the United States. The apparent reason for this lack of a high number of DUI cases in these other countries would seem to be directly attributable to the no nonsense, routinely dealt, strict punishments handed out by the courts in these foreign countries. This information has been drawn from newspaper accounts and statistics supplied to MADD by members. Any incorrect statements are attributable to the sources, not the writers.

**West Germany** • If a suspected drunk driver tests out at 0.8 mills of alcohol in the bloodstream, his license is automatically suspended for a minimum of three months, with a maximum of one year in prison or a fine. The police also use roadblock checkpoints to randomly test drivers for alcohol consumption.

**Norway** • In Norway, it's a mandatory, minimum sentence of three weeks in jail for any driver caught with a blood-alcohol level of .5 per mil or more. That means that five drops of alcohol per 1000 drops of blood. A fine may be added scaled to income. Suspended sentences are extraordinary. On the first offense you lose your license for at least one year. On the second offense within five years, you lose your license for life.

**Israel** • The problem of the drinking driver on the roadways in Israel is virtually non-existent, due largely to the two-year

prison term that awaits convicted drunken drivers. In 1980, an Israeli Embassy spokesman was quoted as saying that there is about one drunk driving case in Israel a year.

**Soviet Union** • First offenders are banned from the roadways for six months. In one instance, the drunk driver who killed six and injured five more during a drive through northern Moscow was sentenced to death.

**Great Britain** • Those convicted face automatic license suspension for one year. In addition, if the case is aggravated, lifetime banishment from the roadways is possible. Other sentencing possibilities include six months in jail, up to an \$1800 fine, and assignment to gardening, garbage collection, and other community service.

**Egypt** • Like most Moslem countries, alcohol usage is prohibited, drunken driving cases are rare.

**India** • Arrests are rare, but penalties are severe. Those convicted face six months in prison, \$112 fine, or both.

**South Korea** • Just an arrest results in an automatic two month license suspension, with a conviction meaning a jail sentence of up to one year and a fine of \$700.

**Japan** • First offenders can face up to four months in jail and a \$200 fine. Licenses are also revoked and can be returned only upon successful completion of a driving test one year later.

**Chile** • Those convicted face from 61 to 541 days in jail. If someone has been injured the minimum prison sentence is 18 months.

### Community Support

(continued from page 2)

- Federated Fire Fighters of California
- Gannett Outdoor Advertising
- Joan Blake Austin of Joan Blake Austin Health Studios
- Jerry Burns of NBI
- Sacramento County Deputy Sheriffs Association
- Sacramento Police Officers Association
- Wine Institute

### Federal Legislative Victory

The U.S. Congress has joined the fight to rid our roadways of the drunken driving menace. On September 29, the House of Representatives unanimously passed the legislation which contained the provisions of H.R. 6170, also known as the Howard-Barnes bill. On October 21, the Senate also unanimously passed the legislation. On October 25, President Reagan signed this welcome provision into law.

Essentially, this new law will provide important federal aid in the form of incentive grants to those states setting up comprehensive, community-based drunk driver control programs. Another attractive feature of the Howard-Barnes legislation is that it will provide the incentive grants out of funds which are already budgeted, thus the federal debt will not be increased because of this program.

A special thanks is in order to the President, Congressmen Howard and Barnes, and the individuals and groups responsible for the passage of this essential new measure.

STATE OF ALASKA  
THE LEGISLATURE

FOUCH V. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 24, 1983

SUBJECT: Driving while intoxicated  
(HB 6) (CSHB 6)

TO: Representative Mitchell E. Abood, Jr.

FROM: Tamara Brandt Cook  
Legislative Counsel

TBC

You have asked me to indicate the changes contained in the draft CSHB 6 as compared to HB 6. I have done this in the form of a sectional analysis of CSHB 6 and the section numbers contained in the headings refer to CSHB 6.

Section 1. This is the same as sec. 1 of HB 6.

Section 2. This is the same as sec. 2 of HB 6.

Section 3. The language "arising out of the operation of a type of motor vehicle for which a driver's license is required" is inserted into subsection (c). The change limits the application of provisions dealing with revocation of a driver's license to situations involving the use of a vehicle, such as an automobile, for which a driver's license is required. The crime of driving while intoxicated under AS 28.35.030 can be committed by a person driving any type of motor vehicle, defined under AS 28.35.260(7) to mean any self-propelled vehicle, or an aircraft or watercraft. Without the added language a person convicted of driving while intoxicated in a case involving an airplane or boat would, under the strict terms of the provision, lose his license to drive an automobile, a somewhat puzzling result. This, however, is the situation under existing AS 28.15.-181(c) which requires revocation of a driver's license, for an automobile, for the crime of driving while intoxicated despite the fact that the crime may have involved a vehicle of a type for which no driver's license is required, such as an airplane or boat.

Section 4. This is the same as sec. 4 of HB 6.

Section 5. This is the same as sec. 5 of HB 6.

Section 6. This prohibits driving while a driver's license is canceled, suspended, revoked or in violation of a limitation placed on the license whether the curtailment of the privilege to drive occurred in this state or another jurisdiction. The change was adopted by the House Community and Regional Affairs Committee as Amendment No. 2. The minimum term of imprisonment for driving without a license has been increased from 14 to 90 days in subsection (a) pursuant to Amendment No. 5 adopted by the House Community and Regional Affairs Committee. In subsection (b) the notice given by the department to a person whose license is curtailed of the consequences of driving without a license is altered to reflect the new 90-day imprisonment provision.

Section 7. This is the same as sec. 7 of HB 6.

Section 8. At the bottom of page 5 and the top of page 6, the language "if the offense arises out of driving a type of motor vehicle for which a driver's license is required" is inserted, since this provision has to do with revocation of a driver's license and impoundment and forfeiture of a motor vehicle. The reason for the change is the same as that indicated under sec. 3. In addition, this makes it clear that the impoundment and forfeiture provisions are to be applied to vehicles for which a driver's license is required such as automobiles, but not to other vehicles such as boats or planes.

Section 9. This contains the material from sec. 13 of HB 6. It was moved to a new section number at the request of the revisor of statutes, who has authority in any case to renumber sections. The language "to a person driving a motor vehicle of a type for which a driver's license is required" has been inserted in subsection (b) and (c)(1), so that the provisions dealing with administrative revocation of a driver's license apply only if a person is driving a vehicle such as an automobile. A chemical test under the implied consent statute can be given to a person driving any type of motor vehicle, including an aircraft or watercraft. Without this change, a driver's license, for an automobile, could be revoked on the basis of a test given in conjunction with the operation of a plane or boat. Under paragraphs (1), (2) and (4), the provision for suspension and for refusal to issue an original license have been included as possible department actions along with the provision for

revocation now contained in HB 6. In subsection (3) the word "suspension" is used in connection with curtailment of the privilege to drive for a limited period of time. The word "revocation" is used to refer only to permanent denial of the privilege to drive. Under existing statutes these terms are used interchangeably. The first sentence in (e) is inserted pursuant to Amendment No. 1 adopted by the House Community and Regional Affairs Committee.

Section 10. This contains material found in sec. 9 of HB 6. As in the previous section, limiting language is inserted so that provisions dealing with curtailment of a driver's license apply only if a person is arrested while driving a vehicle such as an automobile, for which a driver's license is required. Under paragraphs (1), (2), and (4), the provision for suspension and for refusal to issue an original license have been included as possible department actions along with the provision for revocation now contained in HB 6.

Section 11. This contains material found in sec. 10 of HB 6. Limiting language is inserted so that provisions dealing with curtailment of a driver's license apply only if a person refusing to submit to a chemical test was arrested while driving a vehicle, such as an automobile, for which a driver's license is required.

Section 12. This contains material found in sec. 11 of HB 6. The word "suspension" is used in connection with curtailment of the privilege to drive for a limited period of time. The word "revocation" is used to refer only to permanent denial of the privilege to drive.

Section 13. This contains material found in sec. 12 of HB 6.

Section 14. This contains material found in sec. 14 of HB 6. "Suspension" is used in connection with curtailment of the privilege to drive for a limited period of time. "Revocation" refers to permanent denial of the privilege to drive.

Section 15. The language "of a type for which a driver's license is required" is inserted in (a) to limit this section to impoundment of vehicles, such as automobiles for which a driver's license is required. An offense under AS 28.35.030 may involve other types of motor vehicles, such

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as airplanes. Without this change these might also be impounded.

Section 16. The language "arising out of driving a motor vehicle of a type for which a driver's license is required" is added to Sec. 28.35.037(a) to limit forfeiture to vehicles such as automobiles or motorcycles. An offense under AS 28.35.030 or AS 28.35.032 may involve other types of motor vehicles, such as airplanes or boats for which no driver's license is issued. Without this change these might also be forfeited. Paragraph (3) is added to Sec. 28.35.038(b) and in (c) "may" is changed to "shall" pursuant to Amendment No. 4 adopted by the House Community and Regional Affairs Committee.

Section 17. This is the same as sec. 17 of HB 6.

TBC:ljb

STATE OF ALASKA  
THE LEGISLATURE

RECEIVED

FEB 21 1983

STATE CAPITOL  
ALASKA 99514  
707-465-1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 21, 1983

SUBJECT: Revocation of driver's license  
(Work Order No. 13-0480)

TO: Representative Mitchell E. Abood, Jr.

FROM: Tamara Brandt Cook  
Legislative Counsel

ABC

You have asked whether the state may permanently revoke a person's driver's license after more than two convictions for driving while intoxicated or refusal to submit to a chemical sobriety test. It is my conclusion that the state may permanently revoke a person's license under those circumstances.

The state legislature under its police power has full authority to control and regulate the licensing of drivers, since driving involves danger to the public and requires a degree of knowledge on which others must rely. The state may prescribe the qualifications of persons who are eligible to be licensed and may establish the terms on which the right to a license depends. Since a license to drive is not deemed to be a vested right, the license is subject to suspension or revocation as may be provided by statute. The legislature has full authority to prescribe the conditions under which a license will be revoked when the public interest requires. Corpus Juris Secundum, Motor Vehicles, secs. 146, 154, 164; Breeze v. Goldberg, 595 S.W.2d 318 (Mo. 1980).

It is generally held that revocation of a license is not a penalty and that its purpose is not to punish but to protect the public from a dangerous driver. Consequently, it is not an unconstitutional infringement of the right to travel to deny a person the privilege to drive, since there is no right to travel by a specific method. State v. Scheffel, 514 P.2d 1052 (Wash. 1973), appeal dismissed, 94 S.Ct. 1984, 416 U.S. 964 (1974).

The legislature has full authority to designate the agency through which a license will be revoked. The discretionary power vested in administrative officers in suspending or revoking a license has been held to be in the nature of an administrative or executive function. Statutes authorizing administrative revocation of licenses have been held not to be invalid as a delegation of legislative power or judicial authority to the executive branch. Daneault v. Clark, 309 A.2d 884 (N.H. 1973). Violations of traffic laws, including driving while intoxicated, have been held to constitute grounds for administrative revocation of a license whether or not there has been a conviction for the offense. Severson v. Saepfel, 152 N.W.2d 281 (Iowa 1967); State v. Scheffel, supra. A prior valid conviction is essential for revocation only if the statute expressly requires. Corpus Juris Secundum, Motor Vehicles, sec. 164.5.

The fact that no accident or tragedy resulted from the misconduct of a driver does not mitigate the offense or bar revocation of a license. Commonwealth ex rel Lamb v. Hill, 82 S.E.2d 473 (Va. 1954). A license may be revoked for refusal to take a chemical sobriety test. (See 88 A.L.R.2d 1064.) A license may also be revoked for convictions in other states, and the period of denial of the privilege to drive may be increased depending on the number of times a person is convicted. Carter v. State, 625 P.2d 313 (Alaska 1981); Danks v. State, 619 P.2d 720 (Alaska 1980); (see 87 A.L.R.2d 1019).

It is recognized that a driver's license may be revoked permanently and that an agency may refuse to ever grant a license to an unfit driver. Carmichael v. Scheidt, 106 S.E.2d 685 (North Carolina 1959) (involving permanent revocation upon third conviction of driving while intoxicated where one conviction occurred out-of-state); State v. Crotinger, 62 N.E.2d 494 (Ohio 1945) (involving permanent revocation for failure to stop even though the offense was a misdemeanor); MacKinnon v. Ferber, 84 A.2d 647 (New Jersey 1951) (upholding denial of a new license by the agency after a second conviction of driving while intoxicated where the second conviction occurred ten years after the first conviction and the court failed to order permanent revocation); Gullard v. State, 497 P.2d 93 (Alaska 1972) (upholding revocation for driving while intoxicated for one year and noting that the person must reapply for a license and that the Department of Public Safety must

Representative Mitchell E. Abood, Jr.

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independently evaluate the acceptability of relicensing  
him).

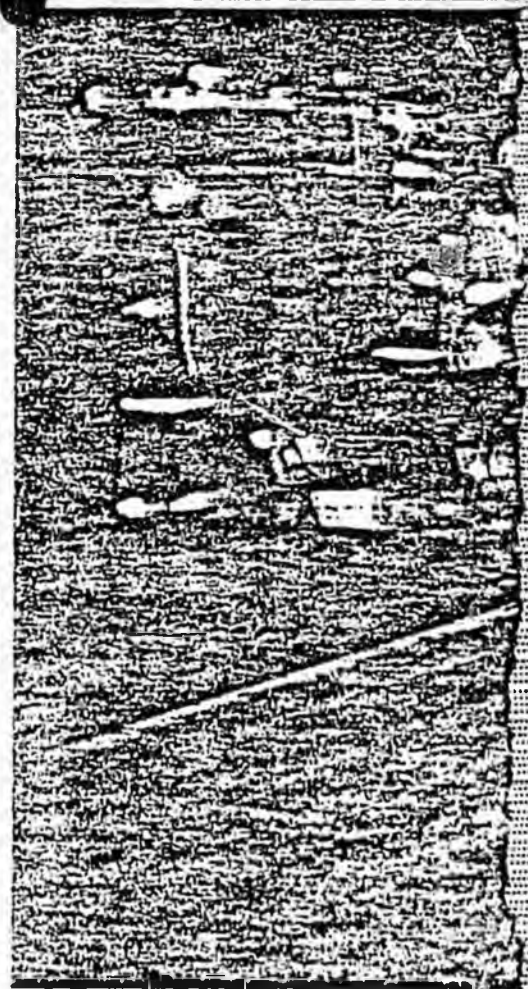
If I can be of further assistance in this matter, please let  
me know.

