

ALASKA TITLING COMPANY

3006 SSA SB 61 (FILE 1) - (FILE 2) 8672

Amendment to Proposed CSSB 61 (State Affairs)

Page 9, delete lines 12 through 15 and substitute:

In addition, the person's privilege to drive must be suspended for not less than one additional [MAY NOT BE RESTORED FOR AN ADDITIONAL PERIOD OF ONE] year after the date that the person would have been entitled to restoration of driving privileges if the person had not been convicted under this section.

with the person's needs and the resources of the community where the person lives [, FOR A TERM SPECIFIED BY THE COURT, THAT PROGRAM OF]"

Page 13, line 29 - page 14, line 1:

Delete all material and insert: "[ALCOHOL EDUCATION OR REHABILITATION THAT THE COURT, AFTER CONSIDERATION OF ANY INFORMATION COMPILED UNDER (h) OF THIS SECTION,]"

Page 14, line 2

Delete: "finds appropriate"

Insert: "[FINDS APPROPRIATE]"

Dave - tell
airport - ~~20~~⁵⁵ mins

←
Alford + Martin + Josephson
1) ask Josephson whether he wants
to make a presentation.

DB 2) Lt. Vaden

3) Pat Gullapen - discussion
of the bills

4) § 226, sponsor substitute
law act relating to driver's
license, and curfews, and
revocations

5) sectional analysis

6) Gail Horetzki - to testify

7) call June Garrison, tell
her we need to hear from
her about the problem of
finding space for impound
vehicles: space on military
base.)

8) call Kelly tomorrow RE:
CS HB 17 (sub).

Imprisonment

Unless judge finds undue hardship to others than the driver.

Arrange for sides tapping
3/4" width

~~AB~~ Come up to ~~retract~~ state,
technical problems

~~Get folks for rules committee
advise~~

fine fund

(12.55.100.(a)(2))

to a provision authorizing
judge to order ~~to~~ restitution
payment to victims.

Do we already have
violent crime compensation fund.

What was passed to increase fund.

Could we have a fund during compensation fund.

Fines -

- 1) Double maximums
- 2) add requirement that judge take with account the person's financial status or ability to pay.

(12-55-07)
 (50-55-07)
 (2) minor

Community Service

- 1) after incarceration
- 2) what other funds appropriate.

Prob & Treatment

103-21
 (Crimine 301)
 21 (unverbal)



3 - openly shall be prosecuted
 1 - Rehab, shall be offered in
 more facilities
 (Judicial Association)

(12-55-07)
 (12-55-07)

ENFORCEMENT

1) Roadblocks -

A) give proper authority

B) give municipal authority

Memorandum on what is needed
for Federal Police - with
call Charles Smith

Thursday

Impoundment

- taken by officer
- where does car go,
- who has liability for car
- municipality is not being sued over ~~the~~ 3rd party property.

Letter of intent

These corrections) more money - e.g. market for treatment
re: judge's order - request.

Education, rehab, treatment

3) I give money to corrections
and earmark it.

News:

Changes

- 1) technical amendment.
- 2) examination for driver's lic.
- 3) Administrative revocation for refusal & illegal BAC.

Changes:

1) ~~The seven day~~ hearing will be ~~seven days~~ ^{concluded by} ~~under~~ ~~SA~~ ~~under~~ DPS under APA.

2) The temporary license and the time allowed for requesting a hearing will remain seven days.

(Art Peterson).

~~4)~~ grounds for immediate revocation (no changes made ~~to~~ ~~in~~ in SA committee)

5) technical amendment.
Changes made in SACS.

1) p.p.l. limit from 15y to 10y.

6) revocation for DWI.

1) Change to 15 to 10 years.

7) limited license provision for DWI for last 60 days of revocation.

8) Technical

9) spec 8/8. Revocation of license after limitation is worn off.

Sec. 10. DWLS section.
punishable by 10 days in prison

Change: CS state affairs

lines 14 - pg. 8. revocation
of license, ~~stating~~ that license
may not be restored until 1 y. after
it would have been restored.

b)
Sec. 11.

Outlines the sanctions for
a person apprehended for DWLS
who was DWAS for DWI.

Sec. 12. financial responsibility
before restoration of license.

Sec. 13. Sobriety Checkpoints.
Open Container.

Both provisions were added
in this committee.

Sec. 14. Sanctions IMPRISONMENT
and fines.

Changes. 15 y to 10 y

Section 15: PBTs ~~to~~ for moving violation
if officer has reasonable
suspicion ~~penalizable~~ ^{sanction} by infraction
chemical test.

Sec 16: refusal of PBT ~~test~~ outlined
in sec. 15. Can be used in court.

~~sec. 16 Refusal to submit to chemical test. Notification of persons~~

sec. 17. ~~Sanctions~~ for refusal = to lose for DWI.

~~18~~ ¹⁸ outlines the procedures for the actual surrendering of a license once it has been suspended or revoked.

¹⁹ ~~19~~ adding in (SCS) ^{Chemical} states that a ~~person may~~ test may be administered w/out consent of the person if the arrest was the result of an accident.

sec. 20 forfeiture clause

sec. 21. repeals two sections.

A M E N D M E N T

#1

Offered in the SENATE

By V.Fischer

TO: CSSB 61 (State Affairs)

Page 10, line 2, following "\$250":

Insert: "or more than \$1,000"

Page 10, line 9, following "\$500":

Insert: "or more than \$2,000"

Page 10, line 18, following "\$1,000":

Insert: "or more than \$5,000"

Page 12, line 21, following "\$250":

Insert: "or more than \$1,000"

Page 12, line 28, following "\$500":

Insert: "or more than \$2,000"

Page 13, line 8, following "\$1,000":

Insert "or more than \$5,000"

A M E N D M E N T

#1

Offered in the HOUSE

By Clocksin

TO: CSHB 6(Jud)

Page 2, line 5:

Delete "CHEMI"

Page 2, line 6:

Delete "CAL SOBRIETY TESTS AND"

Delete "a chemi-"

Page 2, lines 7 and 8:

Delete all material.

Page 2, line 9:

Delete "35.030(a)(2) or if"

Page 3, line 3:

Delete all material.

Page 3, line 4:

Delete "(a)(2) or"

Page 4, line 13:

Delete "(1)"

Page 4, line 14:

Delete "; or" and insert "."

Page 4, lines 15 and 16:

Delete all material.

A M E N D M E N T

#5

Offered in the HOUSE

By Clocksin

TO: CSHB 6(Jud)

Page 2, line 11:

Delete "under AS 28.35.031(a)" and insert "of breath"

Page 3, line 4:

Delete "under" and insert "of breath"

Page 3, line 5:

Delete "AS 28.35.031(a)"

Page 4, line 13:

Delete "under" and insert "of breath"

Page 4, line 14:

Delete "AS 28.35.031(a.)"

Page 11, lines 13 - 29:

Delete all material.

Page 12, lines 1 - 3:

Delete all material and renumber following sections accordingly.

Page 12, line 6:

Delete "under AS 18.35.031(a)"

Page 12, line 7:

Delete "[OF BREATH" and insert "of breath ["

A M E N D M E N T

#7

Offered in the HOUSE.

By Clocksin

TO: CSHB 6(Jud)



Page 11, line 29:

Delete "and that refusal is an infraction"

Page 17, line 1:

Delete "Refusal to submit to a"

Page 12, lines 2 and 3:

Delete all material.

A M E N D M E N T

8
19

Offered in the HOUSE

By Clocksin

TO: CSHB 6(Jud)

Page 6, line 1:

Delete "15" and insert "5"

Page 6, line 14:

Delete "15" and insert "5"

Page 6, line 20:

Delete "15" and insert "5"

Page 6, line 26:

Delete "15" and insert "5"

Page 10, line 9:

Delete "15" and insert "5"

Page 10, line 19:

Delete "15" and insert "5"

Page 12, line 29:

Delete "15" and insert "5"

AMENDMENT

#6

Offered in the HOUSE

By Clocksin

TO: CSHB 6(Jud)

Page 11, line 22:

Delete all material after "driving" and insert "while intoxicated"

Page 11, line 23:

Delete all material.

Page 11, line 24:

Delete "creates an unjustifiable risk to a person or to property"

Page 11, line 26:

After "arrested" insert "for driving while intoxicated"

(adopted)

A M E N D M E N T

#3

Offered in the SENATE

By V. Fischer

TO: CSSB 61 (State Affairs)

Page 11, line 8, following "addition,":

Insert: "the court shall order, and"

Page 11, line 9, following "undertake":

Insert: "treatment or education commensurate with the person's needs and the resources of the community where the person lives."

mandatory treatment

Page 11, line 9,

Delete ", for a term"

Insert: "[, FOR A TERM]"

Page 11, lines 10 - 12:

Delete: all material

Insert: "[SPECIFIED BY THE COURT, THAT PROGRAM OF ALCOHOL EDUCATION OR REHABILITATION WHICH THE COURT, AFTER CONSIDERATION OF ANY INFORMATION COMPILED UNDER (d) OF THIS SECTION, FINDS APPROPRIATE.]"

Page 13, line 27, following "In addition,":

Insert: "the court shall order, and"

Page 13, line 28, following "undertake"

Delete all material and insert: "treatment or education commensurate

treatment

A M E N D M E N T

#2

Offered in the SENATE

By V. Fischer

TO: CSSB 61 (State Affairs)

(automobiles only)

Page 9, following line 27,

Insert a new section to read:

"* Sec. 13. AS 28.35 is amended by adding a new section to read:

Sec. 28. 35.029. OPEN CONTAINER. (a) A person may not operate a motor vehicle when there is an open bottle, can or other receptacle containing an alcoholic beverage in the passenger compartment of the vehicle.

(b) In this section,

(1) "open" includes having a broken seal;

(2) "passenger compartment" means the area of a motor vehicle normally occupied by the driver and passengers and includes a utility or glove compartment accessible by the driver or a passenger while the vehicle is being operated.

(c) A person who violates (a) of this section is guilty of an infraction."

Renumber subsequent sections.

open container laws

5/10/83

with the person's needs and the resources of the community where the person lives [, FOR A TERM SPECIFIED BY THE COURT, THAT PROGRAM OF]"

Page 13, line 29 - page 14, line 1:

Delete all material and insert: "[ALCOHOL EDUCATION OR REHABILITATION THAT THE COURT, AFTER CONSIDERATION OF ANY INFORMATION COMPILED UNDER (h) OF THIS SECTION,]"

Page 14, line 2

Delete: "finds appropriate"

Insert: "[FINDS APPROPRIATE]"

Josephson
5/12/83.

Original sponsors: Josephson, Kelly
and Faiks

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 61 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to driving a motor vehicle."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 28.05.051(b) is amended to read:

9 (b) The commissioner, officers and employees of the department
10 designated by the commissioner, judges and employees of a court, and
11 all peace officers, may take possession of a certificate of title,
12 [OR] registration or license issued by this jurisdiction that [WHICH]
13 has been revoked, canceled, limited or suspended, or [WHICH] is
14 fictitious, stolen or altered.

15 * Sec. 2. AS 28.15.081(a) is amended to read:

16 (a) The department shall examine every applicant for a driver's
17 license. The examination shall include a test of the applicant's (1)
18 eyesight, (2) [HIS] ability to read and understand official traffic
19 control devices, (3) [HIS] knowledge of safe driving practices, (4)
20 knowledge of the effects of alcohol and drugs on drivers and the
21 dangers of driving under the influence of alcohol or drugs, and (5)
22 knowledge of the laws relating to driving while intoxicated and the
23 traffic laws and regulations of this state. The examination [, AND]
24 may include a demonstration of ability to exercise ordinary and rea-
25 sonable control in the driving of a motor vehicle of the type and
26 general class of vehicles for which the applicant seeks a license.
27 However, an applicant who has not been previously issued a driver's
28 license by this or another jurisdiction must demonstrate [HIS] abil-
29 ity, and must present medical information that [WHICH] the department

education

1 reasonably requires to determine [HIS] fitness to safely drive a motor
2 vehicle of the type and general class of vehicles for which the appli-
3 cant [HE] seeks a license.

4 * Sec. 3. AS 28.15 is amended by adding new sections to read:

5 Sec. 28.15.165. ADMINISTRATIVE REVOCATIONS RESULTING FROM CHEMI-
6 CAL SOBRIETY TESTS AND REFUSALS TO SUBMIT TO TESTS. (a) If a chemi-
7 cal test administered to a person driving a motor vehicle for which a
8 driver's license is required produces a result described under AS 28.-
9 35.030(a)(2) or if a person under arrest for driving a motor vehicle
10 for which a driver's license is required refuses to submit to a chemi-
11 cal test under AS 28.35.031(a), the law enforcement officer shall read
12 a notice and deliver a copy to the person. The notice shall meet the
13 requirements of AS 44.62.360 and shall advise that

14 (1) the department intends to revoke the person's driver's
15 license or nonresident privilege to drive, or refuse to issue an
16 original license to the person;

17 (2) the person has the right to administrative review of
18 the revocation or determination not to issue an original license in a
19 hearing conducted by the department under the Administrative Procedure
20 Act (AS 44.62);

21 (3) the notice itself is a temporary driver's license that
22 expires seven days after it is delivered to the person;

23 (4) revocation of the person's driver's license or nonresi-
24 dent privilege to drive, or a determination not to issue an original
25 license shall take effect upon expiration of the temporary driver's
26 license unless the person within ^{fifteen} ~~seven~~ days initiates court proceed-
27 ings to rescind the action.

28 (b) After reading the notice under (a) of this section, the law
29 enforcement officer shall seize the person's driver's license if it is

1 in the person's possession and shall deliver it to the department with
2 a sworn report describing the circumstances under which it was seized.

3 (c) Upon receipt of a sworn report of a law enforcement officer
4 that a chemical test produced a result described under AS 28.35.030-
5 (a)(2) or that a person refused to submit to a chemical test under
6 AS 28.35.031(a), that notice under (a) of this section was provided to
7 the person, and that contains a statement of the circumstances sur-
8 rounding the arrest and the grounds upon which the officer's belief
9 that the person was driving while intoxicated a motor vehicle for
10 which a driver's license is required was based, the department shall
11 revoke the person's license or nonresident privilege to drive a motor
12 vehicle in the state, or refuse to issue an original license effective
13 upon expiration of the temporary driver's license issued under (a) of
14 this section.

15 (d) The period of revocation of a driver's license by the de-
16 partment under this section shall be determined in accordance with
17 guidelines for court revocations under AS 28.15.181(c).

18 Sec. 28.15.166. ADMINISTRATIVE REVIEW OF REVOCATION. (a) A
19 person who has received a notice under AS 28.15.165(a) may make a
20 written request for administrative review of the department's action
21 under AS 28.15.165(c) in a hearing conducted by the department under
22 the Administrative Procedure Act (AS 44.62). If the person's driver's
23 license has not been previously surrendered to the department, it
24 shall be surrendered to the department at the time the request for
25 review is made.

26 (b) A request for review shall be made in accordance with
27 AS 44.62.390 or the right to review is waived and the action of the
28 department under AS 28.15.165(c) is final. However, if the person
29 shows that the person for good cause was unable to make a timely

shall (maybe)

1 request, the department ^[] may waive the period of limitation, reopen the
2 matter, and grant the hearing requested.

3 (c) Upon receipt of a request for a hearing, if it appears that
4 the person holds a valid driver's license and that the driver's
5 license has been surrendered, the department shall issue a temporary
6 driver's permit that is valid until the scheduled date for the
7 hearing. The department ^{yes} ^{shall} may issue additional temporary permits if
8 necessary to stay the effective date of its action under
9 AS 28.15.165(c) until the final order after the hearing is issued.

10 (d) The hearing under this section shall be limited to the
11 issues of whether there was probable cause to believe that the person
12 was driving a motor vehicle while intoxicated and whether

13 (1) the person refused to submit to a chemical test under
14 AS 28.35.031(a); or

15 (2) the chemical test administered to the person produced a
16 result described under AS 28.35.030(a)(2).

17 (e) If the issues set out in (d) of this section are determined
18 in the affirmative by a preponderance of the evidence, the hearing
19 officer shall sustain the action of the department. If one or more of
20 the issues are determined in the negative, the department's action
21 shall be rescinded.

22 (f) If the action of the department in revoking a nonresident's
23 privilege to drive a motor vehicle is sustained by the hearing
24 officer, the department shall give written notice of action taken to
25 the motor vehicle administrator of the state of the person's residence
26 and to any state in which that person has a driver's license.

27 * Sec. 4. AS 28.15.181(a) is amended to read:

28 (a) Conviction of any of the [THE] following offenses is [ARE]
29 grounds for the immediate [SUSPENSION OR] revocation of a driver's

1 license:

2 (1) manslaughter or negligent homicide resulting from [THE]
3 driving [OF] a motor vehicle;

4 (2) a felony in the commission of which a motor vehicle is
5 used;

6 (3) failure to stop and give aid as required by law [UNDER
7 THE LAWS OF THIS STATE] when a motor vehicle accident results in the
8 death or personal injury of another;

9 (4) perjury or [THE] making [OF] a false affidavit or
10 statement under oath to the department under a law relating to motor
11 vehicles;

12 (5) [OPERATING OR] driving a motor vehicle while intoxi-
13 cated;

14 (6) reckless driving; [OR]

15 (7) using a motor vehicle in unlawful flight to avoid
16 arrest by a peace officer;

17 (8) refusal to submit to a chemical test under AS 28.35.-
18 032.

19 * Sec. 5. AS 28.15.181(b) is amended to read:

20 (b) A court convicting a person of an offense under (a)(1) -
21 (4), (6), or (7) of this section shall revoke that person's driver's
22 license for [A PERIOD OF] not less than 30 days for the first convic-
23 tion, unless the court determines that the person's ability to earn a
24 livelihood would be severely impaired and a limitation under AS 28.-
25 15.201 can be placed on the license that [WHICH] will enable the
26 person to earn a livelihood without excessive [RISK OR] danger to the
27 public. If a court limits a person's license under this subsection,
28 it shall do so for [A PERIOD OF] not less than 60 [30] days. Upon a
29 subsequent conviction of a person for any offense under (a)(1) - (4),

1 (6), or (7) of this section occurring within 10 years after a prior
2 conviction, the court shall revoke the person's license and may not
3 grant the person [ANY] limited license privileges for the following
4 periods:

5 (1) not less than one year for the second conviction; and

6 (2) not less than three years for a third or subsequent
7 conviction.