TBC:ljb



© Alan Ulmer

Cindy Ferguson with twins Tony and Tommy, D.C. crash: 'Socially accepted murder'



# The War Against Drunk Drivers

The horror of those seconds will forever haunt Cindy Ferguson. She was driving her three sons—the identical twins Tommy and Tony and her baby, Lee—to a party, when suddenly her Vega was smashed from behind. A tremendous explosion hurled her, Tony and Lee onto the street. Cindy raced back to the car and pulled Tommy's burning body from the wreck, throwing herself on him to smother the flames. A friend, Steve Willoughby, remained trapped inside, screaming, a halo of fire encircling his face. As Cindy lay there on top of her son, the other driver approached her. But when she pleaded for help, he staggered away.

Willoughby, 20, and Lee Ferguson, two, died on that Memphis street. Tommy, five, was in critical condition for six months with burns over 65 percent of his body. He has lost almost all use of his kidneys and most of his

hearing. He has had 100 operations already and faces 14 years of reconstructive surgery.

The other driver suffered a broken nose. Despite at least seven drunk-driving arrests in four years, he had never spent a day in jail. His 5- to 10-year sentence for second-degree murder provided little solace for Mrs. Ferguson. But her nightmare was primarily responsible for Tennessee passing one of the toughest drunk-driving laws in the nation—despite concerns that it would overcrowd the courts and prisons. "I was more concerned," said state Sen. Curtis Person, its sponsor, "about the overcrowding of hospitals, morgues and cemeteries."

Drunk driving is a national epidemic, what one reformer calls America's "socially accepted form of murder" (chart, page 37). More Americans have died at the hands of

drunk drivers during the past two years than were killed in Vietnam; on average, about three Americans are killed and 80 are injured by drunk drivers every hour of every day. The drunken slaughter over the past decade is a staggering one-quarter of a million Americans—the entire population of Rochester, N.Y. Safety experts say that one out of two Americans will be victimized by a drunk driver in his lifetime, hardly surprising when the National Highway Traffic Safety Administration (NHTSA) contends that up to 10 percent of all drivers on weekend nights are legally intoxicated.

But finally, outraged Americans are trying to put an end to the carnage. In a major break with past public policy, which concentrated on highway-safety conditions and protective devices such as air bags, a coast-to-coast crusade aims at getting drunk driv-

**Thomas Sexton III, 15:**  
Killed instantly when a drunk driver broadsided the car in which he was a passenger. His killer was sentenced to two years' probation, fined \$200 and lost his license for 16 months.



**Paul Lawler, 15:**  
Crushed against a wall when a drunk drove off the highway. His killer was on probation after three prior drunk-driving convictions and is eligible for parole in July after serving two years.





© Mark Reinstein—Photoreporters

ers themselves off the roads. A recent Gallup poll indicated that fully 77 percent of all Americans support mandatory prison sentences even for first-time offenders. President Reagan has declared the campaign a national priority, and Congress is considering bills that would award money to states that crack down.

**Failed Experiment:** Already 27 state legislatures this year have passed their own versions of the toughest drunk-driving bill in the nation, and more legislation is pending in others. Twenty states have boosted the legal drinking age, reversing a Vietnam-era trend toward lower drinking ages that made alcohol-related crashes by far the single biggest killer of Americans between the ages of 16 and 24. In New Jersey the average number of persons killed annually by 18- to 20-year-old drivers climbed by 176 percent after the state

lowered its drinking age to 18. "Statistics have shown us that kids can't handle alcohol," says New Jersey state Sen. C. Louis Bassano, sponsor of a bill to raise the drinking age to 21. "It's an experiment that has failed."

Liquor is so integrated into the nation's social and economic fabric that until recently, drinking and driving was an almost untouchable political issue. But the drunk driver who kills isn't usually the social drinker who has had one beer too many (box, page 30). The NHTSA reports that the average blood alcohol concentration of a drinking driver killed in a crash is .20—twice the rate for legal intoxication in most states. Still, judges, juries, prosecutors and legislators, most of whom drink socially, have tended to view the drunk driver with "there but for the grace of God, go I" sym-

pathy (page 38). The result: loopholed laws that have been cumbersome to enforce, wholesale plea bargaining (California charged only 5,000 people with reckless driving in 1978, but permitted 80,000 drivers to plead guilty to it) and judgments of the lecture-and-slap-on-the-wrist variety (Idaho arrested 1,800 persons for drunk driving last year, convicted one-third of them and jailed just two). Explains NHTSA administrator Raymond Peck, "The well-scrubbed father of four standing before the judge doesn't look anything like the falling-down drunk that was pulled out of the wreck."

**Time Bombs:** America's tacit acceptance of drinking and driving has the effect of losing time bombs on the nation's highways. An example was a Georgia man who, after his 13th conviction for driving while drunk, was sentenced to just one year in

**Cari Lightner, 13:**

*Killed when a drunk driver struck her as she walked to a church carnival. Her killer, on bail after a drunk-driving arrest and with two prior convictions, was paroled after serving 19 months.*



**David Gunderman, 4:**

*Run over as he stood on the sidewalk waiting for an ice cream. His killer, who had eight prior convictions ranging from hit and run to drunk driving, was sentenced to five years in prison.*



prison. Thus, he was drunk and on the road again 20 months later when he crashed and killed himself. Or consider the case of William Rowan. Rowan was once sentenced to 45 days in jail, a mild penance for a California driving record that carried six convictions for drunk or reckless driving, two for hit and run. Last March, after leaving a downtown Santa Ana bar, Rowan drove onto a sidewalk, killing four-year-old David Gunderman, who was waiting for the ice-cream man. After hitting the child, Rowan slumped in his seat and lit a cigar. Police measured his blood alcohol content at .27.

Campaigns against drunk driving have always had sobering truths on their side; what they lacked was a real constituency. All that may have changed one spring afternoon in 1980, when 13-year-old Cari Lightner of Fair Oaks, Calif., was struck from behind and killed by a hit-and-run driver as she walked to a church carnival. Cari's mother was stunned to learn that the driver, a 47-year-old man who had two previous drunk-driving convictions and was out on bail on a third arrest, had spent only two days in jail previously and was

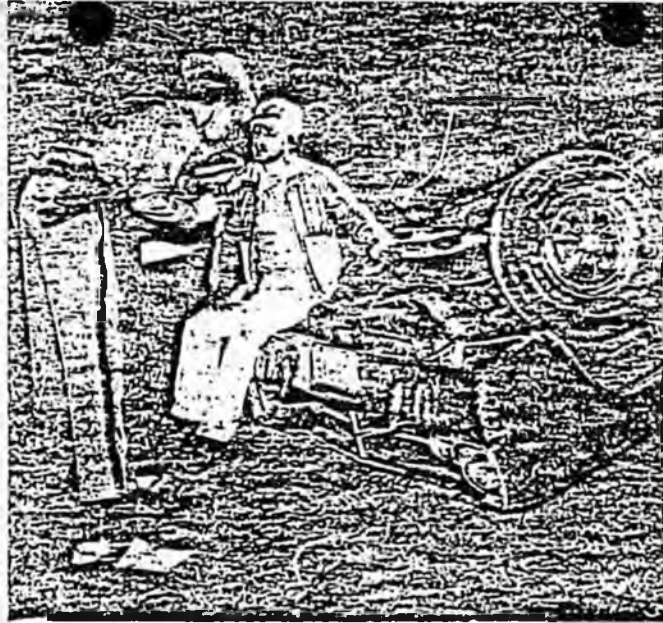


Photo © P. F. Berney

Victim in New York: One out of every two Americans

unlikely to wind up there for killing Cari. Candy Lightner quit her real-estate job and launched Mothers Against Drunk Drivers (MADD), giving the public outcry against drunk driving the constituency it has always needed—the victims.

In the past, says Edward Kunec, a NASA official who joined MADD in Virginia after

supply of victims." drunk driver last summer. "people who had these tragedies closeted themselves and said it was fate or the will of the Lord. Now people are coming out of the closet—and they are angry." In just two years, MADD has grown to 83 chapters in 29 states. Remove Intoxicated Drivers-USA (RID), founded in New York under similarly tragic circumstances, went national last year and now boasts 55 chapters in 29 states. The anger that is the movement's glue has made these organizations aggressively self-righteous and militant. "You can't be too strident," explains RID national coordinator Doris Aiken. "I don't know how you can tell someone nicely that they are incompetent to drive." Aiken warns those who view this campaign as a fad that will soon fade: "The pendulum will not swing back. There is an endless

The legal system often transforms the victims' grief into outrage. Paul Lawler, 15, died five days after a van barreled off a Massachusetts highway and into a restaurant entrance, pinning him against the restaurant wall. The drunk at the wheel was on probation for his third drunk-driving con-

## Driving While Intoxicated

*Many social drinkers think their driving remains unimpaired after a couple of cocktails. NEWSWEEK'S Ron Givens tested that thesis under the supervision of New York state police. His report:*

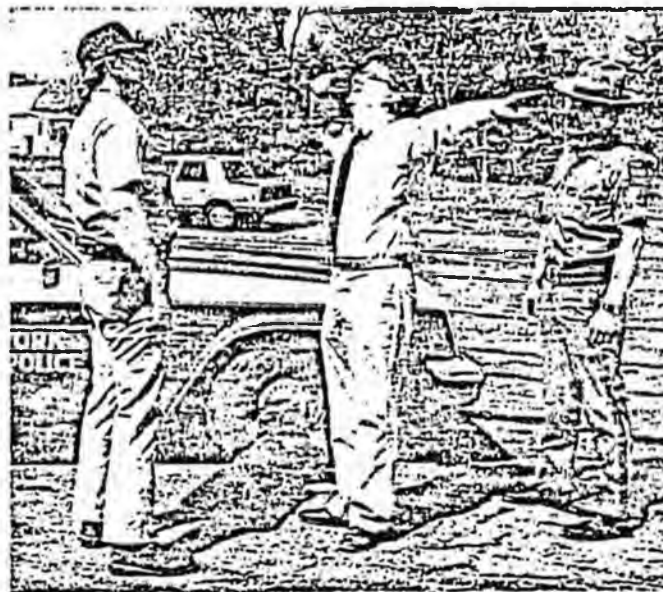
There was something absurd about drinking on an abandoned Schenectady airport runway while surrounded by police, but I wanted to find out how alcohol affected my driving skills. So I drank my gin and tonic next to an unmarked trooper car. As my bartender, Sgt. Henry Michelin, put it: "Just like the neighborhood bar—someplace to lean and drink."

An average male guinea pig—5 feet 10, 170 pounds—I had arranged to take on a difficult state-police driving course both sober and drunk. I supplied the gin and tonic, the state police provided a car. The course requires precise maneuvering around hard rubber cones—forward and backward. Scoring combines the time taken to complete the course with a five-second penalty for each mistake—such as

flattening a cone. And a passing tally for troopers is 2 minutes 17 seconds. My blood alcohol level was measured by a preliminary-breath-test (PBT) device the size of a cigarette pack.

After eight practice runs through the course, I had whittled my time down from 3 minutes 10 seconds to a passing score, and it was time to begin drinking. My first gin and tonic—containing three ounces of 80-proof booze—placed my blood alcohol level 45 minutes later at .07 (70 milligrams

Givens flunks the touch-your-nose test: Only time helps



of alcohol per decaliter of blood), high enough in New York to be charged with driving while impaired by alcohol. At this point I was slightly lightheaded, but I didn't feel uncoordinated. My driving score told a different story. Not only did I add 1 minute 12 seconds to my previous, sober record, but my score was 19 seconds over my very first attempt.

Wretched: During my first post-drink attempt, I unconsciously tried to compensate for my condition through caution—a tactic that experts say is common among drunk drivers. In my case it didn't work: it took me longer and I made many more mistakes. This drop-off in performance was intensified by two more drinks, each containing one ounce of gin, which put my blood alcohol level at .11, or enough to be charged with driving while intoxicated or driving with a blood alcohol level of .10 or more. Now I could easily tell that I was uncoordinated. I stumbled slightly when I walked and I flunked the touch-your-nose-with-your-finger test. My driving ability plummeted from poor to wretched. My score—4 minutes 26 seconds—was almost double my final sober result. "You have no business being in an automobile out

viction: He was sentenced to four and a half years in prison—including the then maximum of two and a half years for vehicular homicide—and is eligible for parole next July, just two years after the accident. "I was under the impression anyone arrested for this kind of thing would have the book thrown at him," says Paul's mother, Carol Lawler, who now heads the Greater Boston chapter of MADD. "I didn't know vehicular homicide was a misdemeanor."

Mark and Bonnie Schuett turned the

death of their four-year-old daughter, Kelli, who was killed as she walked near her home in quiet Ixonia, Wis., into a statewide *cause célèbre*. The driver, a 29-year-old man with a prior drunk-driving arrest, pleaded no contest to driving while intoxicated and was given a suspended five-day jail sentence and fined \$284. His license was revoked for a year—but was actually restored after 90 days because he took treatment at an alcohol-abuse center. "This man got away with hitting and killing my child," says Mrs. Schuett. "Her life means more than a \$284 fine." As a result of the Schuett's lobbying effort, a new Wis-

consin law went into effect last May that permits the state to suspend the license of anyone arrested for an alcohol-related driving offense—even before a trial. "Maybe we've saved somebody else's life," says Mrs. Schuett. "But I'm still angry."

Success may be due to more than tough laws. Oregon has coupled its legal effort with a media campaign that urges Oregonians to report drunk drivers to a special telephone hot line. One hot-line spokesman is Donny Durrant, a former logger who had lost his license four times for drunk driving before he drove off the road at 85 mph and broke his neck. Durrant, now a quadriplegic, says in a TV message: "I wish someone had gotten me off the road before I had the acci-

## DEATH BY ACCIDENT

Drunk driving accounts for fully half of all auto fatalities—and kills far more Americans each year than other accidents.

Drunk driving—26,700

Falls—12,300

Drowning—7,000

Fire, burns—5,500

Poisons—4,200

Suffocation by ingested objects—3,100

Firearms—1,800

Airplane crashes—1,200

Source: National Safety Council (1980 figures)

Chris Toon Blumrich—Newsweek



dent which drastically changed my life." Other states are backing their legislation with a variety of programs. South Dakota places highway signs reading, "X marks the spot... THINK!" at the almost 600 locations where drivers have lost their lives since 1979. Some states have considered efforts to stigmatize the drunk driver publicly. One Pennsylvania legislator proposed a special red license plate for all drivers convicted of driving while intoxicated—a modern-day scarlet letter. Local police in both Maryland and Massachusetts have gone so far as to use roadblocks, called "sobriety checkpoints," to deter and detect drunk drivers, though the Massachusetts effort has been ruled unconstitutional by a state court. Many states, however, complain that the new laws overtax their increasingly limited resources. Maine was the only state to include in its crackdown legislative package a new tax on liquor, which is expected to produce \$2 million to \$3 million annually that will be earmarked for treatment and prevention of alcohol problems.

Guilt if anger fuels the movement, guilt is its motor oil. Thomas and Dorothy Sexton recall going to court to witness the trial of the man whose blood alcohol content was .26 when he killed the Sextons' 15-year-old son, Tom. They saw a car thief sentenced to two years in jail, while their son's killer—who pleaded guilty to homicide by a motor vehicle—was sentenced to two years' probation and fined \$200. "We painfully relate our experience and say, 'If you don't want that to happen to you, let's do something,'" says Sexton, a U.S. Department of Agriculture scientist who is now active in Maryland's MADD chapter. "I'm convinced if I had been involved in something like this five years ago, Tom would be alive today."

The movement's approach to the drunk-driving problem is essentially punitive. While legislation varies from state to state, it usually makes driving with .10 blood alcohol content (three beers or glasses of wine or shots of whisky consumed by a 150-pound man in two hours) a crime. In addition, many of the new laws make prison mandatory, if not for the first offense, certainly for the second. They often increase penalties for drivers who refuse the blood alcohol test and require that all convictions—regardless of the court disposition—be listed on a driver's record.

Many states are delighted by the preliminary results of the new laws. In Maryland, drunk-driving arrests by state police have gone up 45 percent and highway fatalities down almost 20 percent since its law went into effect. Maine, which last year began mandatory jail sentences for first-time offenders, has experienced a 47 percent reduction in alcohol-related fatalities. Oregon has had the most experience—its crackdown began in 1971—and the most success. During the '70s, highway fatalities dropped 6

percent and Oregon's fatality rate declined 35 percent despite the presence of 46 percent more drivers and 62 percent more vehicles on the road.

Court Watch: The anti-drunk-driving campaigners are pressuring the courts as well as the legislators. One such group keeps constant watch in North Carolina's Forsyth County District Traffic Court. "People walk up to us and tell us things have changed," says Sandra Nicastro, one of the group's court fixtures. "Lawyers have told their clients, 'I don't think I can get you off this time because that lady's sitting there listening.'" Some judges need little encouragement to get tough: Maine judges have meted out an average jail sentence of eight days to drunk drivers under the state's new laws—four times the permitted minimum. And a Mecklenburg County, N.C., judge may have set a new standard when he sentenced a drunk driver, who had eight prior arrests but had caused no injuries, to three years in jail.

Many safety experts insist crusaders should be focusing on automobiles and highways, not on drivers. H. Laurence Ross, a sociology professor at State Univer-

on the road," said Sergeant Michelin. "While impairment due to alcohol varies from person to person and even, depending on circumstances, for the same individual, experts say that driving skills are significantly diminished at a blood alcohol level of .10. That's why many states have adopted .10 as the limit for determining when someone has been driving while intoxicated. However, Robert Pandina, acting director of the Center of Alcohol Studies at New Jersey's Rutgers University, argues that there is impairment at lower levels as well. Pandina explains that the .10 standard is "a kind of compromise that recognizes that this is a drinking society."

"Wide Awake": Contrary to old wives and drinking buddies, nothing will temper the effects of alcohol except the passage of time—about two hours for every ounce consumed. Food slows the release of alcohol into the bloodstream without blunting its effect, and exercise and coffee will only produce a "wide-awake drunk"—someone alert enough to spot trouble but unable to do anything about it. That was clear enough to me as I rode with Sergeant Michelin back to town; my slow-motion brain couldn't keep up with the rush-hour traffic on the highway. I couldn't help remembering the times when I had been this drunk and driven, and the thought scared the hell out of me.

sity of New York at Buffalo, who has studied crackdowns on drunk driving, says deterrence only works for the short term when the problem is treated as a moral one rather than a safety question. In a new book, he writes: "A vehicle and highway that are safe for an alcohol-influenced driver are also safe for a driver who has a heart attack, who dozes off, who drops a lighted cigarette on his lap, who fails to see a stop sign. . . ."

Others are convinced that the lock-'em-up approach is meaningless unless it's combined with therapy. "I don't think the tougher laws will stop the hard-core alcoholics," says Col. Tom Anderson, director of the state police in Alaska, which has had a mandatory prison law since 1978. "It's a mess," agrees Arthur Snowden II, director of the state's court system. "We're just putting people in high-priced jails . . . just taking them off the street is not going to solve the problem." But Maryland district court

Judge David Bates thinks he knows the solution. Bates gives drunk drivers the maximum permissible sentence, then waives it if they are willing to enter an appropriate education or treatment program. While it is hard to measure the success of Bates's approach because probationary sentences weren't included on drivers' records until last year, Bates says only 149 of the 5,697 drivers referred to the program dropped out or had their probation revoked.

But putting drunks behind bars does take

## How Drunks Get Off

Defense attorney Randy Taylor parades around the courtroom, his arms pinned behind him by handcuffs. After several minutes of histrionic discomfort he compels the cop on the witness stand to remove the cuffs and place them on the defendant, a man charged with driving while intoxicated (DWI). Then Taylor seizes his client and bullies him about. Wasn't that how the police acted when they arrested him? he asks the witness. Finally, the Dallas lawyer shoves his client into a chair and barrels up to the cop: "Isn't it true you said, 'Shut up, you s.o.b.' and kicked him in the leg?" And Taylor wins an acquittal.

"That's the way you get your client off," Taylor says. "The single most important factor in the typical DWI case is trying to make the jury put themselves in the place of the defendant." Taylor knows few restraints. On one occasion, after pleading his woman client guilty of DWI, he implored the jury, "The government wolves are really howling for blood tonight, waiting to put this poor little girl in jail for 30 days, taking her away from her husband." Then he put the cuffs on her, and she broke down and wept, atesting to the humiliation she had suffered. Despite a prior DWI conviction just 30 days before this arrest, she was sentenced to only three days in jail. Another time Taylor concluded his summation by stage-whispering to his client's four children, "Kids, I've done everything I can for your daddy." Pointing to the jury, he said, "Now it's up to these folks here." The defendant, who Taylor admits was probably guilty, was acquitted in 15 minutes.

The concept of "there but for the grace of God go I" has been the cornerstone of DWI legal defense ever since drunks started stepping on the gas. While the appeal is emotional, its foundation is solidly statistical: a recent Gallup poll reveals that four out of 10 Americans admit to having driven after drinking. But the extraordinary public campaign against drunk driving is having its impact even on jurors who may understand—from personal experience—the drunk driver's plight. The Texas Criminal Defense Lawyers Project recently has sponsored two special programs on DWI defense. Its program notes read: "The public has come to view DWI as a pernicious force in their communities and are demanding stiffer penalties . . . this insti-

tute is designed to teach you how to effectively represent your client . . ." Among the tactics garnered from the program and talks with top defense attorneys:

■ **Challenge the evidence.** Breath-analysis tests should not be accepted as gospel. Force the prosecution to prove that the testing machine was in good working order, that its chemicals had been tested and that its operator had proper qualifications. The tests aren't foolproof. Some people such as diabetics, who have certain chemicals in their breath, or denture wearers, who trap alcohol fumes along their gums, trigger false positive readings. If a blood sample was taken, make sure to request it; if it no longer exists, claim that it was purposely destroyed.

■ **Track down witnesses.** Find people who were with the defendant before he got behind the wheel and get them to testify about how sober he was. Attorney F. Lee Bailey's acquittal on DWI charges in California stemmed partly from testimony about his sober behavior on the evening of his arrest by people who were at the restaurant where Bailey dined.

■ **Get the insurance company involved.** Insurers tend to see cases as business problems, not moral issues, and are often anxious to settle damage matters expeditiously. Don't assume that the victim's families want vengeance; often they just want the case to go away too.

■ **Visit the scene of the arrest.** Since it can take up to six months between the arrest and the trial, the arresting officers can often be tripped up on details about the location. "If they [make mistakes]," says Taylor, "I can argue, 'Well, if you can't remember this, why can you remember anything else better?'"

■ **Try to talk with the police—and hope you fail.** When the police won't cooperate, argue that the witness is hostile, biased and has an ax to grind.

■ **Carefully consider the choice between judge and jury.** Taylor opts for a jury 95 percent of the time. He says, "I can manipulate the jury's minds more than I can a trial judge who's been on the bench 15 years and seen all my tricks." But cases that revolve around complex points of law may best be left to a judge.

The courtrooms are the ultimate battleground in the war on drunk driving. And to win the war, reformers must find ways to force jurors and judges to sympathize with the victims of drunk drivers, instead of the defendants.

MARK STARR with DAN SHAPIRO in Houston



"Hitting that child with your car must have really jolted you. Keep your driver's license and get yourself a couple more drinks"

## FACTS ON ALCOHOL AND HIGHWAY SAFETY

### The Problem

#### Overview:

Drunk driving continues to be one of our nation's most serious public health and safety problems. Some 50 percent of all drivers killed each year have blood alcohol concentrations in excess of the legal limit, 0.10 percent. In single vehicle fatal crashes, where it is more certain who is at fault, upwards of 65 percent of those drivers who die were legally drunk. Over the past 10 years, the proportion of highway deaths involving alcohol has averaged a tragic 25,000 per year. Thus, a staggering one quarter of a million Americans have lost their lives in alcohol-related crashes in the last decade.

The cost of drunk driving has a high economic cost to this country as well. A conservative estimate of the total economic cost of drunk driving is put at 24 billion.

#### Alcohol and Crashes:

Alcohol is a major contributing factor to fatal (and serious injury) automobile crashes. According to a 1978 review of the literature, approximately 60 percent of fatal crashes involved a driver who had been drinking. Between 40 and 55 percent of such crashes involved a driver who had a blood alcohol concentration (BAC) greater than .10 percent (w/v).

With regard to alcohol and responsibility for fatal crashes, the drinking driver problem is even more significant. In one study drivers judged to be at fault in fatal crashes were six times more likely to have had BAC's greater than .10 percent (w/v) alcohol in their blood than drivers judged not at fault for their crashes (60 percent vs. 10 percent).

This strong relationship between crash responsibility and high alcohol levels is shown further in single vehicle crashes, where responsibility is apparent, and where between 60 and 75 percent (60-75%) of dead drivers have BACs greater than .10 percent (w/v).

#### The Driver Population:

What the high BAC figures in crashes suggest is that the majority of alcohol related fatal crashes are caused by heavy (problem) drinkers. Some portion of the approximately 15 percent of fatal crashes which involve drivers who have been drinking, but who do not have BACs greater than .10 percent, may be caused by less heavy, less chronic, "social" drinkers.

The majority of drivers are either abstainers or light to moderate (social) drinkers. Even quite liberal estimates suggest that only about 10 to 15 percent of the nation's drivers would be classified as being heavy (problem) drinkers.

## Arrested Drunk Drivers:

The average proportion of licenses drivers arrested for drunk driving over a one-year period is estimated to be one percent (1%). This translates to approximately 1.3 million of approximately 130 million licensed drivers.

On a nightly basis, between one in five hundred (1/500) and one in two thousand (1/2000) drivers on the road with a BAC greater than .10 percent (w/v) are arrested for drunk driving. These estimates come from a number of roadside surveys conducted in conjunction with the Alcohol Safety Action Projects (ASAPs) funded by the NHTSA in the 1970's and from the Grand Rapids data reported by Borkenstein and others.

The average BAC of these drinking drivers is approximately .20 percent, double the level for presumed intoxication. Estimating an average period of alcohol consumption at 4-5 hours, this means that the average fatally injured drinking driver had about 15 drinks prior to becoming involved in the crash.

## Blood Alcohol and Body Weight

**KNOW YOUR LIMITS**

### CHART FOR RESPONSIBLE PEOPLE WHO MAY SOMETIMES DRIVE AFTER DRINKING!

Drinks	APPROXIMATE BLOOD ALCOHOL PERCENTAGE								
	Body Weight in Pounds								
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Rarely
2					.04	.04	.03	.03	
3	.11								
4	.15	.12	.11						
5	.19	.16	.13	.12	.11				
6	.23	.19	.16	.14	.13	.11	.10		
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.21	.19	.17	.15	.14	.13	Definitely
9	.34	.28	.24	.21	.19	.17	.15	.14	
10	.38	.31	.27	.23	.21	.19	.17	.16	

Subtract .01% for each 40 ounces of drinking  
One drink is 1 oz. of 100 proof liquor, 12 oz. of beer, or 4 oz. of table wine.

**SUREST POLICY IS . . . DON'T DRIVE AFTER DRINKING!**

## Past Approaches and Current Activities

### Federal Action:

Over the last 12 years, the National Highway Traffic Safety Administration (NHTSA), an Agency within the U.S. Department of Transportation, has worked with the States to reduce alcohol related deaths on the highway. NHTSA initiated 35 Alcohol Safety Action Projects (ASAPs) throughout the country from 1971-1976 which resulted in the development of a coordinated systematic approach to deal with drunk driving.

In 12 of the 35 ASAPs, a statistically significant reduction in fatal crashes at night was achieved. Individual projects were able to double, and even triple driving while intoxicated arrests, using such new technology as roadside breath testing. Court procedures were streamlined to handle large caseloads. Roughly a quarter-of-a-million drinking drivers were referred for treatment.

Before the passage of the Highway Safety Act of 1966, few States specified a presumptive level of driving while intoxicated. The Federal standard for alcohol safety prescribed the 0.10 percent blood level that legally defines the legal intoxication limit. Now all the States have laws defining driving under the influence at the 0.10 percent level. The majority of the States now have made some improvements in their law enforcement, court, rehabilitation, and educational efforts.

### State Action

Under the Section 402 grant program established by the Highway Safety Act the States are increasing the proportion of funds allocated to alcohol programs. In FY 1982 approximately 35 percent of 402 funds (\$27.8 of 78.6 million) were allocated to drunk driving programs (with an added 30 percent spent on alcohol enforcement activities under Police Traffic Services).

Responding to citizen interest, 21 States and a number of local jurisdictions have established special drunk driving task forces to revitalize State/local programs.

Fifteen States have raised the minimum legal drinking age to reduce alcohol related crashes among youth. Other States such as Maryland have introduced legislation to raise the drinking age during 1982.

Sixteen States have adopted statutes allowing preliminary roadside breath testing to assist officers in establishing probable cause for drunk driving arrests.

Twenty-one States have established illegal per se statutes designed to simplify and streamline the prosecution of drunk drivers by making it illegal simply to operate a motor vehicle with an illegal blood alcohol concentration (above 0.10%).

# Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January, one thousand nine hundred and eighty-two*

## Joint Resolution

To provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week".