8 * Sec. 6. AS 28.15.181(c) is repealed and reenacted to read:

9 (c) A court convicting a person of an offense under (a)(5) or
10 (8) of this section arising out of the operation of a motor vehicle
11 for which a driver's license is required shall revoke that person's
12 driver's license and may not, except as provided in (d) of this sec-
13 tion, grant limited license privileges for the following periods:

14 (1) not less than 90 days if, within the preceding 10
15 years, the person has not previously been convicted of an offense

16 (A) under (a)(5) or (8) of this section; or

17 (B) under a law or ordinance in another jurisdiction
18 with elements substantially similar to an offense under (a)(5) or
19 (8) of this section;

20 (2) not less than one year if, within the preceding 10
21 years, the person has been previously convicted of one offense

22 (A) under (a)(5) or (8) of this section; or

23 (B) under a law or ordinance in another jurisdiction
24 with elements substantially similar to an offense under (a)(5) or
25 (8) of this section;

26 (3) not less than 10 years if, within the preceding 10
27 years, the person has been previously convicted of more than one of
28 the following offenses or has more than once been previously convicted
29 of one of the following offenses:

1 (A) an offense under (a)(5) or (8) of this section; or

2 (B) an offense under another law or ordinance in
3 another jurisdiction with elements substantially similar to an
4 offense under (a)(5) or (8) of this section.

5 * Sec. 7. AS 28.15.181 is amended by adding a new subsection to read:

6 (d) A court revoking a driver's license under (c)(1) of this
7 section may grant limited license privileges for the final 60 days
8 during which the license is revoked if the court determines that the
9 person's ability to earn a livelihood would be severely impaired and a
10 limitation under AS 28.15.201 can be placed on the license that will
11 enable the person to earn a livelihood without excessive danger to the
12 public.

13 * Sec. 8. AS 28.15.201(b)(1) is amended to read:

14 (1) require the surrender of the driver's license [AND, IF
15 THE PERSON IS CONVICTED OF AN OFFENSE UNDER AS 28.15.181(a)(5), REVOKE
16 THAT PERSON'S LICENSE FOR A PERIOD OF NOT LESS THAN 60 DAYS]; and

17 * Sec. 9. AS 28.15.201(c) is amended to read:

18 (c) After the termination of a limitation as shown on the certi-
19 ficate issued under (b) of this section, the license of a person on
20 whom a limitation was imposed is revoked until the person receives a
21 new [NO LONGER BOUND BY THE LIMITATION AND MAY APPLY FOR A DUPLICATE]
22 license in accordance with AS 28.20.240 [UNDER AS 28.15.141 OR, IF
23 OTHERWISE ELIGIBLE, FOR A NEW LICENSE IF THE LICENSE WAS REVOKED FOR
24 CONVICTION OF AN OFFENSE UNDER AS 28.15.181(a)(5) AND LIMITED LICENSE
25 PRIVILEGES WERE GRANTED UNDER AS 28.15.181(c)].

26 * Sec. 10. AS 28.15.291 is amended to read:

27 Sec. 28.15.291. DRIVING WHILE LICENSE CANCELED, SUSPENDED,
28 REVOKED OR IN VIOLATION OF LIMITATION. (a) A [NO] person may not
29 drive a motor vehicle on a highway or vehicular way or area [IN THIS

1 STATE] at a time when that person's [HIS] driver's license, or privi-
2 lege to drive [IN THIS STATE IF HE IS LICENSED IN ANOTHER JURISDIC-
3 TION,] has been canceled, suspended or revoked in this or another
4 jurisdiction, or when [HE IS] driving in violation of a limitation
5 placed upon that person's [HIS] license or privilege to drive in this
6 or [, EVEN WHEN HE IS DRIVING UNDER A LICENSE ISSUED IN] another
7 jurisdiction. Except as provided in (c) of this section, upon [UPON]
8 conviction of a violation of this section, the court shall impose a
9 [MINIMUM] sentence of imprisonment of not less than 10 days. The exe-
10 cution of sentence may not be suspended nor may probation or parole be
11 granted until the minimum imprisonment provided in this section has
12 been served; nor may imposition of sentence be suspended [, EXCEPT
13 UPON THE CONDITION THAT THE DEFENDANT BE IMPRISONED FOR NO LESS THAN
14 THE MINIMUM PERIOD PROVIDED FOR IN THIS SECTION]. In addition, the
15 person's [HIS] license or privilege to drive shall be revoked, and the
16 person [HE] may not be issued a new license nor may the [HIS] privi-
17 lege to drive be restored for an additional period of one year after
18 the date that the person [HE] would have been entitled to restoration
19 of [HIS] driving privileges.

20 (b) When a person's license is canceled, limited, suspended or
21 revoked, that person [HE] shall be informed by the department or the
22 court that [WHICH] takes the action at the time of the action that,
23 upon a conviction of driving on a highway or vehicular way or area in
24 this state at a time when that person's [HIS] driver's license or
25 privilege to drive in this state has been canceled, suspended or
26 revoked, or upon a conviction of driving in violation of a limitation
27 of the [HIS] license, that person [HE] will be subject to the manda-
28 tory minimum sentence of [10-DAY] imprisonment under [(a) OF] this
29 section.

1 * Sec. 11. AS 28.15.291 is amended by adding a new subsection to read:

2 (c) The court shall impose a sentence of imprisonment of not
3 less than 30 days and a fine of not less than \$500 upon conviction of
4 a violation of this section if the person's driver's license was
5 revoked under AS 28.15.181(c)(1). The court shall impose a sentence
6 of imprisonment of not less than 90 days and a fine of not less than
7 \$1,000 upon conviction of a violation of this section if the person's
8 driver's license was revoked under AS 28.15.181(c)(2) or (3). The
9 execution of sentence may not be suspended nor may probation or parole
10 be granted until the minimum imprisonment provided in this subsection
11 has been served. Imposition of sentence may not be suspended. In
12 addition, the person's privilege to drive shall be suspended for an
13 additional period of not less than one year after the date that the
14 person would have been entitled to restoration of driving privileges
15 if the person had not been convicted under this section.

16 * Sec. 12. AS 28.20.240 is amended to read:

17 Sec. 28.20.240. PROOF REQUIRED WHEN DRIVING PRIVILEGE [USE OF
18 LICENSE] IS RESTRICTED. Whenever under a law of this state the li-
19 cense of a person is suspended, revoked, limited under AS 28.15.201,
20 or canceled for any reason, the department may not issue to that
21 person a new or renewal of license [IN HIS NAME] until permitted to do
22 so under the motor vehicle laws of this state. A period of suspen-
23 sion, revocation, [LIMITATION,] or cancellation [UNDER THIS SECTION]
24 continues until proof of financial responsibility for the future is
25 provided. Upon expiration of a period of limitation, the license
26 remains revoked until proof of financial responsibility for the future
27 is provided.

28 * Sec. 13. AS 28.35 is amended by adding a new section to read:

29 Sec. 28. 35.029. OPEN CONTAINER. () A person may not operate

1 a motor vehicle when there is an open bottle, can or other receptacle
2 containing an alcoholic beverage in the passenger compartment of the
3 vehicle.

4 (b) In this section,

5 (1) "motor vehicle" means a vehicle for which a driver's
6 license is required;

7 (2) "open" includes having a broken seal;

8 (3) "passenger compartment" means the area of a motor
9 vehicle normally occupied by the driver and passengers and includes a
10 utility or glove compartment accessible to the driver or a passenger
11 while the vehicle is being operated.

12 (c) A person who violates (a) of this section is guilty of an
13 infraction.