Whereas traffic accidents cause more violent deaths in the United States than any other cause, over fifty thousand in 1980;

Whereas traffic accidents also play a substantial role in serious injuries in this country;

Whereas between 40 and 55 per centum of drivers who are fatally injured have alcohol concentrations in their blood above the legal limit and this figure rises to 55 to 65 per centum in single vehicle crashes;

Whereas the total societal cost of drunk driving has been estimated anywhere from \$5,000,000,000 to \$25,000,000,000 a year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas more research is needed on the effects of drugs on driving ability and their impact on the incidence of traffic accidents, either alone or in combination with alcohol;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increased research on the effects of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), is demanding a solution to the problem of drunk driving;

Whereas the President has appointed a Commission on Drunk Driving to heighten public awareness and stimulate the pursuit of solutions;

Whereas many States have appointed task forces to examine the existing drunk driving program and make recommendations for a renewed, comprehensive approach;

Whereas an increase in the national awareness of the problem of drunk and drugged driving may help to sustain current efforts to develop comprehensive solutions at the State and local levels; and

Whereas the Christmas and New Year's holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 12, 1982, through December 18, 1982, is designated as "National Drunk and Drugged Driving Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.*

*Speaker of the House of Representatives*

*Vice President of the United States and  
President of the Senate*

### DRUNK DRIVING FACTS

- o A blood alcohol concentration (BAC) of .10 percent or greater is the level at which a driver is considered legally intoxicated in most states.
- o Approximately 55 percent of fatal crashes involve a driver who has been drinking.
- o In single vehicle crashes, where responsibility is apparent, between 60 and 75 percent of dead drivers have BACs greater than .10 percent.
- o The average BAC of drivers arrested for drunk driving is approximately .20 percent, double the level for presumed intoxication.
- o Over the past 10 years, the proportion of highway deaths involving alcohol has averaged 25,000 per year; one quarter of a million Americans have lost their lives in alcohol-related crashes in the last decade.
- o A conservative estimate of the total economic cost of drunk driving is put at between five and six billion dollars a year.

## ACCIDENTS IN ALASKA

In 1975, alcohol-related highway accidents cost \$19.5 million.

In 1977, 62 Alaskans died in alcohol-related highway accidents. About 80% of highway fatalities in Anchorage are alcohol-related.

## OMVI ARRESTS IN ALASKA

The drivers being arrested are very heavy drinkers - had to have had ten drinks in an hour to reach the blood alcohol levels recorded. Most have so much alcohol in their system that they are still drunk when they go to work the next day.

Most people never drink enough to reach the illegal BAC level. Most people arrested for OMVI regularly drink large amounts.

At most one out of four arrested for OMVI are "normal" drinkers who have had too much just this night. The rest are used to drinking and driving - in fact one out of three people arrested for OMVI has previously been convicted.

Few of the arrests for OMVI are borderline cases - the average blood alcohol concentration is twice the level proscribed by law.

## REASONS FOR RECOMMENDED STATUTORY CHANGES SB 608, 609, 610

PARTLY DONE

a. Clean up statutes so that courts can spend time on real evidence instead of legal technicalities.

PRESENT

b. OMVI arrests are expected to increase by as much as 50% in the near future.

PARTLY DONE

c. Either help the courts by changing the statutes or by providing money for more courtrooms, judges, prosecutors.

d. OMVI arrests - largest single category of arrests and court caseload - 22% of all adult arrests; 28% of caseload of the misdemeanor courts; 50% of the trial time spent by the courts.

e. Changes will not stop drinking-driving but will help us handle the problem through the courts.

BEING WORKED ON

f. We have definite evidence that the people who refuse breath-tests tend to be the most drunken and the most dangerous drivers - really experienced drinkers (average BAC: 0.27%). We are not helping them by keeping it easy to avoid the evidence of their dangerousness.

g. Using the traditional psychomotor tests, even experienced police are right only one out of two times about how drunk a person is - blood alcohol concentration (BAC) is objective and fair evidence, rather than just an opinion.

SB 551, 552

REASON FOR ALCOHOL SCREENING .

- a. Trying to separate the people out so that we can do what's right by the person who just has an attitude probelm, by the bad drivers, and by the alcoholics.
- b. Trying to get an early identification of problem drinkers so that they can be encouraged to get help before they are far gone.
- c. Trying to standardize court practices throughout the state.

*KELSO'S JOB  
SW A STATEWIDE  
BASIS*

# PROBLEM DRINKING DRIVERS

1. The Problem Drinking Driver is someone who *regularly* drives while seriously impaired.
2. In the typical jurisdiction, about two-thirds of persons arrested for DWI are identifiable as Problem Drinkers, either clearly or marginally.
3. Problem Drinking Drivers usually have a high BAC (0.15 percent or above) when arrested. Of course, the BAC on any occasion may be lower.
4. Drivers with a high BAC (0.10 percent or above) are likely to be involved in at least
  - Twice as many crashes
  - Twice as many property damage crashes
  - Five times as many personal injury crashes
  - Twelve times as many fatal crashes
  - Twice as many traffic violations
  - Three times as many license suspensions

as the average driver.

5. Social Drinkers rarely achieve the high BAC (0.10 percent or above) which problem drinkers achieve very often.
6. A person can learn to "drive while drunk" i.e., to compensate partially for the impairment caused by alcohol up to a point. The learning takes a lot of practice.

Social Drinkers don't get that much practice. They are likely to judge themselves "too drunk to drive," or to drive very badly at lower BACs.

Therefore, a person who drives reasonably well at a high BAC, or who can drive at all at a very high BAC (0.20 percent or above), is likely to be a Problem Drinker.

7. Problem Drinking Drivers tend to lead troubled lives, as is shown in:
  - The probability of their having previous and subsequent DWI arrests.
  - The frequency of their contacts with social agencies.
  - Their emotional profiles.
  - The frequency of their family and economic problems.

This makes it possible to identify them by record checks and personality tests.

# REALISTIC EXPECTATIONS

## *Problem Drinkers:*

Regardless of what we do with problem drinkers, approximately 1 of 5 will be re-arrested for a drinking-driving offense within one year, 2 of 5 in three years.

## *Social Drinkers:*

Without rehabilitation, 3 of 10 social drinkers will be re-arrested within three years. However, only 2 of 10 entering rehabilitation of some type will be re-arrested.

Source: University of South Dakota,  
Program Level Evaluation of ASAP  
Diagnosis Referral and Rehabilitation  
Efforts. Sept. 1975.

## OVERALL STATEWIDE PROBLEM ANALYSIS

### TRAFFIC RECORDS

Because of the problems described in the following paragraphs and the fact that current data is unavailable, there were no attempts made to perform a statistical analysis of the old data. This analysis has been performed on available data in past years and would only be redundant. Therefore, with the exception of the narrative in the traffic records section, the Overall Statewide Problem Analysis remains unchanged from the FY1982 highway safety plan. No further attempt to perform problem identification through statistical analysis will be done until current and accurate data becomes available.

The Alaska traffic records system continues to be plagued with many of the same problems that have prevented timely and accurate retrieval of accident data for the past few years. Excessive delays are still experienced in all aspects of the collection, entry, editing and retrieval of the accident and driver license data. Even though the driver license system is an automated on-line system, accurate statistical data for calendar year 1981 are not available at this time. Errors in data collection, as well as in the data entry, continue to contribute to the excessive delays in obtaining accident data.

Because of the changing philosophical views within the department, all attempts to utilize the "DART" traffic records software package have been abandoned. There is presently no individual within the department available that can utilize this system and at this time no efforts to revitalize the system are planned.

Even though a project was implemented in the department to alleviate many of the problems of the traffic records system, no progress of any consequence can be expected. The fact that the system spans two departments, neither of which has total responsibility, only complicates all efforts to upgrade the system. As the accident system remains a low priority within the department, we do not anticipate any improvement to the system during FY1983.

Because of these problems and the lack of reliable traffic data, emphasis will be placed on working with the Department of Public Safety to develop a more responsive outlook towards the traffic records system. This will include suggestions to move the responsibility of data entry from DOT/PF to the Department of Public Safety and to assign the system responsibilities to an individual in the department capable of overseeing and maintaining the system needs. With a commitment from the Department, traffic data and problem identification could be eliminated as a major obstacle in the preparation of the annual highway safety plan.

STATE ACCIDENT ANALYSIS

<u>YEAR</u>	<u>INJURY ACCIDENTS</u>	<u>FATALITIES</u>	<u>TOTAL ACCIDENTS</u>	<u>M.D.R. (1)</u>	<u>PROPERTY DAMAGE (\$)</u>
1976	5,765	124	18,154	4.1	20,220,195
1977	5,085	136	15,086	4.5	20,348,441
1978	4,822	127	12,962	4.5	18,775,536
1979	4,560	90	13,521	3.2	19,365,424
1980	4,993	88	13,165	3.3	20,793,029

(1) Mileage Death Rate

1981 DATA NOT AVAILABLE AT THIS TIME

As shown by the preceding table, the total accident picture for Alaska in 1980 was one of increased risk to the motorist when compared to 1979. Accidents increased from 45 per 1,000 licensed drivers in 1979 to 48 per 1,000 licensed drivers in 1980. The mileage death rate increased from 3.2 per hundred million miles traveled in 1979 to 3.3 in 1980. The death rate per 1,000 motor vehicle accidents increased from 6.66 in 1979 to 6.68 in 1980.

Overall, there were more accidents per driver and per miles traveled than in 1979, with greater accident severity causing a higher injury and fatality rate. As a public health concern, the motor vehicle death rate per 100,000 population increased from 21.78 in 1979 to 21.97 in 1980 while the motor vehicle injury rate increased from 1,103.6 per 100,000 population in 1979 to 1,246.8 per 100,000 population in 1980.

## STATE TRAFFIC ANALYSIS

<u>YEAR</u>	<u>POPULATION</u>	<u>LICENSED DRIVERS</u>	<u>VEHICLES (1) REGISTERED</u>	<u>MILES (2) TRAVELED</u>
1976	413,289	216,079	259,615	30.67
1977	411,211	294,926	283,973	30.34
1978	416,500	283,733	276,918	28.22
1979	413,200	299,818	262,549	27.90
1980	400,481	272,472	257,491	26.58

(1) Excludes trailers, commercial trailers and snowmachines.

(2) Represented as 100 million vehicle miles traveled.

As shown by the above table, Alaska's population remained stable through 1976-1979, with the exception of 1978 when it reached its highest level. The state experienced a 4% decline in population between 1978 and 1980.

The number of licensed drivers increased significantly in 1977, 36%, followed by another increase in 1979, but declined in 1980.

The number of vehicles registered shows a steady decrease since 1977, with a similar trend occurring in miles traveled since 1976.

### LICENSED DRIVERS BY AGE AND SEX (1980)

The following table displays licensed drivers by age and sex. As is obvious, the majority of drivers licensed in Alaska (56.3%) are under 35 years of age. Thirty-one percent of all licensed drivers are young (under 35) males: the group most at risk in highway traffic accidents.

<u>AGE</u>	<u>MALE</u>	<u>% (1)</u>	<u>FEMALE</u>	<u>% (1)</u>	<u>TOTAL</u>	<u>% (2)</u>
14-18	8,367	60.6	5,431	39.4	13,798	5.1
19-24	25,822	55.0	21,111	45.0	46,933	17.2
25-29	25,395	53.3	22,282	46.7	47,677	17.5
30-34	24,950	55.4	20,121	44.6	45,071	16.5
35-39	18,681	55.9	14,753	44.1	33,434	12.3
40-44	13,721	57.4	10,164	42.6	23,885	8.8
45-49	10,588	58.2	7,610	41.8	18,198	6.7
50-54	9,114	59.3	6,252	40.7	15,366	5.6
55-59	7,211	59.3	4,943	40.7	12,154	4.5
60-64	4,922	60.2	3,254	39.8	8,176	3.0
65-69	2,772	61.5	1,738	38.5	4,510	1.7
70 +	2,093	65.1	1,120	34.9	3,213	1.2
Unknown	34	59.6	23	40.4	57	
<b>TOTAL</b>	<b>153,670</b>	<b>56.4</b>	<b>118,802</b>	<b>43.6</b>	<b>272,472</b>	<b>100.0</b>

(1) Percentage of that age group.

(2) Percentage of total licensed drivers.

#### MOTOR VEHICLE TRAFFIC FATALITY ACCIDENTS

During the years 1976-1978 the rate of alcohol-related fatal accidents occurring in the state appears to have remained fairly constant: approximately one-half of all fatal accidents were alcohol-related. A departure from this trend was reported in 1979 when the rate of alcohol involvement increased to 70% in fatal accidents.

There is some indication that improved reporting of alcohol involvement contributed to this apparent increase. However, alcohol involvement in highway crashes is the state's most serious and enduring problem and has been assigned the highest priority for treatment in the FY1983 highway safety program.

#### ALCOHOL

The following table reflects the distribution of alcohol/driver by age group. Accidents in which alcohol involvement was not stated or was unknown have been removed from the calculations.

<u>AGE</u>	<u>NUMBER OF ALCOHOL ACCIDENTS</u>	<u>PERCENT INVOLVEMENT</u>	<u>PERCENTAGE OF LICENSED DRIVERS</u>
15-18	220	11.3	3.4
19-29	922	47.2	36.5
30-39	407	20.9	27.8
40-49	238	12.2	15.2
50-59	134	6.9	10.3
60 +	31	1.6	2.5

During 1979, alcohol was indicated in 1,952 traffic accidents. Drivers aged 19-29 were the most frequent offenders: 47.2% of the alcohol-related accidents involved drivers in this age group who had beer drinking or who were suspected of drinking.

Drivers between the ages of 15 to 18, inclusive, who make up only 3.4% of the licensed driver population, accounted for 11.3% of the alcohol-related accidents, or more than 3 times their distribution in the general driver population.

Alcohol was a factor in 70% of the fatal accidents that occurred during 1979. Further analysis is not possible because of contradictory bivariate data, although there is some indication that young drivers are, again, over-represented. Inexperienced both in driving and in drinking, the young driver also has a predilection for high speeds, and the combination is lethal.

Alcohol enforcement and diversion to treatment and/or education of the drinking driver will remain the highest priority for Alaska's highway safety program.

#### SPEED RELATED

The number of speed-related fatalities declined from 80 in 1978 to 61 in 1979. Although the number of fatalities that were speed-related declined, the rate of speed involvement has remained constant at 27%. Speed as a contributing factor in injury accidents declined from 21% in 1978 to 16% in 1979.