14 * Sec. 14. AS 28.35.030(a)(2) is amended to read:

15 (2) when, as determined by a chemical test given within
16 four hours after the alleged offense was committed, there is 0.10
17 percent or more by weight of alcohol in the person's blood or 100
18 milligrams or more of alcohol per 100 milliliters of blood, or when
19 there is 0.10 grams or more of alcohol per 210 liters of the person's
20 breath; or

21 * Sec. 15. AS 28.35.030(c) is amended to read:

22 (c) Upon conviction under this section the court shall impose a
23 minimum sentence of imprisonment of not less than 72 consecutive hours
24 and a fine of not less than \$250 if the person has not been previously
25 convicted in this or another jurisdiction of driving while intoxicated
26 under this or another law or ordinance with substantially similar
27 elements or refusal to submit to a chemical test under AS 28.35.032
28 or another law or ordinance with substantially similar elements. Upon
29 [A SUBSEQUENT] conviction under this section the court shall impose a

Ames

1 minimum sentence of imprisonment of not less than 20 consecutive days
2 and a fine of not less than \$500 if, within the preceding 10 years,
3 the person has been previously convicted once in this or another
4 jurisdiction [WITHIN FIVE YEARS AFTER A CONVICTION] of driving while
5 intoxicated under this or another law or ordinance with substantially
6 similar elements or [IN THIS OR ANY OTHER STATE OR CONVICTION OF]
7 refusal to submit to a chemical test under AS 28.35.032 or another law
8 or ordinance with substantially similar elements. Upon conviction
9 under this section [OF BREATH UNDER AS 28.35.032,] the court shall
10 impose a minimum sentence of imprisonment of not less than 30 [10]
11 consecutive days and a fine of not less than \$1,000 if, within the
12 preceding 10 years, the person has been previously convicted in this
13 or another jurisdiction of more than one of the following offenses or
14 has more than once been previously convicted of one of the following
15 offenses: (1) driving while intoxicated under this or another law or
16 ordinance with substantially similar elements; (2) refusal to submit
17 to a chemical test under AS 28.35.032 or another law or ordinance with
18 substantially similar elements [UNLESS THE SUBSEQUENT CONVICTION IS
19 WITHIN ONE YEAR OF THE PREVIOUS CONVICTION, IN WHICH CASE THE COURT
20 SHALL IMPOSE A MINIMUM SENTENCE OF IMPRISONMENT OF NOT LESS THAN 20
21 CONSECUTIVE DAYS]. The execution of sentence may not be suspended nor
22 may probation be granted except on condition that [UNTIL] the minimum
23 imprisonment provided in this section is [HAS BEEN] served. Impo-
24 sition of sentence may not be suspended [, EXCEPT UPON THE CONDITION
25 THAT THE DEFENDANT BE IMPRISONED FOR NO LESS THAN THE MINIMUM PERIOD
26 PROVIDED IN THIS SECTION]. In addition, if the offense involved
27 driving a motor vehicle for which a driver's license is required, the
28 person's driver's [HIS OPERATOR'S] license shall be revoked in accor-
29 dance with AS 28.15.181 and the vehicle used in commission of the

treatment

1 offense may be forfeited under AS 28.35.036. In addition, the court
 2 shall order, and a person convicted under this section [STATUTE] shall
 3 undertake, treatment or education commensurate with the person's needs
 4 and the resources of the community where the person lives [FOR A TERM
 5 SPECIFIED BY THE COURT, THAT PROGRAM OF ALCOHOL EDUCATION OR
 6 REHABILITATION WHICH THE COURT, AFTER CONSIDERATION OF ANY INFORMATION
 7 COMPILED UNDER (d) OF THIS SECTION, FINDS APPROPRIATE].

8 * Sec. 16. AS 28.35.031 is amended by adding a new subsection to read:

9 (b) A person who drives a motor vehicle that is involved in an
 10 accident, ~~has committed an offense listed in (AS 28.15.181(a))~~ ^{who} or has
 11 committed a moving traffic violation shall be considered to have given
 12 consent to a preliminary breath test for the purpose of determining
 13 the alcoholic content of the person's blood or breath. The test shall
 14 be administered at the scene of the incident at the direction of a law
 15 enforcement officer who has reasonable grounds to believe that the
 16 person's ability to operate a motor vehicle is impaired by the
 17 ingestion of alcoholic beverages, drugs or a combination of drugs and
 18 alcohol, and that the person was driving a motor vehicle that is
 19 involved in an accident, has committed an offense listed in
 20 AS 28.15.181(a), or has committed a moving traffic violation. The
 21 result of the test may be used by the law enforcement officer to
 22 determine whether the driver should be arrested. Before administering
 23 the test, the officer shall advise the person that refusal may be used
 24 against the person in a civil or criminal action arising out of the
 25 incident and that refusal is an infraction. If the person refuses to
 26 submit to the test, the test shall not be administered. Refusal to
 27 submit to a preliminary breath test at the request of a law enforce-
 28 ment officer is an infraction.

29 * Sec. 17. AS 28.35.032(a) is amended to read:

1 (a) If a person under arrest refuses the request of a law en-
2 forcement officer to submit to a chemical test under AS 28.35.031(a)
3 [OF BREATH AS PROVIDED IN AS 28.35.031], after being advised by the
4 officer that the refusal will, if that person was arrested while
5 operating or driving a motor vehicle for which a driver's license is
6 required, result in the [SUSPENSION,] denial or revocation of the
7 license or nonresident privilege to drive, that the refusal may be
8 used against the person in a civil or criminal action or proceeding
9 arising out of an act alleged to have been committed by the person
10 while operating or driving a motor vehicle or operating an aircraft or
11 a watercraft while intoxicated, and that the refusal is a misdemeanor,
12 a chemical test shall not be given, except as provided by AS 28.35.-
13 035.

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

15 (g) Upon conviction of a person under this section, the court
16 shall impose a minimum sentence of imprisonment of not less than 72
17 consecutive hours and a fine of not less than \$250 if the person has
18 not been previously convicted in this or another jurisdiction of
19 driving while intoxicated under AS 28.35.030 or another law or ordi-
20 nance with substantially similar elements or refusal to submit to a
21 chemical test under this or another law or ordinance with substan-
22 tially similar elements. Upon [A SUBSEQUENT] conviction under this
23 section the court shall impose a minimum sentence of imprisonment of
24 not less than 20 consecutive days and a fine of not less than \$500 if,
25 within the preceding 10 years, the person has been previously con-
26 victed once in this or another jurisdiction [WITHIN FIVE YEARS AFTER A
27 CONVICTION UNDER THIS SECTION OR] of driving while intoxicated under
28 AS 28.35.030 or another law or ordinance with substantially similar
29 elements or refusal to submit to a chemical test under this or another

1 law or ordinance with substantially similar elements. Upon conviction
2 under this section the court shall impose a minimum sentence of im-
3 prisonment of not less than 30 consecutive days and a fine of not less
4 than \$1,000 if, within the previous 10 years, the person has been
5 previously convicted in this or another jurisdiction of more than one
6 of the following offenses or has more than once been previously con-
7 victed of one of the following offenses: (1) driving while intoxi-
8 cated under AS 28.35.030 or another law or ordinance with substan-
9 tially similar elements; (2) refusal to submit to a chemical test
10 under this or another law or ordinance with substantially similar
11 elements [IN THIS OR ANY OTHER STATE, THE COURT SHALL IMPOSE A MINIMUM
12 SENTENCE OF IMPRISONMENT OF NOT LESS THAN 10 CONSECUTIVE DAYS UNLESS
13 THE SUBSEQUENT CONVICTION IS WITHIN ONE YEAR OF THE PREVIOUS CONVIC-
14 TION, IN WHICH CASE THE COURT SHALL IMPOSE A MINIMUM SENTENCE OF
15 IMPRISONMENT OF NOT LESS THAN 20 CONSECUTIVE DAYS]. The execution of
16 sentence may not be suspended nor may probation be granted except on
17 condition that [UNTIL] the minimum imprisonment provided in this
18 section is [HAS BEEN] served. Imposition of sentence may not be
19 suspended. If the offense involved driving a motor vehicle for which
20 a driver's license is required, the person's driver's license shall be
21 revoked under AS 28.15.181 [, EXCEPT UPON THE CONDITION THAT THE
22 DEFENDANT BE IMPRISONED FOR NO LESS THAN THE MINIMUM PERIOD PROVIDED
23 IN THIS SECTION]. In addition, the court shall order, and a person
24 convicted under this section shall undertake, treatment or education
25 commensurate with the person's needs and the resources of the
26 community where the person lives [FOR A TERM SPECIFIED BY THE COURT,
27 THAT PROGRAM OF ALCOHOL EDUCATION OR REHABILITATION THAT THE COURT,
28 AFTER CONSIDERATION OF ANY INFORMATION COMPILED UNDER (h) OF THIS
29 SECTION, FINDS APPROPRIATE]. The sentence imposed by the court under

1 this subsection shall run consecutively with any other sentence of im-
2 prisonment imposed on the committed person.

3 * Sec. 19. AS 28.35.034 is amended to read:

4 Sec. 28.35.034. SURRENDER OF LICENSE OR PERMIT [PERIOD OF REVO-
5 CATION]. A person whose license or permit to operate or drive a motor
6 vehicle has been [SUSPENDED OR] revoked under AS 28.15.165 or AS 28.-
7 15.181 [THE PROVISIONS OF AS 28.35.032] shall surrender the [HIS]
8 license or permit to the department on receipt of notice of the revo-
9 cation. [SUCH A PERSON IS INELIGIBLE FOR AN OPERATOR'S LICENSE OR
10 PERMIT FOR THREE MONTHS FOLLOWING THE DATE ON WHICH THE LICENSE OR
11 PERMIT WAS RECEIVED BY THE DEPARTMENT, UNLESS THE DISTRICT COURT FINDS
12 THAT EXTENUATING CIRCUMSTANCES EXIST WHICH WOULD CAUSE EXTREME HARD-
13 SHIP, IN WHICH CASE THE SUSPENSION OR REVOCATION MAY BE MODIFIED OR
14 NULLIFIED.] After the [THREE MONTHS'] period of revocation has ex-
15 pired, the person may make application for a new license as provided
16 by law.

17 * Sec. 20. AS 28.35.035 is amended to read:

18 Sec. 28.35.035. ADMINISTRATION OF CHEMICAL TESTS WITHOUT
19 CONSENT. (a) If a person is under arrest for an offense arising out
20 of acts alleged to have been committed while the person was driving a
21 motor vehicle [THE CRIME OF DRIVING] while intoxicated, and that
22 arrest results from an accident that causes death or physical injury
23 to another person, a chemical test may be administered without the
24 consent of the person arrested to determine the amount of alcohol in
25 that person's breath or blood.

26 (b) A person who is unconscious or otherwise in a condition
27 rendering that person incapable of refusal is considered not to have
28 withdrawn the consent provided under AS 28.35.031 and a chemical test
29 may be administered to determine the amount of alcohol in that

1 person's breath or blood. A person who is unconscious or otherwise
2 incapable of refusal need not be placed under arrest before a chemical
3 test may be administered.

4 (c) If a chemical test is administered to a person under (a) or
5 (b) of this section, that person is not subject to the penalties for
6 refusal to submit to a chemical test provided by AS 28.35.032 and
7 28.35.034.

8 * Sec. 21. AS 28.35 is amended by adding new sections to read:

9 Sec. 28.35.036. FORFEITURE OF MOTOR VEHICLE. (a) After convic-
10 tion of an offense under AS 28.35.030 or AS 28.35.032 involving a
11 motor vehicle of a type for which a driver's license is required and
12 upon motion by the state, the court shall hold a forfeiture hearing
13 and may order the forfeiture of the motor vehicle involved in the
14 commission of the offense if the person has been previously convicted
15 in this or another jurisdiction of more than one of the following
16 offenses or has more than once been previously convicted of one of the
17 following offenses:

18 (1) driving while intoxicated under AS 28.35.030 or another
19 law or ordinance with substantially similar elements; or

20 (2) refusal to submit to a chemical test under AS 28.35.032
21 or another law or ordinance with substantially similar elements.

22 (b) Upon forfeiture of a motor vehicle the court shall require
23 the surrender of the registration and certificate of title of that
24 motor vehicle. The registration and certificate of title shall be
25 delivered to the department.

26 (c) If not released under AS 28.35.037, a motor vehicle for-
27 feited under this section may be disposed of at the discretion of the
28 department.

29 Sec. 28.35.037. REMISSION OF FORFEITURES. (a) Upon moving for

1 forfeiture of a motor vehicle under AS 28.35.036, the state shall
2 provide to every person who has an ascertainable ownership or security
3 interest in the motor vehicle written notice that includes

- 4 (1) a description of the motor vehicle;
5 (2) the time and place of the forfeiture hearing;
6 (3) the legal authority under which the motor vehicle may
7 be forfeited;
8 (4) notice of the right to intervene to protect the inter-
9 est in the motor vehicle.

10 (b) Upon receipt of a motion to intervene in a forfeiture hear-
11 ing the court shall order the satisfaction of the interest from the
12 proceeds of the sale of the motor vehicle or order the motor vehicle
13 to be released to the petitioner together with title to the motor
14 vehicle if the petitioner shows by a preponderance of the evidence
15 that

- 16 (1) the petitioner has an interest in the motor vehicle
17 acquired in good faith;
18 (2) a person other than the petitioner was convicted of the
19 offense that resulted in the forfeiture;
20 (3) the petitioner was not negligent in parting with the
21 motor vehicle.

22 Sec. 28.35.038. MUNICIPAL IMPOUNDMENT AND FORFEITURE. Notwith-
23 standing other provisions in this title, a municipality may adopt an
24 ordinance providing for the impoundment or forfeiture of a motor
25 vehicle involved in the commission of an offense under AS 28.35.030,
26 28.35.032, or an ordinance with elements substantially similar to
27 AS 28.35.030 or AS 28.35.032. An ordinance adopted under this section
28 is not required to be consistent with this title or regulations adopt-
29 ed under this title.

1 * Sec. 22. AS 28.15.211(a)(4) and AS 28.35.032(b),(c), and (d) are re-
2 pealed.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



M E M O R A N D U M

TO: Senate State Affairs Committee

FROM: Senator Vic Fischer, Chairman
Senate State Affairs

RE: Drunk driving legislation

DATE: April 16, 1983

Enclosed you will find the list of options heard before the committee during recent hearings on drunk driving.

Please circle options you prefer to alleviate drunk driving in our state. Vehicles for implementing some of these programs are already in place-- funds simply need to be provided.

Two areas of concern specific to Alaska which were isolated during the hearings were:

1. incompatibility between the record systems of the state courts, police stations, and the DMV.
(Could be standardized through appropriate legislation)
2. that persons may be released on their own recognizance when they have an illegal BAC reading. (This situation is more complicated to address because of constitutional bail requirements.)

These two situations are not readily grouped with other anti-drunk driving measures as they represent loopholes in the current system. I'd appreciate hearing your thoughts on how to deal with them during the Thursday, April 28th committee hearing.

I'll need the results of the attached poll by April 27th in order to tabulate them by the April 28th hearing.

Directions: Please circle the best options					
OPTION:	SB 61	CSHB 17 (Jud)am	SB 226	Current Law	Recommendations /Explanations
<u>ENFORCEMENT</u>					
1. Selective enforcement roadblocks	no provision	no provision	no provision	no provision	Anchorage Muni. Prosecutor, Allen Baily, suggested that this program be implemented at the municipal level (see attachment 1).
2. Mandatory breath alcohol content tests for those stopped for moving violations	no provision	no provision	no provision	PBTs are used in the Anch. area	Dennis Kelso, and Larry Ross recommended this as a successful deterrent (see attachment 2).
3. Implied consent	no provision	no provision	no provision	consent for BAC tests is given upon receiving driver's license	
4. back up crews to decrease police officer off-road time.	no provision	no provision	no provision	no provision	increase enforcement efforts (see attachment 3).
5. purchase more accurate Breathalizers	no provision	no provision	no provision	no provision	evidence in court would be more reliable

ADJUDICATION AND SANCTIONING	SB 61	CSHB 17(Jud) am	SB 226	Current law	Recommendations /Explanations
1. Minimum fines for DWI or Breath test refusal	1st conviction \$250min, \$500max. 2nd conviction \$500min, 1000max. 3rd conviction \$1000min, 2500max.	no provision	no provision	no provision	recommended by many as appropriate sanction. was recommended as a deterrent (see attach. #4)
2. Minimum Incarceration for DWI and breath test refusal	1st conviction 72 consec. hrs. 2nd conviction 20 consec. days 3rd or subsequent conviction 30 consec. days min.	no provision	no provision	1st conviction 72 consec. hrs. 2nd conviction w/in 1yr 20dy. w/in 5yr 10dy.	recommended by many as appropriate sanction. --very expensive. success was questioned at at hearings (see attach. #5).
3. Presentence investigation report	no provision	no provision	no provision	no provision	recommended by many as way to increase DWI conviction rate
4. increase penalty for causing death or bodily injury	no provision	no provision	no provision	no provision	recommended in hearings as appropriate retribution
5. make sanctions for driving while license revoked equal to DWI	14 consecutive days, \$500 min.	no provision	no provision	no provision	recommended as a deterrent for drunk driving, and driving in violation of license revocation
6. driver's license suspensions	no provision	no provision	no provision	no provision	recommended as one of the most successful deterrents

ADJUDICATION/ SANCTIONING	SB 61	CSHB17(Jud)am	SB 226	Current Law	Recommendations/ Explanations
7. driver's license revocations	1st conviction Dwl or refusal 90 day minimum 2nd conviction 1 yr license revocation, 3rd or subs. conviction permanent re- vocation	no provision.	no provision	1st conviction Dwl-30 day min, or 60 day limited license /revocation combination 2nd conviction w/in 1 yr license revoc./ no limited lic. 3rd conviction no lim. lic. for 3 years.	recommended as one of the most successful deterrents
8. administrative license revoca- tion	enf. officer shall seize license.(see attach #6).	no provision	no provision	no provision	recommended by Allen Bailly as as one of the most successful deterrents.
9. community ser- vice.	no provision	no provision	no provision	no provision	cheaper than incarceration/ similar effect.
10. automobile impoundment	car being used when apprehended shall be impounded for 3rd or subsequent conviction.	no provision	no provision	Anchorage Muni. Judges may impound auto used for no less that 30 days upon 2nd conviction, and no less than 60 days for 3rd convict.	constitutional questions have been raised concerning this sanction.
11. automobile forfeiture	car being used when apprehended may be forfeited	no provision	no provision	no provision	was recommended numerous times during hearings as appropriate sanction

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/ Explanation
1. raise the minimum drinking age.	no provision	raises to 21. contains advisory vote provision. Those under 21 may work in estab. serving alcohol.	no provision	no provision	recommended for general deterrence. May decrease alcohol related accidents by 28%.
2. increase the excise tax on liquor	no provision	no provision	no provision	no provision	a 50¢ increase per 5th is said to decrease alcohol consumption by 5%.
3. prohibit open alcohol containers in automobiles	no provision	no provision	no provision	prohibited in Muni. of Anch.	recommended by many as most obvious way to decrease drunk driving
4. decrease bar hours	no provision	no provision	no provision	no provision	would decrease amount of time for persons to consume alcohol
5. distribute alcohol licenses which are similar to driver's licenses.	no provision	no provision	no provision	no provision	allow regulation of problem drinkers and habitual drinkers who drive.
6. increase the price of liquor licenses	no provision	no provision	no provision	no provision	accord. to some, this would decrease the number of alcohol estab.