<u>DRIVER ONLY</u>	<u>FATAL ACCIDENT</u>	<u>FATALITIES</u>	<u>ALCOHOL ACCIDENTS</u>	<u>ALCOHOL FATALITIES</u>
<u>1979</u>	<u>81</u>	<u>91</u>	<u>57</u>	<u>66</u>
0-18	17	20	11	13
19	2	2	2	2
20	9	11	6	8
<u>1980</u>	<u>86</u>	<u>95</u>	<u>58</u>	<u>64</u>
0-18	10	11	5	6
19	2	4	1	1
20	3	3	1	1
<u>1981</u>	<u>90</u>	<u>100</u>	<u>66</u>	<u>76</u>
0-18	13	18	11	16
19	4	4	4	4
20	2	3	2	3
REPORTED TO DATE - 09/17/82				
<u>1982</u>	<u>38</u>	<u>43</u>	<u>22</u>	<u>24</u>
0-18	4	6	1	2
19	3	4	2	2
20	1	1	1	1

1st offense: Ineligible for a driver's license or permit for a three months' period unless the court finds hardship and nullifies or modifies the suspension or revocation. If has prior DWI conviction, period of revocation or suspension is one year. First offense also carries minimum 72 consecutive hours' imprisonment. (AS 28.35.032)

REFUSAL  
TO  
SUBMIT  
TO  
CHEMICAL  
TEST  
OF  
BREATH

2nd offense: If has prior conviction for either DWI or refusal to submit to a chemical test of breath, suspension or revocation of license is for one year. A conviction for DWI or for refusal to submit to a chemical test of breath within previous five years yields a sentence of ten consecutive days' imprisonment. However, if the prior convictions for DWI or for refusal to submit to a chemical test of breath were within one year of this second conviction for refusal to submit to a chemical test of breath, imprisonment is for 20 days. The ten-day and 20-day sentences are both minimums. (AS 28.35.032)

Conviction under AS 28.35.032 also requires participation in a program of alcohol education or rehabilitation for term the court finds appropriate.

1st offense: Driver's license seized if driving a motor vehicle. License is revoked or suspended for 90 days, unless has a prior DWI conviction. In that case, suspension or revocation is for one year. Vehicle impounded for 15 days. 72 consecutive hours imprisonment plus fine: \$250 minimum; \$500 maximum. (AS 28.35.032, secs. 9 - 12)

2nd offense: If has either a prior DWI conviction or conviction for refusal to submit to a chemical test of breath, suspension or revocation is for one year. Second conviction for refusal to submit to a chemical test of breath or first such conviction of a person with a prior DWI conviction: minimum of 20 consecutive days imprisonment and a fine of \$500 minimum; \$1000 maximum. Driver's license seized if driving a motor vehicle. Vehicle impounded for 90 days and may be forfeited. (AS 28.35.032, secs. 9 - 12)

3rd or Subsequent offense: If for refusal to submit to a chemical test of breath or DWI in any combination, suspension or revocation of the driver's license is permanent. 30 consecutive days' imprisonment plus a fine of \$1000 minimum and \$2000 maximum. Same license seizure as for first offense. Vehicle impoundment and forfeiture provisions the same as for the second offense. (AS 28.35.032, secs. 9 - 12)

-----  
Alcohol program participation requirements are unchanged.

The five-year period for calculation of the number of offenses a person has committed, for the purposes of determining a penalty, has been eliminated for this offense.

Note provisions for seizure of driver's license in sec. 13 in addition to provisions for refusal to submit to a chemical test of breath as trigger for seizure (above).

DWI

1st conviction for DWI: 72 consecutive hours imprisonment (AS 28.35.030). Driver's license revoked for 30 days minimum, or limited license and revocation for 60 days minimum. (AS 28.15.181)

2nd conviction for DWI or for refusal to submit to a chemical test of breath: Driver's license revoked and limited license may not be granted for one year minimum (AS 28.15.181). If within five years of a conviction for DWI or for refusal to submit to a chemical test of breath, ten consecutive days minimum imprisonment, unless within one year of a previous conviction, then 20 days. Court may order participation in alcohol education or rehabilitation program (AS 28.35.030). Subsequent convictions treated by the same provisions except that limited driver's license privileges may not be granted for at three years upon a third or subsequent conviction. Sentence may be suspended after the minimum sentence has been served.

1st conviction for DWI or refusal to submit to a chemical test of breath: revocation of driver's license for 90 days minimum (sec. 3). Fine: \$250 minimum, \$500 maximum (sec. 8) in addition to jail time.

2nd conviction, DWI or refusal to submit to a chemical test of test of breath (or equivalent elsewhere): One year minimum driver's license revocation (sec. 3); 20 consecutive days minimum 20 consecutive days minimum imprisonment and a fine of \$500 minimum and \$1000 maximum (sec. 8).

3rd or subsequent conviction for DWI or refusal to submit to a chemical test of breath (or equivalent elsewhere) in any combination of three or more: permanent revocation of driver's license (sec. 3). 30 consecutive days minimum imprisonment and a fine of \$1000 minimum and \$2500 maximum (sec. 8). No change in provision on alcohol education and rehabilitation assignments by court.

-----  
Limited license privileges are removed for all DWI offenders.

DRIVING  
WITH  
LICENSE  
CANCELED,  
SUSPENDED,  
REVOKED,  
VIOLATION  
LIMITATION

Ten days' imprisonment minimum.  
Suspension of sentence after minimum sentence served  
is possible.

14 consecutive days, plus fines: \$500 minimum and  
\$1000 maximum. No suspension of sentence.

IMPOUNDMENT No present provision.

Upon probable cause of peace officer that vehicle used in DWI offense. Unless released, impoundment is for 15 days if no prior convictions for DWI or for refusal to submit to a chemical test of breath. If a prior conviction in Alaska or elsewhere for either, impoundment is for 90 days.

FORFEITURE No present provision.

If a prior conviction in Alaska or elsewhere for DWI or for refusal to submit to a chemical test of breath (or equivalent elsewhere), vehicle may be forfeited.

STATE OF ALASKA  
THE LEGISLATURE

RECEIVED  
FEB 1 1983

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1983

SUBJECT: Drunk Driving -- HB 6  
(Work Order No. 13-0676)

TO: Representative Mitchell E. Abood, Jr.

FROM:  Russ Josephson  
Legislative Counsel

Following is the sectional analysis of HB 6 which you requested:

Section 1 amends AS 28.15.081(a) by adding the new requirements for the driver's license and application examination: (1) that the applicant know the effects of alcohol and drugs on drivers and the related dangers of driving under their influence; and (2) that the applicant know the laws relating to driving while intoxicated.

Section 2 amends AS 28.15.181(a) by adding a new basis for the immediate suspension or revocation of a driver's license: the refusal to submit to a chemical test of breath under AS 28.35.032, Refusal to Submit to Chemical Test.

Section 3 amends AS 28.15.181(c) by repealing and reenacting it. Please refer to the accompanying penalties chart for comparison between the current law and HB 6.

Section 4 amends AS 28.15.201(b)(1) by removing the reference to the revocation of the license of a person convicted of operating or driving a motor vehicle while intoxicated. The revocation of the license of such a person is handled in Sec. 3 of this bill.

Section 5 amends AS 28.15.201(c) by removing the references to the issuance of a new driver's licenses for persons convicted of operating or driving a motor vehicle while intoxicated, after a limited license period has expired because, under Sec. 3 of this bill no limited license privileges may be granted.

Section 6 amends AS 28.15.291 by changing the penalty for violation of the prohibition against driving while a license is canceled, suspended, or revoked, or in violation of a limitation on the license. The penalty is increased from 10 days to 14 consecutive days and a fine of \$500 - \$1000 is added. In addition, the provision allowing the sentence to be suspended after the defendant has been imprisoned for no less than the minimum period has been removed.

Section 7 amends AS 28.35.030(a)(2), the "DWI" section by inserting the language to indicate that the alcohol levels referred to in the existing statute are to be determined by a chemical test given within four hours after the alleged offense was committed. Note that the broader term "a chemical test" is used here, not "a chemical test of breath".

Section 8 amends the "DWI" section further by changing the penalties for conviction. In addition, the five-year period used for calculating the numbers of convictions on a person's record has been eliminated, thus making all convictions count. The section also has been amended by the use of new language that indicates that a conviction under another law or ordinance, in this or another jurisdiction, is counted as a conviction in Alaska for purposes of determining how many convictions a person has and thus for determining what the penalty should be, if the elements of the law or ordinance are substantially similar. The effect of this amendment is to close a "loophole" if there were minor differences between the law under which a prior conviction had been obtained and the law under which a subsequent conviction was obtained. Also, the provision for suspension of sentence after the minimum sentence is served has been eliminated, as it was in Sec. 6. A person with multiple convictions for driving while intoxicated or for refusal to submit to a chemical test of breath, or for a combination of those two offenses (or another law or ordinance with substantially similar elements), may have the vehicle used in the commission of the latest offense impounded and forfeited.

Section 9 amends AS 28.35.032(a) by adding to the existing language on the refusal to submit to a chemical test of breath a new provision for the seizure of the driver's license by the law enforcement officer after reading the driver a notice and delivering the driver a copy of the notice. The notice explains the revocation procedure and

the right of court review. The notice is a temporary driver's license, as well.

Section 10 amends AS 28.35.032(b) to provide that the notice of revocation or suspension of a driver's license, as now required, indicate that the action will be effective after the temporary driver's license provided for in Sec. 9 has expired. Also, the section is amended to stay the revocation or suspension action if the person initiates a court action to rescind the Department of Public Safety's action. The three months' suspension or revocation period is eliminated from this section. Some additional technical changes were also made in this section.

Section 11 amends AS 28.35.032(d) to provide new penalties for the refusal to submit to a chemical test of breath under the implied consent statute. The penalties parallel those for conviction for "DWI" in several ways, including the calculation of the number of offenses. Provision is made for permanent suspension or revocation of the driver's license or the nonresident privilege to drive, and for the denial of an original license -- if multiple offenses are involved.

Section 12 amends AS 28.35.032(g) adding fines to the penalties for refusal to submit to a chemical test of breath, eliminates the five-year period used in calculating numbers of convictions, and increases the penalties for convictions. The sentence for multiple conviction cases may not be suspended under the amendments of this section.

Section 13 adds new subsections to AS 28.35.033, Chemical Analysis of Blood. This section provides for driver's license seizure if a chemical test produces results specified in subsection (a)(2). The procedure is the same as that in Sec. 9. In addition, the new language limits the court proceeding in which the driver's action to rescind the suspension or revocation of the driver's license is heard to two issues: (1) whether or not the arrest for driving while intoxicated was valid; and (2) whether the chemical test produced the results specified in subsection (a)(2). The penalties for administrative suspension or revocation for "DWI" or refusal to submit to a chemical test of breath are also set forth.

Section 14 amends AS 28.35.034. The section, formerly named "Period of Revocation", is renamed "Surrender of License or

Permit". The section is amended by the removal of the provisions allowing the district court to find extenuating circumstances and to modify or nullify the suspension or revocation of a driver's license or permit for refusing to submit to a chemical test of breath. Additional minor technical changes also were made.

Section 15 adds new sections to AS 28.35 for the impoundment and forfeiture of automobiles used in the commission of an offense under AS 28.35.030 (Operating a Vehicle, Aircraft or Watercraft While Intoxicated), and also for an offense under AS 28.35.032(f) (Refusal to Submit to a chemical Test of Breath) in the case of the forfeiture. In addition, provision is made for the remission of forfeitures, a procedure to allow persons with ownership or security interests in a forfeited motor vehicle to claim the vehicle through court proceedings.

Section 16 repeals AS 28.35.211(a)(4), a provision concerning suspension, revocation, or limitation of licenses for three months. The repealed provision has been replaced by other provisions throughout this bill.

RJ:ljb



Daily News file photo / Paul Brown

State Rep. Mitch Abood is shown here participating in a demonstration in the effects of alcohol on drivers held in Anchorage in January. Abood backs a bill that would stiffen penalties for drunk drivers.

## Drunk drivers may lose their cars, licenses

By GREG GADBERRY  
Daily News reporter

NEWS  
2-3-83

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If Rep. Mitch Abood has his way, drunken drivers in Alaska will face not only jail time and fines but the permanent loss of their driver's licenses and their automobiles.

Those provisions are part of a comprehensive drunken driving bill written by Abood that drew strong support on Wednesday during a teleconference of the House State Affairs Committee.

"We have lived with this threat to our lives and our property for too long," the Anchorage Republican said.

The proposal mandates that police immediately seize the driver's licenses of anyone shown by breath tests to be driving legally drunk. Drivers who refuse to take breath-alcohol tests after arrest also would have their license taken under the bill.

The proposal would have police issue suspects a temporary seven-day license after their normal driver's license was taken away.

See Back Page, DRUNK

① of ②

NEWS 2-3-83 2082

# Drunk drivers may forfeit vehicles and licenses, serve longer jail terms if bill approved

Continued from Page A-1

Drunk drivers could appeal the license seizures to District Court judges. But unless the judge ruled the confiscation was unfair, the temporary license would expire after a week and the suspect would be unable to drive pending the outcome of the case.

Under present law, the state can suspend a driver's license if a person refuses a breathalyzer test, but that suspension is not immediate. Drivers who do take the test and are found to be drunk may have their licenses suspended at the discretion of the judge.

The Abood bill also requires longer license revocations for convicted drunken drivers.

Following a first conviction, drivers would lose their licenses for 90 days, three times the term now imposed on first-time offenders.

Current laws allow first-time offenders to get special licenses with which to drive to work. The Abood bill would prohibit such licenses.

Under the Abood proposal, second offenders would have their licenses pulled for a year, the same time provided now.

However, those with three or more convictions would lose their licenses for good. Current law allows judges to pull a license for three years on a third conviction.

According to Anchorage Municipal Prosecutor Allen Bailey, no other state has the power to permanently revoke a driver's license.

Advocates admit the license suspension issue will draw plenty of legal fire, but they contend the most controversial part of the Abood bill is the section requiring confiscation of the vehicles of drunken drivers.

People facing first convictions under the Abood bill would lose their cars for 15 days. Drunken drivers with two or more convictions would have their cars impounded for 90 days.

The bill also gives to judges the power to permanently confiscate vehicles if the driver has two or more convictions.

Current state statutes allow police to impound drunken drivers' vehicles if they are left in roadways and are a danger to traffic. But those laws do not impose specific time limits for impounding drunken drivers' vehicles.

There also is no provision under current law allowing for permanent confiscation of vehicles for drunken driving charges.

"That's really a giant step," Bailey said. "I don't think any state has that."

Abood's bill requires that those who re-

fuse breathalyzer tests after arrest face fines and jail terms identical to those given drivers who refused drunk by breath testers.

Under the bill, jail time for a first conviction is 72 hours in jail, identical to current law. The fine would range from \$250 to \$500.