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/ Explanation
7. mandatory food service between certain hours	no provision	no provision	no provision	no provision	this would decrease the rate at which one became intoxicated
ENGINEERING EFFORTS/ DRIVING SAFETY	SB 61	CSHB 17(Jud) am	SB 226	Current Law	Recommendations
1. mandatory seat-belt use	no provision	no provision	no provision	no provision	According to Larry Ross this would drastically reduce the number of auto fatalities
2. child safety restraints	no provision	no provision	no provision	no provision	this measure drastically reduces the number of infant fatalities.
3. lower the speed limit to 50mph	no provision	no provision	no provision	no provision	lowering the speed limit was one of the two most successful highway safety measures in the '70's.
4. mandatory auto insurance	no provision	no provision	no provision	no provision	would make driver's more respons. for their actions. increased ins. rates would be a natural deterrent.
5. require digital add on equip. for car ignitions	no provision	no provision	no provision	no provision	would make it virtually impossible to start autos when intoxicated
6. curfew licenses for drivers under 18	no provision	no provision	driving prohibited for 16-17 year olds between 12am and 5am(see Attach 7)	no provision	could decrease fatalities for those covered under bill by as much as 63%

REHABILITATION TREATMENT/ EDUCATION	SB 61	CSHB 17(Jud)am	SB 226	Current law	RECOMMENDATION
1. provide rehabilitation in incarceration facilities	no provision	no provision	no provision	no provision	recommended by Judge Andrews as necessary for habitual offenders
2. court mediator or, hotline for problem drinkers	no provision	no provision	no provision	no provision	some felt that this was necessary. for those who have no where to turn
3. teenage treatment program or facilities	no provision	no provision	no provision	no provision	treatment for teens should be tailored differently than that for adults.
4. rehabilitation, treatment	offender shall undertake rehabilitation or education specified by the court	no provision	no provision	treatment administered with judicial discretion	
5. education	offender shall undertake rehabilitation or education specified by the court	no provision	will provide education in high schools (see attach 7).	provided as treatment at discretion of courts	

ATTACHMENT 1

April 16, 1983

Selective enforcement roadblocks

Selective enforcement roadblocks have been implemented in a number of countries, and in the United States.

A pilot project was implemented in the state of Maryland to aid in the detection and apprehension of intoxicated drivers. The program is anticipated to be a deterrent for potential drunk drivers.

The safety of citizens as well as Public Safety personnel will be considered in the selection of the sites. The sites will also be selected based on time of day, day of week location, and the number of accidents located in that area. The sites must also have a safe area in which cars can stop.

The Maryland project does not use barricades to block oncoming traffic. All traffic approaching the checkpoint will be pass through the checkpoint where the car will be approached by a police officer who will hand the driver a brochure prepared to explain the selective roadblock. If the officer detects alcohol while the car is stopped, the driver will be detained and required to present their driver's license and vehicle registration. They may also be required to give a preliminary breath test. If sufficient evidence of intoxication is developed, the driver will be arrested.

No action will be taken against a driver for merely turning off the roadway before the checkpoint.

ATTACHMENT 2

April 16, 1983

Mandatory Breathalyzer tests

A number of states give preliminary breath alcohol tests for all persons who are stopped for moving violations or who are involved in car accidents. The probable cause to give the test is simply that alcohol impairment may have caused the accident of the illegal driving pattern.

This was recommended by Dr. Dennis Kelso during the April 9, 1983 hearing as one of the best ways to increase enforcement efforts.

The lack of adequate enforcement was established as one of the largest loopholes in the drunk driving situation.

ATTACHMENT 3

April 16, 1983

Backup crews to assist police officers

Currently, the Alaska state trooper must spend at least one hour with the car of the apprehended person until the car can be impounded.

Using backup crews to come and wait with the car was recommended during the April 9 hearing as one way to decrease their down time which would ultimately increase enforcement.

ATTACHMENT 4

April 16, 1983

Mandatory minimum fines

Many opposing views were expressed on this option during the hearings. For instance, Anchorage Municipal Prosecutor Allen Baily suggested that fines would be an appropriate deterrent for drunk driving. District Court Judge, Elaine Andrews, expressed her concern about the difficulties in trying to collect the fine when the person is unable to pay.

ATTACHMENT 5

April 16, 1983

Mandatory Minimum incarceration

Included with this attachment are copies of the request we made from the Division of Corrections regarding the costs of installing and operating new or used modular minimum security facilities. Also included is a letter recommending the Harborview Disability Center as a minimum security facility.

Clearly, these suggestions have been made because of the strain already existing on the correctional facilities in the state.

Many persons during the hearings testified in favor of mandatory incarceration, and they generally stated it was a successful and warranted deterrent. Dr. Ross, on the other hand, stated that in England during the Road Safety act, there was no mandatory incarceration. The sanction for DWI was suspension of the driver's license. He suggested that the primary deterrent decreasing the fatality rate was the public's perception that they would be caught-- alcohol related accident fatalities rose within months of the implementation of the act with the change in the public perception.

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

POUCH H 01
JUNEAU, ALASKA 99811

PHONE:

DOCUMENT NO. 83-154

April 15, 1983

The Honorable Vic Fischer
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

On Thursday April 7, 1983, your Committee requested that Corrections provide information regarding capital and operating costs for an institution which would house offenders convicted for drunk driving offenses (OMVI or DWI). In a short time we have reviewed available data and have formulated what we believe to be reasonable assumptions. This response is offered to your Committee with an understanding that the Sheffield Administration has not addressed the question as to whether this concept would be appropriate to pursue, and that funds are not available within current operating or capital requests to create an institution for this purpose. Further, this response is based on current statutes and law enforcement practices. Proposed changes under consideration could increase the numbers of offenders.

Sufficient numbers of offenders for a specialized facility to confine drunk drivers are only found in the southcentral region of the State. From data presently available we believe that a fifty five bed capacity would be necessary. It is likely that a site in the Matanuska Valley will be acquired for correctional purposes. Assuming the purchase of a 55 bed pipeline camp for transfer and setup it is estimated that capital costs for acquisition and site development would total \$3,350,000.

Twelve month operating costs for a 55 bed facility are estimated to be \$1,213,700. This figure includes a staff of nineteen, purchase and operation of two vans for transporting offenders to and from population centers, and routine operating costs.

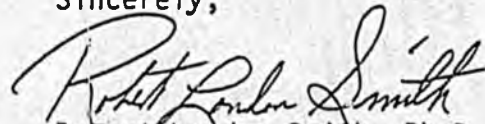
Programmatic issues for a specialized facility of this type have not been fully addressed. Many believe that those serving short sentences of three or ten days for drunk driving are not necessarily candidates for alcohol treatment programs. Some argue that the punitive impact of incarceration is most appropriate, while others believe that needs assessment and referral are the proper goals for this setting and population. Still others support a full educational and treatment effort. Two Social Worker III positions have been included in the proposed staff to provide on site alcoholism counseling. With staggered shifts and days of work, the counseling can be provided seven days a week.

The Honorable Vic Fischer
Page 2

While funding for a 110 bed minimum custody facility has not been identified in budget requests, future planning calls for a facility of this size and custody classification. Due to initial site development and core facility costs for the first 55 bed facility, the remaining 55 bed capacity could be added for a comparatively small sum. Estimates to erect housing and core facility pipeline structures for the second 55 inmates at the same site are \$400,000, for a total capital investment of \$3,750,000. Twelve month costs for a 110 bed facility with a staff of 36 and related operational/inmate costs would total \$2,332,500. The additional 55 beds could be used for housing misdemeanor and minimum custody felony inmates.

It is my hope that this information is responsive to your inquiry. I wish to reiterate that the Administration has not developed a position regarding the appropriateness of a specialized facility for drunk drivers, nor would operating or capital funds be available for such a project within the Governor's FY'84 requests.

Sincerely,


Robert London Smith, Ph.D.
Commissioner



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

David Maliman-Director
Jeff Jesse-Staff Attorney
Annely Girard-Coordinator
325 East 3rd, 2nd Floor
Anchorage, AK 99501
(907) 274-3658

Jan Maas-Advocate
419 6th St., Rm. 232
Juneau, AK 99801
(907)586-1627

Patricia Pennella-Advocate
763 7th Ave.
Fairbanks, AK 99701
(907)456-1070

April 13, 1983

Senator Vic Fischer
Pouch V
Mail Stop 3100
Juneau, Alaska 99811

Dear Senator Fischer:

This letter concerns the need for the State of Alaska to obtain a minimum security facility for the treatment of drunk drivers.

I noticed in the papers that it has been suggested that surplus pipeline camps be purchased and renovated for this purpose. It is my suggestion that the state first look to existing facilities that are not being appropriately utilized. The most notable example of this type of facility is Harborview Developmental Center for the developmentally disabled in Valdez.