Second offenders, however, would pay \$500 to \$1,000 and would remain behind bars for 20 consecutive days. That jail term is double what most second drunken driving convictions now receive.

A person convicted of a three or more offenses would serve at least 30 days.

"We are extremely enthusiastic," said Charles Landers, vice president of Mothers against Drunk Drivers. "This bill addresses many of the issues we think should be changed."

2082



June Gerrish: Deaths 'aren't fair.'

Photo by Mark Kelley

# Getting MADD about drunken driving

## Group asks Legislature for stiffer DWI penalties

By CHRIS JARVIS  
Empire Staff Reporter

She's MADD about drunken drivers, and she wants the Alaska Legislature to do something about it.

June Gerrish knows all too well the pain that goes with drunken driving-caused accidents. In December 1981, two of her grandchildren, 13-year-old Scott Gerrish and his 10-year-old brother Wesley, were run down and killed by a car driven by a drunken driver as they walked along a road in Girdwood, a quiet ski-resort town south of Anchorage.

The driver, Patrick Clemans, was last week sentenced to two concurrent eight-year terms and two years of probation by Anchorage Superior Judge Seaborn Buckalew.

Gerrish said today she was pleased with the sentence, noting it might serve as a warning to others of what can happen when driving while drunken and how serious the courts treat the crime.

And though last week's sentencing "took a lot weight off our minds," she said she is not done with her fight against drunken driving.

It is a fight that goes far beyond the boundary of the state's largest city. This week a Juneau man who recently pleaded no contest to a negligent homicide charge in the drunken-driving death of another 25-year-old man last June was again arrested, this time accused of drunken driving.

Some people withdraw from their anger and outrage, but Gerrish is doing something about hers. She founded the Alaska chapter of Mothers Against Drunk Drivers, a national group of citizens waging an all-out war against drunken driving.

The Alaska Chapter of MADD, started in September, now has about 300 members and will soon have chapters in Juneau, Valdez, Seward, Palmer and Fairbanks.

Now she has brought her fight to the Legislature and the House State Affairs Committee, which on Wednesday will hear her side of the growing drunken-driving tragedy in Alaska.

"We're not against drinking, but when they get in their cars, that's our business," Gerrish said.

Of her own experience, Gerrish said she never will forget the deaths of her grandchildren and the pain it created.

"It's not fair," she said. "There are two kinds of death."

"The first, like the death of an old or very sick person, you can understand .... You're still hurt, but you know why," she said.

"But this was senseless; this was stupid," she said. "That's what makes me mad; I don't know why."

"We can never have another Christmas, we can never have birthdays," she said of her tight-knit family.

Her son, an Anchorage paramedic, had trouble returning to work following the death of his sons, Gerrish said. One of the first calls he received when he returned to work was to treat a 13-year-old boy who had been hit by a car, she said.

"He had trouble being in the same emergency room" under the same circumstances, she said.

While it supports raising the drinking age to 21, MADD is even more vocal about two other bills now under consideration in the House.

The first, introduced by House Speaker Joe Hayes, R-Anchorage, would require proof of liability insurance before a car can be registered in the state "so that innocent victims of motor vehicle accidents may be recompensed for the injury and financial loss inflicted upon them."

The other bill supported by MADD was introduced by Rep. Mitch Abood, R-Anchorage. It would increase penalties for repeated convictions for driving while intoxicated, refusal to take a breathalyzer test and driving while a license is suspended or revoked.

For example, the minimum sentence for someone convicted of driving while his driver's license is revoked following a conviction for driving while intoxicated would be 14 days in jail and a \$500 fine.

In Alaska, Gerrish said, people don't have much trouble coming up with the money to pay fines, so she wants the fines increased to make more of an impression on drunken drivers.

Other changes the bill makes are a minimum jail term for those who refuse, a second time, to undergo a breathalyzer test. A second conviction would increase the sentence to no less than 30 days in jail and a fine of at least \$500.

A second conviction for driving while intoxicated would result in a sentence of at least 20 days in jail and a fine of at least \$500.

A third conviction would result in a sentence of no less than 30 days in jail and a fine of at least \$1,000.

The bill also would allow a police officer to notify the driver at the time of arrest that he faces license revocation.

The revocation, could be appealed to the court within seven days. If not appealed, the revocation stands.

POSITION PAPER

CS for House Bill No. 6 (Judiciary)



"An Act relating to driving a motor vehicle."

House Bill No. 6 amended would increase the penalties for alcohol related driving offenses. Specifically:

Section 11 AS 28.15.291 sets the penalty for first offense driving with a suspended license as the result of a conviction of driving a motor vehicle while intoxicated at 30 days. The penalty for second or third offense driving with a suspended license as the result of a conviction of driving a motor vehicle while intoxicated would be 90 days.

Section 13 AS 28.35.030 (c) raises the penalty for second offense operating a motor vehicle while intoxicated to 20 consecutive days. The penalty for a third conviction would be raised to 30 consecutive days.

Section 16 AS 28.35.032 (g) sets the penalty for second offense of refusing to submit to chemical test at 20 days; third offense 30 days.

If CS for House Bill No. 6 is enacted, the increases in penalties set out in Sections 11, 13, and 16 would result in the need for 22 additional minimum security beds.

Recommended by: *Roger V. Endell*  
Roger V. Endell, Director  
Division of Adult Corrections

Date: May 6, 1983

Approved by: *Robert L. Smith*  
Robert London Smith, Ph.D.  
Commissioner

Date: May 6, 1983

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: CS for HB 6 (Jud.)  
Title: Act relating to driving a m.v.  
Sponsor: Judiciary Committee  
Requestor: Finance Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services  
Program Category Affected: Justice  
BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES				419.7	444.9	471.6
200 TRAVEL		2.0	2.1	2.2	2.4	2.5
300 CONTRACTUAL		39.6	42.0	76.7	81.3	86.2
400 COMMODITIES		68.6	72.7	80.7	85.6	90.7
500 EQUIPMENT		-	-	4.5	-	-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		6.9	7.3	7.7	8.2	8.7
<b>TOTAL OPERATING</b>	-0-	117.1	124.1	591.5	622.4	659.7
<b>CAPITAL</b>	-0-	2,860.0	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	2,977.1	124.1	591.5	622.4	659.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	9	9	9
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376  
Division: Adult Corrections *webb* Date: May 5, 1983

Approved by Commissioner: *Jan A. Fry* Date: May 6, 1983  
Department: Health & Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

IV. ANALYSIS:

A. Assumptions

1. Bed Impact

The passage of this bill will result in the need for 22 additional minimum security beds within the Alaska correctional system. The sections of the bill which affect increased inmate population projections are:

a. Section 11

Statistics furnished by the Department of Public Safety show 181 persons were convicted in 1982 for driving with a suspended or revoked license where the original offense resulting in the loss of license was driving while intoxicated (DWI) or implied consent (refusal to take a breathalyzer test). For purposes of this fiscal note, that number was used for calculating the increased person days of incarceration resulting from increased sentences to 30 or 90 days. It was assumed that 80% of the offenders would have been convicted only once in the previous 15 years and 20% convicted more than once in the previous 15 years.

The following calculations also consider that the offender would have been given a minimum sentence of 10 days previously, and it is assumed that every offender will earn all good time for which they are eligible. Therefore, 145 offenders would serve an additional 15 days and 36 offenders would serve an additional 60 days. This results in the need for an additional 11.88 beds.

b. Section 13

This section of the bill increases the minimum sentence for second time drunk drivers from 10 days to 20 days and third and subsequent time drunk drivers from 10 days to 30 days. It is estimated that would be 450 repeat offenders affected by this legislation, 425 second offenders and 25 third offenders. The additional sentence length to be served, assuming all good time will be earned is 12 days for second time offenders and 20 days for third offenders. This increased sentence length results in the need for 9 additional minimum security beds.

c. Section 16

This section provides new penalties for refusal to take a chemical test similar to the sentences to be imposed for driving while intoxicated. Statistical data for this offense was not available. Therefore, it was assumed that 20 individuals would be convicted with one

prior and 7 individuals would be convicted with 2 or more prior offenses. This would result in the need for 1.1 additional beds.

- d. The summary of a, b, and c above is 21.98 beds, which were rounded to 22 beds.
2. All persons convicted would receive the minimum sentence and all persons would earn all good time for which they would be eligible.
3. Inflation of 6% per year was used for the entire period of the fiscal note.
4. The new beds would not be available for occupancy until July 1, 1985. This will result in further overcrowding of the existing facilities for two years.
5. One additional position is needed for every 2.5 prison beds. Therefore, 9 correctional officers are needed to provide the security and supervision of the inmates. These positions would be requested for FY 1986.

B. Program Summary:

1. Positions

- 1 - Correctional Officer III
- 8 - Correctional Officers II

These positions are needed to provide for the security of the institution where the beds will be constructed and for the supervision of the additional 22 persons (full-time equivalents) within the Alaska corrections system.

2. Other Expenditures

The fiscal impact will be experienced as soon as the bill becomes law. Therefore, the incremental costs directly related to inmate care are identified in FY 1984. Position costs and costs related to building operations are not included until FY 1986.

- a. Travel - \$2000. Inmate transportation to point of arrest when released from custody.
- b. Contractual - \$39,600. Medical expenses for 22 full-time equivalent inmates at \$1800 per inmate per year.
- c. Commodities - \$68,600. Food, clothing, bedding, etc. for 8,085 inmate days at \$8.48 per day.
- d. Grants - \$6,900. Inmate gratuities paid for persons working in the kitchen, or janitorial/maintenance crews, etc.

e. Capital Expenditures

.22 beds @ \$130,000 per bed = \$2,860,000

D. Economic Impact:

Passage of this bill should not significantly impact the State's economy.

E. Impact on Local Governments:

There would be no fiscal impact on local governments unless they changed local ordinances related to DWI to include the same penalties contained in this bill. The fiscal impact would occur for local government units who contract with the State for the care of prisoners for local offenses.

1.	POSITION TITLE Correctional Officer II (8)			RANGE/STEP 13/B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.										
2.	TYPE OF POSITION PFT	STAFF MONTHS 96	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.											
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION																
4.	TYPE OF EXPENDITURE		AMOUNT			<p>These positions will provide security coverage for the minimum security beds resulting from enactment of CS for House Bill No. 6 (Judiciary).</p> <p>Single position costs:</p> <table> <tr> <td>Salary</td> <td>\$27,951</td> </tr> <tr> <td>Overtime</td> <td>3,371</td> </tr> <tr> <td>Shift Diff.</td> <td>1,011</td> </tr> <tr> <td>Benefits</td> <td>13,864</td> </tr> <tr> <td></td> <td>\$46,197</td> </tr> </table>				Salary	\$27,951	Overtime	3,371	Shift Diff.	1,011	Benefits	13,864		\$46,197
Salary	\$27,951																		
Overtime	3,371																		
Shift Diff.	1,011																		
Benefits	13,864																		
	\$46,197																		
	1	2	3																
	PERSONAL SERVICES		OT 26,968																
5.	Salary	223,608	Shift Diff.																
6.	Benefits	69,167	8,008																
7.	Supplemental Benefits	15,857																	
8.	Fixed Benefits	25,888																	
9.	TOTAL PERSONAL SERVICES	01	369,576																
10.	Travel	02																	
11.	Contractual	03																	
12.	Commodities	04	1,600																
13.	Equipment	05	4,000																
14.	Other																		
15.	TOTAL COST		375,176																
	RECEIPT CODE	FUNDING SOURCE																	
16.		Federal Receipts 1002																	
17.		G.F. Match 1003																	
18.		General Funds 1004		375,176															
19.		I-A Receipts 1005																	
20.		Program Receipts 1028																	
21.		Other																	
FOR B&M USE ONLY																			
4A KEY NUMBER _____																			

**13** REQUEST FOR  
NEW POSITION

AGENCY Corrections  
Offender Confinement, Reformation,  
& Supervision

PROGRAM \_\_\_\_\_

BRU Adult Confinement

COMPONENT \_\_\_\_\_

**FY 84**

Page \_\_\_\_\_ of \_\_\_\_\_

Revised Date \_\_\_\_\_

1.	POSITION TITLE Correctional Officer III				RANGE/STEP 15/A	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL <input checked="" type="checkbox"/> ADDITION				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	30,944	OT \$ 3371							
6.	Benefits	9,446	Shift Diff. \$ 1011							
7.	Supplemental Benefits	2,165								
8.	Fixed Benefits	5,236								
9.	TOTAL PERSONAL SERVICES		01	50,173						
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04	200							
13.	Equipment	05	500							
14.	Other									
15.	TOTAL COST			50,873						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		50,873						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER _____										

These positions will provide supervision of security staff for the new minimum security beds resulting from the passage of CS for House Bill No. 6 (Judiciary).

Single position costs:

Salary	\$ 30,944
Overtime	3,371
Shift Diff.	1,011
Benefits	14,847
	\$ 50,173

**13** REQUEST FOR  
NEW POSITION

AGENCY Corrections  
Offender Confinement, Reformation,  
& Supervision

PROGRAM \_\_\_\_\_

BRU Adult Confinement

COMPONENT \_\_\_\_\_

**FY 84**

Page \_\_\_\_\_ of \_\_\_\_\_  
 Revised Date \_\_\_\_\_

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SCSCSHB 6 (S.A.)  
 Title: Act relating to driving a m.v.  
 Sponsor: Judiciary Committee  
 Requestor: Finance Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services  
 Program Category Affected: Justice  
 BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES				419.7	444.9	471.6
200 TRAVEL		2.0	2.1	2.2	2.4	2.5
300 CONTRACTUAL		39.6	42.0	76.7	81.3	86.2
400 COMMODITIES		68.6	72.7	80.7	85.6	90.7
500 EQUIPMENT		-	-	4.5	-	-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		6.9	7.3	7.7	8.2	8.7
TOTAL OPERATING	-0-	117.1	124.1	591.5	622.4	659.7
CAPITAL	-0-	2,860.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	2,977.1	124.1	591.5	622.4	659.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	9	9	9
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376  
 Division: Adult Corrections Date: May 17, 1983  
 Approved by Commissioner: Richard J. ... Date: 18 May 83  
 Department: Health & Social Services

Distribution:

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3/8/83

IV. ANALYSIS:

A. Assumptions

1. Bed Impact

The passage of this bill will result in the need for 22 additional minimum security beds within the Alaska correctional system. The sections of the bill which affect increased inmate population projections are:

a. Section 11

Statistics furnished by the Department of Public Safety show 181 persons were convicted in 1982 for driving with a suspended or revoked license where the original offense resulting in the loss of license was driving while intoxicated (DWI) or implied consent (refusal to take a breathalyzer test). For purposes of this fiscal note, that number was used for calculating the increased person days of incarceration resulting from increased sentences to 30 or 90 days. It was assumed that 80% of the offenders would have been convicted only once in the previous 15 years and 20% convicted more than once in the previous 15 years.