Harborview currently provides residential care for up to 96 developmentally disabled Alaskans. Unfortunately, Harborview was constructed before it was realized that the developmentally disabled could be better served in community settings. This has resulted in the unnecessarily institutionalization of many Alaskans. There is a tremendous loss of human dignity and potential which occurs because of this state policy of institutionalization. In addition, the \$85,000 per person per year spent on this primarily custodial care is staggering at a time when community services have been set back for three years in a row. There is a strong consensus growing that the people in Harborview must be returned to their families and communities as soon as possible. As a result, the state will need to find alternative uses for this building.

Harborview would be well-suited for use as a minimum security facility. Constructed after the earthquake of poured reinforced concrete, it contains a large cafeteria and laundry. In addition, each exterior door has an alarm system in place and the activities on each hall can be monitored from central nursing stations. The

local hospital is also located in the other end of the building. Renovations currently underway will result in a more efficient heating system and a new roof.

Alaskan's now believe that it is the drunken drivers that should be removed from the community, not the handicapped. I can think of no better expressions of this long overdue realization than by changing the use of Harborview.

Thank you for your consideration of this idea and please call me if you have any questions.

Sincerely,



Jeffrey L. Jesse
Staff Attorney

JLJ:bk

ATTACHMENT 6

April 16, 1983

Administrative license revocation:

SB 61 states that if a person under arrest refuses to take the breathalyzer test, or if their BAC is above the legal limit, the enforcement officer shall seize that persons driver's license. The officer shall read and deliver to the person arrested a notice advising him or her that: 1) the state intends to revoke their driver's license; 2) the person has a right to obtain a court review of the revocation; 3) the notice is a temporary driver's license expiring seven days from date of notification; 4) the revocation of the person's driver's license shall take effect upon the expiration of the temporary driver's license unless that person within seven days initiates court proceedings to rescind the revocation.

ATTACHMENT 7

April 16, 1983

Curfew license provisions in SB 226

This bill creates three different stages of driver's licenses, and decreases the hours in which a person having a permit only can drive according to the outline below.

SB 226:

1) prohibits those automobile drivers with learning permits (as opposed to licenses) from driving between the hours of 9pm and midnight on Friday and Saturday, and prohibit them from driving between midnight and 5am every morning.

2) provides in the state driver's manual a more substantial section on the dangers of combining driving and alcohol-- including a portion on how to recognize an intoxicated driver, and create a corresponding section in the written examination.

3)creates a Stage 1 license--

-- this license would apply to 16 year old persons, and to those who are 17 years old who have not had driver's education.

-- persons with this license would be prohibited from driving between the hours of midnight and 5am unless accompanied by a parent or a spouse 18 years of age or older, or unless traveling to or from work or in the course of employment with a signed affidavit in hand from the employer.

-- two moving violations, 1 DWI, or driving in violation of the curfew would result in the revocation of this license, but would allow them to apply for a learner's permit.

4)creates a Stage 2 license--

--this license would apply to 17 year olds who have passed driver's education.

--to qualify for this license a 17 year old must have 6 consecutive months prior to application with no moving violations, and no DWIs or curfew violations.

--a moving violation, a DWI, or a curfew violation results in the revocation of the Stage 2 license. The person would, however, be able to apply for a stage 1 license.

--this Stage 2 license would not have any driving curfew.

5) creates a Stage 3 license equal to the current Alaska State driver's license in every way except that you must be 18 to be eligible for that license--

--any Alaska State resident currently eligible for a driver's license, and who is 18 years of age would be eligible for a Stage 3 license.

--traffic violations obtained with a permit, stage 1 license, or a stage 2 license shall be applied to the stage 3 license in compliance with current Alaska law when that license is obtained on or after their 18th birthday.

6) provides an effective date of January 1, 1984

--those who receive their driver's licenses before January 1, 1984 would have a three month period in which to obtain the appropriate license after the effective date of the bill before their license automatically expires.

7) in accordance with this bill, driver's education courses must be available to all persons under 18 through the high school curriculum.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99311

(907) 465-4954



MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Staff *ST*

RE: Digital add-on equipment for cars

DATE: May 4, 1983

Dennis Kelso mentioned digital add-on equipment during the April 9th hearing in Anchorage on drunk driving. With the digital add-on device on a car, a person would have to push a sequence of numbered buttons in a certain amount of time for the car to start. The intent for this device was to make it impossible for persons impaired with alcohol to start their automobile.

The device referred to by Dr. Kelso is called the General Motors Phys Test. It was in an experimental stage twelve years ago, and was shelved because it didn't really measure impairment. Certain people never failed the test no matter what their BAC level.

Systems Technologies of San Diego is currently working with that city on a pilot project called the Critical Tracking Test. The pilot project uses convicted DWI offenders whose licenses are restricted to the use of the cars with the add-on equipment.

This test measures impairment by forcing a person to keep a needle in the middle of a meter for 30 seconds using the steering wheel. If the person fails the test, that person can still start the car but the "alarm" goes off. When the car is driven below 10mph, "the alarm" is constituted by automatic flashing of the emergency lights. If the impaired driver attempts to drive over 10mph, the horn begins to rhythmically honk.

The pilot project is nearly finished. System Technologies is next going to build a marketable device which they expect to be about the same size and price as a car stereo.

TO: Senator Vic Fischer, Chairman
Senate State Affairs Committee
Alaska State Legislature

DATE: May 4, 1983

FILE NO:

TELEPHONE NO: 465-4371

FROM: Charles A. Smith, Director *CAS*
Highway Safety Planning Agency
Department of Public Safety

SUBJECT: Incentive Grant
Criteria

In reviewing the Federal legislation concerning the subject matter, I have determined the following:

1. Bills pending before the Legislature, if passed, would qualify the State for up to \$262,000 in incentive funds;
2. Two items that are required, as a minimum, are prompt suspension or revocation of the driver's license for drunk driving, and a minimum of 90 days suspension/revocation for the first offense.

In order to qualify for continued incentive funds in succeeding years, other parts of the bills would have to be passed.

I hope that the foregoing provides the information you require and I would be happy to provide further or more detailed information.

CAS/vo

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



April 9, 1983
9:00am

Municipal Assembly Chambers,
Anchorage

Members Present

Senator Vic Fischer, Chair
Senator Arliss Sturgulewski
Senator Pat Rodey

SB 61, An act relating to drunk driving
SB 226, Relating to the licensing and training of drivers
CSHB 17 (Jud) am, Raising the drinking age to 21

Dr. Dennis Kelso, invited expert, gave an overview of the issues. He suggested that the four functions of criminal law were retribution, incapacitation, rehabilitation, and deterrence. He said that the deterrence model has been the main focus of criminal law as it relates to drunk driving. The three elements that make up this model are certainty, severity and swiftness. Other major points of his testimony were that Alaska has the strongest laws in the country based on the deterrence model, and that this model hasn't been very effective in criminal law in general. He also expressed the need to redefine the problem of drunk driving.

Kathy Weltzin of the Alaska Council on the Prevention of Alcohol and Drug Abuse described the educational program "Here's looking at You," which has been implemented in the schools throughout the state. This program is a preventative measure designed to educate persons from grades K-12 about the problems associated with the consumption of alcohol.

Testimony was heard from many Anchorage residents who had specific recommendations. Some of these recommendations were to: lower the legal definition of intoxication, improve road safety, increase penalties, raise the drinking age, implement vehicle forfeiture and impoundment, establish curfews, and set up roadblocks.

Allen Baily, invited to speak from the Anchorage Municipal Prosecutor's office, commented on the deterrence model for dealing with drunk drivers. He spoke in favor of presumptive sentencing and administrative revocation and suspension of licenses. He said that the suspension of licenses was more effective than incarceration-- though he is still in favor of incarceration.

District Court Judge, Elaine Andrews, said that the state needs more judges to handle the extra load imposed on the courts by the legislation before the committee. She also suggested some other problems with the current (and proposed) methods of handling drunk drivers. One of her concerns was that the state can't collect mandatory fines if the person is unable to pay them. Another concern to Judge Andrews was that judges can order mandatory treatment, but they have no authority to see that it gets carried out.

Testimony was heard from concerned citizens about drunk driving. Testimony was heard on both sides of raising the drinking age. Most people spoke in favor of CSHB 17 (Jud) am, Raising the drinking age. Many people spoke in favor of more rehabilitation programs. There was general agreement that the record system for the state of Alaska desperately needed to be improved.

The hearing adjourned at 5:10pm.

by,
Suzanne Dwyer
Deputy

SENATE STATE AFFAIRS
STANDING COMMITTEE
April 7, 1983
3:15 p.m.

Members Present: Senator Vic Fischer, Chair
Senator Tim Kelly
Senator Bill Ray
Senator Pat Rodey

Members Absent: Senator Arliss Sturgulewski

COMMITTEE CALENDAR

SB 61 Amended Title: An Act relating to driving a motor vehicle.

SB 226 Amended Title: An Act relating to the training and licensing of drivers; and providing for an effective date.

HB 17 Amended Title: An Act authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; amending other provisions of law relating to the drinking age.

WITNESS REGISTER

Charlie Smith
Department of Public Safety
Pouch N, Juneau, AK 99811
465-4371
Position Statement: Testimony was given on the subject of drunk driving and related issues.