The following calculations also consider that the offender would have been given a minimum sentence of 10 days previously, and it is assumed that every offender will earn all good time for which they are eligible. Therefore, 145 offenders would serve an additional 15 days and 36 offenders would serve an additional 60 days. This results in the need for an additional 11.88 beds.

b. Section 13

This section of the bill increases the minimum sentence for second time drunk drivers from 10 days to 20 days and third and subsequent time drunk drivers from 10 days to 30 days. It is estimated that would be 450 repeat offenders affected by this legislation, 425 second offenders and 25 third offenders. The additional sentence length to be served, assuming all good time will be earned is 12 days for second time offenders and 20 days for third offenders. This increased sentence length results in the need for 9 additional minimum security beds.

c. Section 16

This section provides new penalties for refusal to take a chemical test similar to the sentences to be imposed for driving while intoxicated. Statistical data for this offense was not available. Therefore, it was assumed that 20 individuals would be convicted with one

prior and 7 individuals would be convicted with 2 or more prior offenses. This would result in the need for 1.1 additional beds.

- d. The summary of a, b, and c above is 21.98 beds, which were rounded to 22 beds.
2. All persons convicted would receive the minimum sentence and all persons would earn all good time for which they would be eligible.
3. Inflation of 6% per year was used for the entire period of the fiscal note.
4. The new beds would not be available for occupancy until July 1, 1985. This will result in further overcrowding of the existing facilities for two years.
5. One additional position is needed for every 2.5 prison beds. Therefore, 9 correctional officers are needed to provide the security and supervision of the inmates. These positions would be requested for FY 86.

B. Program Summary:

1. Positions

- 1 - Correctional Officer III
- 8 - Correctional Officer II's

These positions are needed to provide for the security of the institution where the beds will be constructed and for the supervision of the additional 22 persons (full-time equivalents) within the Alaska corrections system.

2. Other Expenditures

The fiscal impact will be experienced as soon as the bill becomes law. Therefore, the incremental costs directly related to inmate care are identified in FY 84. Position costs and costs related to building operations are not included until FY 86.

- a. Travel - \$2000. Inmate transportation to point of arrest when released from custody.
- b. Contractual - \$39,600. Medical expenses for 22 full-time equivalent inmates at \$1800 per inmate per year.
- c. Commodities - \$68,600. Food, clothing, bedding, etc. for 8,085 inmate days at \$8.48 per day.
- d. Grants - \$6,900. Inmate gratuities paid for persons working in the kitchen, or janitorial/maintenance crews, etc.

FISCAL NOTE

SCSCS House Bill No. 6 (State Affairs)

Page 4

e. Capital Expenditures

22 beds @ \$130,000 per bed = \$2,860,000

D. Economic Impact:

Passage of this bill should not significantly impact the State's economy.

E. Impact on Local Governments:

- There would be no fiscal impact on local governments unless they changed local ordinances related to DWI to include the same penalties contained in this bill. The fiscal impact would occur for local government units who contract with the State for the care of prisoners for local offenses.

POSITION TITLE Correctional Officer II (8)				RANGE/STEP 13/B	BARG. UNIT G	FORM 12 PAGE/LINE	COV.	APPRD.	DISAPP.
TYPE OF POSITION PFT	STAFF MONTHS 96	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		

CONTINUATION LEVEL		ADDITION	
TYPE OF EXPENDITURE		AMOUNT	
1	2	3	
PERSONAL SERVICES			
Salary	223,608	OT 26,968	
Benefits	69,167	Shift Diff. 8,088	
Supplemental Benefits	15,857		
Fixed Benefits	25,888		
TOTAL PERSONAL SERVICES	01	369,576	
Travel	02		
Contractual	03		
Commodities	04	1,600	
Equipment	05	4,000	
Other			
TOTAL COST		375,176	

JUSTIFICATION

These positions will provide security coverage for the minimum security beds resulting from enactment of CS for House Bill No. 6 (Judiciary).

Single position costs:

Salary	\$27,951
Overtime	3,371
Shift Diff.	1,011
Benefits	13,864
	\$46,197

RECEIPT CODE	FUNDING SOURCE	
16.	Federal Receipts 1002	
17.	C.F. Hatch 1003	
18.	General Funds 1004	375,176
19.	I-A Receipts 1005	
20.	Program Receipts 1028	
21.	Other	

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4A KEY NUMBER \_\_\_\_\_

13 REQUEST FOR NEW POSITION

AGENCY Corrections  
Offender Confinement, Reformation,  
PROGRAM & Supervision  
BRU Adult Confinement  
COMPONENT \_\_\_\_\_

FY 84

Page \_\_\_\_\_ of \_\_\_\_\_  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Correctional Officer III			RANGE/STEP 15/A	BARG. UNIT G	FORM 12 PAGE/LINE	COV.	APPROV.	DIS/P.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.	

3.	CONTINUATION LEVEL	<input checked="" type="checkbox"/>	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES			
5.	Salary	30,944	OT \$ 3371	
6.	Benefits	9,446	Shift Diff. \$ 1011	
7.	Supplemental Benefits	2,165		
8.	Fixed Benefits	3,236		
9.	TOTAL PERSONAL SERVICES	01	50,173	
10.	Travel	02		
11.	Contractual	03		
12.	Commodities	04	200	
13.	Equipment	05	500	
14.	Other			
15.	TOTAL COST		50,873	

JUSTIFICATION

These positions will provide supervision of security staff for the new minimum security beds resulting from the passage of CS for House Bill No. 6 (Judiciary).

Single position costs:

Salary	\$ 30,944
Overtime	3,371
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Benefits	14,847
	\$ 50,173

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	50,873
19.		1-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY  
4A KEY NUMBER \_\_\_\_\_

**13** REQUEST FOR  
NEW POSITION

AGENCY Corrections  
Offender Confinement, Reformation,  
& Supervision

PROGRAM \_\_\_\_\_

BRU Adult Confinement

COMPONENT \_\_\_\_\_

**FY 84**

Page \_\_\_\_\_ of \_\_\_\_\_  
 Revised Date \_\_\_\_\_

FROM: SHIRLEE AND LIO  
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: JUNE GERRISH, 5800 GLENN HIGHWAY, ANCHORAGE 99504  
H 338-0383 W 333-MADD

REPRESENTATIVE CLOCKSIN WAS WRONG WHEN HE SPOKE TO THE HOUSE,  
SAYING I WAS IN SUPPORT OF HIS AMENDMENTS TO HOUSE BILL 6. I  
AM NOT IN SUPPORT OF THEM! NO PERSON HAS A RIGHT TO USE MY NAME  
WITHOUT WRITTEN CONSENT. IN FACT, I PLEADED WITH HIS AIDE  
TO HAVE REPRESENTATIVE CLOCKSIN PASS HOUSE BILL 6 WITHOUT  
AMENDMENTS.

I REEMPHASIZE THAT I AM NOT IN FAVOR OF ANY AMENDMENT TO HB 6.

/S/ JUNE GERRISH, PRESIDENT

MSG 83-00017343 PRY 1 05/12/83 18:42:15 ORIG: LA03 IN= 0003 OUT= 0180  
FROM: JUNE, AND LIO TO: POM, JUNEAU INFO  
TARGET: LJHL SUBJ: POM

5/12/83, SHIRLEE AND LIOM 17281

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: CRISS TETRAULT, 1711 OXFORD, NO. 2, ANCHORAGE 99503  
H 561-4345 W 278-4145

I URGE YOU TO PASS HOUSE BILL 6

\*\*\*\*\*

SG 83-00014881 PRTY 1 05/11/83 15:45:28 ORIG: LA01 IN= 0018 OUT= 0110  
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: LANI GERRISH, P.O. BOX 324, GIRDWOOD 99587  
MSG: 272-3607

S PARENTS OF TWO SONS KILLED BY A DRUNK DRIVER, DON'T LET  
HIS HAPPEN TO OTHER FAMILIES. PASS HOUSE BILL 6.



\*\*\*\*\*

11/83, JUNE, ANCH LIO, MSG 16706



ALL MEMBERS OF THE LEGISLATURE

OM: PHYLLIS JONES, 5800 GLENN HIGHWAY APT 5, ANCHORAGE AK 99504  
H- 333-6233

URGE YOU TO PASS HB 6 (DRIVING A MOTOR VEHICLE) BECAUSE IT IS MUCH  
NEEDED FOR THE CITIZENS OF ALASKA.

\*\*\*\*\*

11/83, JUNE, ANCH LIO, MSG 16706



ALL MEMBERS OF THE LEGISLATURE

OM: LANCE KEY, SRA 28 MONTE ROAD, EAGLE RIVER, AK 99577  
HW- 265 -4372 H- 694-4441

HB 6 (DRIVING A MOTOR VEHICLE) WILL BE VOTED ON SHORTLY. I FIND IT HARD  
TO COMPREHEND ANY ELECTED OFFICIAL THAT WOULD VOTE AGAINST PASSAGE OF  
THIS BILL. YOU MUST STOP THE ALCOHOL RELATED SLAUGHTER ON OUR STREETS  
AND HIGHWAYS. YOU CAN HELP STOP THIS RUTHLESS KILLING. DO SO NOW.

\*\*\*\*\*

11/83, JUNE, ANCH LIO, MSG 16706



ALL MEMBERS OF THE LEGISLATURE

OM: JUNE GERRISH, 5800 GLENN HIGHWAY, ANCHORAGE, AK 99504  
H- 333-MADD OR 338-0383

AS PRESIDENT OF MADD, I AM SPEAKING FOR 350 MEMBERS PLUS APPROXIMATELY  
TENS OF THOUSANDS OF CONCERNED CITIZENS THAT CALL ME FOR THE SAFETY OF OUR HIGHWAY.  
PLEASE PASS HB 6 (DRIVING A MOTOR VEHICLE).

\*\*\*\*\*

11/83, JUNE, ANC LIO, MSG 16706

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: JANE DIAL, 6700 PICKWICH PLACE, ANCHORAGE, AK 99504  
H- 337-6579

SUPPORT HB 6 (DRIVING A MOTOR VEHICLE) AND I WOULD LIKE TO HAVE IT PASSED.



\*\*\*\*\*

11/83, JUNE, ANC LIO, MSG 16706

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: WADDEN SCHARDER, 3315 FAIRBANKS STREET, ANCHORAGE, AK 99503  
H- 688-9869 AND 274-5637

AS A CONCERNED CITIZEN INTERESTED IN STOPPING THE DEATHS OF LOVED ONES BECAUSE OF DRUNK DRIVERS, I URGE YOU TO PLEASE PASS HB 6 (DRIVING A MOTOR VEHICLE).



\*\*\*\*\*

11/83, JUNE, ANC LIO, MSG 16706

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: THELMA SINNETT, 2001 SALEM COURT, ANCHORAGE, AK 99504  
W- 265-4370 H- 562-4367

REQUEST YOUR SUPPORT OF HB 6 (DRIVING A MOTOR VEHICLE) IN THE UP-COMING ELECTION. AS THE MOTHER OF A YOUNG SON RECENTLY KILLED BY A DRINKING DRIVER, I PLEAD FOR YOUR YES VOTE.



\*\*\*\*\*

11/83, JUNE, ANC LIO, MSG 16706

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: BOB BRINK, P. O. BOX 91, ANCHORAGE, AK 99510  
2211 SUNBURST CIRCLE, ANCHORAGE, AK  
H- 274-1460 W- 274-3576

YOUR LACK OF LEGISLATIVE ACTION ON JUDO CUP 84 FUNDING REQUEST WILL LIKELY RESULT IN CANCELLATION OF THE PRE-OLYMPIC EVENT AND 14 COMMUNITY CULTURE EXCHANGE, IN ADDITION TO LOSS OF PRESTIGE AND MEDIA ATTENTION, ALASKA WILL NOT BE A SERIOUS CANDIDATE TO HOST FUTURE WORLD CLASS EVENTS. WILL YOU HELP?



\*\*\*\*\*

MSG 83-00016742 PRTY 1 05/11/83 13:01:10 ORIG: LA01 IN= 0007 OUT= 0056  
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM



TO: ALL MEMBERS, ALASKA LEGISLATURE  
FROM: WANDA WHEELER, 1610 PATTERSON, ANCHORAGE 99504  
H 333-4382

I URGE PASSAGE OF HOUSE BILL 6, RELATING TO DRUNK DRIVING.

\*\*\*\*\*



TO: ALL MEMBERS, ALASKA LEGISLATURE  
FROM: ELAINE DAW, 3845 BAXTER ROAD, ANCHORAGE 99504  
H 338-5962

FIRMLY SUPPORT HOUSE BILL 6 (RELATING TO DRIVING A MOTOR  
VEHICLE) AND HOPE YOU WILL, TOO.

\*\*\*\*\*

5/11/83, SHIRLEE ANC LIO, 16721

TO: ALL MEMBERS, ALASKA LEGISLATURE  
FROM: RUBEN WANG, SRA BOX 21110-B ANCHORAGE 99507.  
(RES: HILLSIDE) H 344-2136 W 344-2561



PLEASE URGE ALASKA STUDENT LOAN PROGRAM TO GRANT FINANCIAL  
AID TO THOSE WHO ARE ENROLLED IN USC DOCTORAL PROGRAM.  
THESE COMMITTED ALASKAN EDUCATORS WILL SERVE THE STATE TO  
THEIR EXCELLENCE.

/S/ RUBEN WANG

\*\*\*\*\*

5/11/83, SHIRLEE ANC LIO, 16721

TO: ALL MEMBERS, ALASKA LEGISLATURE  
FROM: MARK RAUCH, SRA BOX 62-E, ANCHORAGE 99507  
(5950 CHISANA) H 349-2827 W 274-2662



PLEASE URGE FULL FUNDING OF WICHE STUDENT EXCHANGE PROGRAM. I  
AM A NINE-YEAR RESIDENT OF ALASKA. I PLAN TO ATTEND LAW  
SCHOOL IN OREGON BEGINNING AUGUST, 1983. IT WILL BE  
FINANCIALLY IMPOSSIBLE IF WICHE IS CUT AS PROPOSED BY  
SENATE FINANCE. I HAVE A FAMILY OF FOUR TO SUPPORT.  
THANKS.

\*\*\*\*\*

CG 83-00016760 PRTY 1 05/11/83 13:28:45 ORIG: LA03 IN= 0002 OUT= 0071  
FROM: JUNE, ANC LIO TO: POM, JUN INFO  
TARGET: LJHL SUBJ: POM



5/11/83, JUNE, ANC LIO, MSG 16760

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: DENNIS DAVIDSON, 9090 PRINCE OF PEACE, EAGLE RIVER, AK H- 694-4646

99577

I AM OPPOSED TO ANY ALTERATION OR MODIFICATION TO THE LITTLE DAVIS-BACON LAW.

\*\*\*\*\*

5/11/83, JUNE, ANC LIO, MSG 16760

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: JULIANA REED, 101 DUNNELL APT 1-B, ANCHORAGE, AK H- 333-7110 W- 265-9268

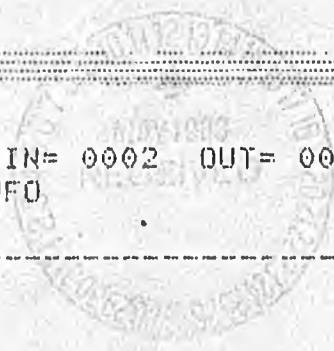
99508



I AM IN FAVOR IN HB 7 (MOTOR VEHICLES) BECAUSE I WAS A VICTIM OF AN ACCIDENT WHERE THE DRIVER DID NOT HAVE CAR INSURANCE AND LIABILITY. NOW I DON'T HAVE A CAR TO GO TO WORK AND INCONVENIENT TO THE COMMUNITY AS I AM A MEMBER OF CIVIL AIR PATROL AND ALL THE RED TAPE I HAVE TO GO THROUGH TO GET A CAR.

\*\*\*\*\*

CG 83-00016785 PRTY 1 05/11/83 13:36:08 ORIG: LA05 IN= 0002 OUT= 0072  
FROM: SHIRLEE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJHL SUBJ: P O M



TO: ALL MEMBERS OF THE LEGISLATURE

FROM: ROBIN HARTLIEB, 11041 LIPSCOMB, ANC H 344-5478  
MAIL: 1331 WEST 7TH AVE, ANC 99501

I URGE THE PASSAGE OF HB 6, RELATING TO DRUNK DRIVING LAWS.

MAY 1983  
RECEIVED  
094429007-0088

MSG 83-00016816 PRTY 1 05/11/83 14:11:57 ORIG: LA01 IN=004429007-0088  
FROM: SHIRLEE ANC LIO  
TO: POMS JUNEAU INFO  
SUBJECT: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: JANICE POKORNY, 5800 GLENN HIGHWAY, APT. 50, ANCH 99504  
MSG: 338-0383

MY TWO NEPHEWS WERE KILLED BY A DRUNK DRIVER. KEEP MY TWO CHILDREN ALIVE AND PASS HOUSE BILL NO. 6.

\*\*\*\*\*

MAY 1983  
RECEIVED  
094429007-0093

MSG 83-00016743 PRTY 1 05/11/83 14:34:51 ORIG: LA02 IN=0004 OUT=0093  
FROM: JUNE, ANC LIO  
TO: POM, JNU INFO  
SUBJECT: LJHL SUBJ: P O M

5/11/83, JUNE, ANC LIO, MSG 16743

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: BRENT JONES, 8240 HARTZELL ROAD, ANCHORAGE, AK 99507  
H- 345-0399 W-349-2724

PLEASE EXPEDITE THE PASSAGE OF HB 117 AND SB 74 (SEXUAL ABUSE OF CHILDREN).

\*\*\*\*\*

OK

CG 83-00016802. PRTY 1 05/11/83 13:53:19 ORIG: LA01 IN= 0012 OUT= 0081  
FROM: SHIRLEE ANC LIO TO: FOMS JUNEAU INFO  
TARGET: LJHL SUBJ: FOM



TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: ROY DAW, 3845 BAXTER ROAD, ANCHORAGE 99504  
H 338-5962 W 243-3404

I AM VERY MUCH IN FAVOR OF HB 6 WHICH CALLS FOR MUCH STRONGER  
PENALTIES AGAINST DRUNK DRIVERS. I HOPE YOU WILL VOTE IN  
FAVOR OF IT.

\*\*\*\*\*

CG 83-00016795 PRTY 1 05/11/83 13:45:38 ORIG: LA01 IN= 0010 OUT= 0077  
FROM: SHIRLEE ANC LIO TO: FOMS JUNEAU INFO  
TARGET: LJHL SUBJ: FOM



TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: ROSEMARIE SPENCER, 7210 KISKA, ANCHORAGE 99504  
H 333-4520

I STRONGLY SUPPORT HOUSE BILL 6 (DRUNK DRIVING) AND URGE  
STRICT MEASURES AGAINST DRUNK DRIVERS.

\*\*\*\*\*

MSG 83-00016951 PRTY 1 05/11/83 17:18:31 ORIG: LA01 IN= 0023 OUT= 0139  
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM



*Jr*

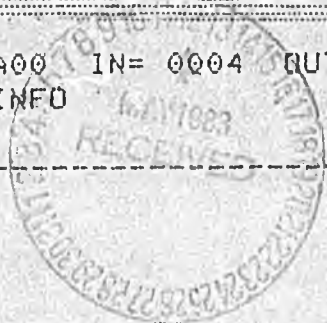
TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: BOB SINNETT, 2001 SALEM COURT, ANCHORAGE 99504  
H 562-4367 W 276-4334

I AM IN TOTAL SUPPORT OF HOUSE BILL 6. ACT NOW, SAVE A LIFE.

\*\*\*\*\*

MSG 83-00016954 PRTY 1 05/11/83 17:23:41 ORIG: LA00 IN= 0004 OUT= 0142  
FROM: JUNE, ANC LIO TO: POM, JNU INFO  
TARGET: LJHL SUBJ: POM



05/11/83, JUNE, ANC LIO, MSG 16954

TO: ALL REPRESENTATIVES

FROM: GERALD L. HOOD, 8500 PIONEER DRIVE, ANCHORAGE, AK 99504  
H- 333-6589 W- 276-4334

IF THE STATE OF ALASKA IS TO STOP THE CARNAGE ON ROADS AND HIGHWAYS  
PERPETRATED BY DRUNKEN DRIVERS, HB 6 MUST BE ENACTED NOW. CANNOT  
PERSUADE YOU STRONGLY ENOUGH TO PASS THIS IMPORTANT LEGISLATION.

\*\*\*\*\*8

MSG 83-00016980 PRTY 1 05/11/83 17:50:06 ORIG: LA05 IN= 0007 OUT= 0154  
FROM: SHIRLEE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJHL SUBJ: P O M



TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: JOSEPH L. CARTER, 2614 WEST 33RD, ANC 99503 H 248-0846 W 272-0453

PLEASE VOTE FOR HB 6 (DRUNK DRIVING) TO PROVIDE HARSHER PENALTIES FOR  
DRUNK DRIVING. LET US AT LEAST CONSIDER THIS A CRIME AS SERIOUS AS TAKING  
MOOSE OR BEAR ILLEGALLY. THANK YOU FOR VOTING RESPONSIBLY.

MSG 83-00016958 PRTY 1 05/11/83 17:24:09 ORIG: LA05 IN= 0005 OUT= 0143  
FROM: SHIRLEE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJHL SUBJ: P O M



TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES  
FROM: DIANA ADLEY, 8020 WOODGREEN CIRCLE, ANC 99502 H 349-3617 W 263-5484

I SUPPORT HB 6. FOR SOME, THIS LEGISLATION COMES TO LATE. WE NEED TO  
HELP SAVE OTHERS FROM BECOMING VICITIMS OF THIS INCREASING CRIME. I LOST  
A FRIEND TO A DRUNK DRIVER LAST FEBRUARY. GET THE DRUNKS OFF THE STREETS!

FROM: SHIRLEE, ANC INFO  
FROM: LJHL SUBJ: F O H

TO: POM, JUNEAU INFO

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: RUTH MITCHELL, 1703 ROOSEVELT APT 2, ANC 99503 H 562-4374 W 563-3815



I SINCERELY URGE YOU TO PASS HB 6 (DRUNK DRIVING).

SC 83-00017020 PRTY 1 05/11/83 18:35:14 ORIG: LA01 IN= 0029 OUT= 0182  
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: ADA SANNIN, 5800 RADCLIFF, ANCHORAGE 99504  
H 333-0245

SUPPORT HOUSE BILL 6 (TOUGHER LAWS AGAINST DRUNK DRIVING).  
VERY MUCH ENCOURAGE YOU ALL TO VOTE IN FAVOR OF ITS PASSAGE.

\*\*\*\*\*

FROM: JEAN, ANCHORAGE TO: JUNEAU INFO, POMS  
ORIG: LA02 IN= 0012 OUT= 0166  
TARGET: LJHL SUBJ: POMS



05/11/83 JEAN, ANCH LIO #1700.

TO: ALL THE MEMBERS OF THE ALASKA STATE LEGISLATURE

FROM: MRS. SELMA SCHMIDT  
2072 ARLINGTON DRIVE  
ANCHORAGE, AK 99503 (H) 279-0066

PLEASE PASS HB 6 IN REGARD TO DRUNK DRIVING.

\*\*\*\*\*

MSG 83-00016989 PRY 1 05/11/83 18:12:48 ORIG: LA02 IN= 0011 OUT= 0160  
FROM: JUNE, ANC LIO TO: POM, JNU INFO  
TARGET: LJHL SUBJ: POM



05/11/83, JUNE ANC LIO, MSG 16989

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: DEBORAH THOMPSON, BROWN JUG INCORPORATED  
4140 OLD SEWARD HIGHWAY, ANCHORAGE, AK 99503  
W- 563-3815 H -562-4374

WE BELIEVE IN STIFFER PENALTIES, HIGHER FINES AND OTHER PENALTIES  
ON DRUNK DRIVERS. WE DEFINITELY URGE YOU TO PASS HB 6.

\*\*\*\*\*

MSG 83-00016982 PRY 1 05/11/83 17:54:10 ORIG: LA00 IN= 0006 OUT= 0156  
FROM: JUNE, ANC LIO TO: POM, JUNEAU INFO  
TARGET: LJHL SUBJ: POM



05/11/83, JUNE, ANC LIO, MSG 16982

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: BRUCE STAFFORD, 5059 VANCE DRIVE, ANCHORAGE, AK 99504  
H- 333-2151 W- 265-4315

WE WOULD APPRECIATE YOUR SUPPORT OF PASSAGE OF CSHB 7 REGARDING PROOF OF  
INSURANCE PRIOR TO VEHICLE REGISTRATION, AND HB 6 PERTAINING TO DRUNK  
DRIVING.

\*\*\*\*\*

DR



MSG 83-00016929 PRTY 1 05/11/83 16:44:44 ORIG: LA01 IN= 0021 OUT= 0130  
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES  
FROM: MARIANN CARIGLIO, 3543 MOUNTAIN VIEW DRIVE, ANCHORAGE 99504  
H 272-1382 W 264-4545

I WOULD LIKE TO SEE HOUSE BILL 6 PASSED; GET THE DRUNK DRIVERS  
OFF THE ROAD. THANK YOU.

\*\*\*\*\*

SG 83-00016931 PRTY 1 05/11/83 16:49:11 ORIG: LA01 IN= 0022 OUT= 0132  
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES  
FROM: FRANK BAKER, 6301 HABICHT CT., ANCHORAGE 99504  
H 333-9071 W 263-5489



AM A PARENT AND A 38 YEAR RESIDENT OF ALASKA. I AM  
VERY APPALLED BY DANGEROUS SITUATIONS ON OUR STREETS.  
STRONGLY URGE YOU TO PASS HB 6 FOR THE SAKE OF ALL OUR  
CHILDREN.

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FROM: PHYLLIS JONES, 5800 GLENN HIGHWAY, ANCHORAGE, AK 99504  
H- 333-6233

IN FE: HB 6 - DRIVING A MOTOR VEHICLE

I DO NOT LIKE REPRESENTATIVE CLOCKSIN'S ATTITUDE ON THIS BILL. PLEASE  
PASS AS ORIGINALLY PROPOSED.

\*\*\*\*\*

*Did Ref*

FROM: JUNE GERRISH  
PRESIDENT OF MADD  
5800 GLEN HIGHWAY  
ANCHORAGE, AK 99504 (H) 338-0383 (W) 338-MADD

2R

AS PRESIDENT OF MADD, SPEAKING FOR 350 MEMBERS TO APPROXIMATELY 1000  
CALLS I HAVE RECEIVED WE DO NOT LIKE YOUR ATTITUDE ON HB 6. PLEASE  
PASS BILL AS PRESENTED.

\*\*\*\*\*

[The following section contains extremely faint and illegible text, likely a scan of a document or a very low-quality reproduction of a letter. The text is mostly obscured by noise and artifacts.]

5/12/83, JUNE, AND LID, MSG 17176

TO: ALL REPRESENTATIVES

FROM: GERALD HOOD, 8500 PIONEER DRIVE, ANCHORAGE, AK 99504  
H- 333-6589 W- 276-4334



REPRESENTATIVE CLOCKSIN'S AMENDMENT TO HB 6 (DRIVING A MOTOR VEHICLE) IS AN OUTRIGHT ATTEMPT TO DEBILITATE THIS LEGISLATION, AND RENDER IT MEANINGLESS. HIS THINKING ON THIS ISSUE IS MYOPIC. HB 6 SHOULD BE ENACTED AS PROPOSED WITHOUT ALTERATION.

\*\*\*\*\*

OR

MSG 83-00017259 PRTY 1 05/12/83 15:42:59 ORIG: LA05 IN= 0004 OUT= 0123  
FROM: SHIRLEE ANC LIG TO: POMS JUNEAU INFO  
TARGET: LJHL SUBJ: POM

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: SANDRA RICARDO, 4807 KENT, ANCHORAGE 99503  
H 563-6548

I URGE YOU TO PASS HOUSE BILL 6 IN ITS ENTIRETY IN ITS ORIGINAL FORM. EVEN THOUGH IT IS LATE AND YOU MAY NOT GET MANY MESSAGES ON IT, I KNOW THE PUBLIC SENTIMENT IS IN FAVOR THIS BILL.

\*\*\*\*\*

FROM: BERTHA MIDYETT, 1011 WEST 12TH #1, ANCHORAGE, AK 99501  
H- 272-3707

LEGISLATIVE COMMITTEE OF OPAG APPROVE THE FOLLOWING:  
HB 109-CRIMINAL PROSECUTION OF MINORS  
HJR 7-ELECTION OF ATTORNEY GENERAL  
HB 17-RAISING THE DRINKING AGE  
HB 28-UNIVERSITY LAND  
HB 128-CHILD PROSTITUTION  
HB 294-ALASKA TOLL BRIDGE AND CAUSEWAY AUTHORITY  
HB 202-LIQUOR TAX

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