Gayle Horetski
Department of Law
Pouch KC, Juneau, AK 99811
465-3428
Position Statement: Testimony was given on the subject of drunk driving and related issues.

Jim Vaden
Department of Public Safety
Pouch N, Juneau, AK 99811
465-4322
Position Statement: Testimony was given on the subject of drunk driving and related issues.

Roger Endell

Department of Health and Social Services
Division of Corrections
Juneau, AK 99811
465-3376

Position Statement: Testimony was given on the subject of drunk driving and related issues.

Representative Mitch Abood
Alaska State House of Representatives
Pouch V, Juneau, AK 99811
465-4947

Position Statement: Testimony was given on the subject of drunk driving and related issues.

PREVIOUS ACTION

SB 61 There is no previous action to report on this bill.

SB 226 There is no previous action to report on this bill.

HB 17 Please refer to House Judiciary Committee Minutes from 02/08/83 and 03/14/83. Please refer to House Finance Committee Minutes from 03/11/83. There is no previous action to report on this bill in the Senate State Affairs Committee.

ACTION NARRATIVE

TAPE# 1 for 04/07/83, Side 1
Recording
Number 000

The Senate State Affairs Committee meeting was called to order at 3:15 p.m. by Chairman Vic Fischer with member Senators Kelly, Ray, and Rodey present. Senator Sturgulewski was absent.

Number 110 Charles Smith (Division of Highway Safety). Gave a statistical overview of drunk driving. In 1975 19 Million dollars in costs resulted from drunk driving.

Number 212 Senator Pat Rodey: Question.

Number 250 Senator Bill Ray: Question.

Number 296 Senator Bill Ray: Question.

Number 308 Charlie Smith: In 1979, of 91 fatalities in Alaska, 70.3 percent were alcohol related.

In 1980, of 95 fatalities, 64 were alcohol related. In 1977, out of 15,000 plus accidents, 5,850 were injury accidents. This year there will probably be 20,000 accidents with over 6,000 injury accidents.

- Number 405 Senator Pat Rodey: Question.
- Number 430 Chairman Vic Fischer: Question.
- Number 474 Senator Bill Ray: Is it correct that fatalities occur in one half of one percent of all accidents?
- Number 480 Smith: Yes.
- Number 490 Chairman Vic Fischer: Question.
- Number 510 Senator Tim Kelly: Are small cars more dangerous in accidents?
- Number 523 Smith: Yes. There are efforts on the national level to make small cars safer.
- Number 544 Chairman Vic Fischer: Question.
- Number 600 Chairman Vic Fischer: Question.
- Number 615 Senator Tim Kelly: Too many young people are being killed in alcohol-related accidents.
- Number 620 Chairman Vic Fischer: Question.
- Number 670 Chairman Vic Fischer: Which has had a greater effect: raising the drinking age or instituting a curfew?
- Number 673 Smith: Doesn't know.
- Number 680 Representative Mitch Abood: Comment.
- Number 700 Senator Bill Ray: Comment.
- Number 720 Representative Mitch Abood: Comment.
- Number 737 Senator Tim Kelly: Question.
- Number 782 Senator Bill Ray: Question.
- Number 810 Senator Tim Kelly: Question.
- Number 000 TURN TAPE OVER. BEGIN SIDE 2

Number 001 Gayle Horetski (Department of Law):
Discussed Title 28 as it applies to drunk
driving. Discussed DWI, refusal to take a
breath test, and DWLS (driving while license
is suspended).

Number 089 Chairman Vic Fischer: How does mandatory
treatment fit in?

Number 106 Horetski: Court may order mandatory
treatment--is within the court's discretion.

Number 145 Senator Bill Ray: Are lesser sentences
provided by municipal ordinances?

Number 150 Horetiski: Doesn't know.

Number 180 Chairman Vic Fischer: What problems exist
with Title 28?

Number 186 Horetski: Statutes need to be consolidated.
There are up to 3 or 4 sections addressing
different aspects of each of these crimes.
There are contradictions and lack of
clarity.

Number 296 Representative Mitch Abood: Describes House
State Affairs work on HB 6, a drunk driving
bill.

Number 338 Senator Bill Ray: Comment.

Number 342 Representative Mitch Abood: Comment.

Number 361 Senator Tim Kelly: Question.

Number 370 Horetski: Explains DWI provisions relating
to first and second offenses.

Number 410 Representative Mitch Abood: Comment.

Number 452 Representative Mitch Abood: Comment.

Number 463 Senator Bill Ray: Comment.

Number 474 Col. Jim Vaden (State Troopers): Discussed
alcohol-related fatalities.

Number 575 Representative Mitch Abood: Question.

Number 588 Representative Mitch Abood: Question.

Number 621 Senator Bill Ray: Comment.

Number 738 Roger Endell (Director of Adult Corrections): Six percent of inmates are serving time for alcohol-related offenses. They book 3600 persons a year on these charges. 75 percent are first offenses. Prisons are overcrowded. Should use fines in lieu of jail time or confiscation of automobiles or some other method. It costs 20 to 30 thousand dollars a year to house inmates. Should have treatment and restitution programs.

Number 835 Representative Mitch Abood: Could these offenders be kept in minimum security?

Number 840 Endell: Yes.

Number 000 END OF TAPE 1 SIDE 2. BEGIN TAPE 2, SIDE 1

Number 001 Roger Endell: Recommends administrative revocation of drivers' licenses.

Number 021 Chairman Vic Fischer: Why hasn't this been done? Can Endell give specific proposal for minimum security for these offenses.

Endell: Yes.

Number 106 Representative Mitch Abood: HB 6 is not the whole answer. Willing to entertain reasonable proposals.

Number 173 Chairman Vic Fischer: Requests a capital proposal for a minimum security facility.

Number 192 Representative Mitch Abood: Need to look at alcohol rehabilitation programs.

Number 205 Roger Endell: Describes innovative programs in Finland: the "social hospital." Also have short term detention and treatment programs.

Number 265 Senator Tim Kelly: Not all persons arrested need treatment.

Number 277 Representative Mitch Abood: Repeaters need to be treated.

Number 350 Chairman Vic Fischer: Meeting adjourned at 4:55 p.m.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMORANDUM

TO: Norm Gorsuch,
Attorney General

FROM: Senator Vic Fischer, Chair
Senate State Affairs

RE: Attorney General's Opinion

DATE: April 28, 1983

In order to expedite the passage of bills relating to drunk driving currently before the Senate State Affairs Committee, I need to have an Attorney General's opinion on the following subjects:

1. impoundment provision in SB 61.
2. forfeiture provision in SB 61.
3. administrative license revocation provision in SB 61.
4. sobriety checkpoints as implemented in Maryland (see attachment 1); and an intoxication control roadblock program currently before the Rhode Island General Assembly (see attachment 2).
5. mandatory preliminary breath tests to all persons who are stopped for moving violations to check for their breath alcohol content.

If you have any need for clarification, please contact Suzanne Tryck (4954). In order to expedite the movement of these bills out of committee, I need to have these opinions by Tuesday, May 3.

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

REVISIONS IN STATE DRUNK DRIVING LAWS TO COMPLY WITH THE BARNES BILL

© 1982 by Edward F. Kearney

Edward F. Kearney served as Director of Research and as Executive Director of the National Committee on Uniform Traffic Laws and Ordinances for 20 years. During that time, he was the Draftsman for the *Uniform Vehicle Code* and the *Model Traffic Ordinance*, wrote dozens of model state laws, and was responsible for *Traffic Laws Annotated*, *Driver Licensing Laws Annotated*, and 89 issues in the *Traffic Laws Commentary* series. Mr. Kearney graduated from Georgetown Law School and is admitted to practice law before the courts in the District of Columbia and the Supreme Court of the United States. In addition to law review and an excellent academic record, Ed served as a bailiff in the D.C. Traffic Court while in law school. Since retiring from his work with the National Committee on June 30, 1982, Mr. Kearney enjoys resolving important transportation and safety problems as a consultant and as an expert witness. He also continues to make the best bicycle lights in the world.

S

B

6

1

#

2

see

HB 17

SB

226

Directions: Please circle the best options

OPTION:	SB 61	CSFB 17 (Jud)am	SB 226	Current Law	Recommendations / Explanations
<u>ENFORCEMENT</u>					
1. Selective enforcement roadblocks	no provision	no provision	no provision	no provision	Anchorage Muni. Prosecutor, Allen Baily, suggested that this program be implemented at the municipal level (see attachment 1).
2. Mandatory breath alcohol content tests for those stopped for moving violations	no provision	no provision	no provision	PBTs are used in the Anch. area	Dennis Kelso, and Larry Ross recommended this as a successful deterrent (see attachment 2).
3. Implied consent	no provision	no provision	no provision	consent for BAC tests is given upon receiving driver's license	
4. back up crews to decrease police officer off-road time.	no provision	no provision	no provision	no provision	Increase enforcement efforts (see attachment 3).
5. purchase more accurate Breathalizers	no provision	no provision	no provision	no provision	evidence in court would be more reliable

ADJUDICATION AND SANCTIONING	SB 61	CSHB 17(Jud) am	SB 226	Current law	Recommendations /Explanations
1. Minimum fines for DWI or Breath test refusal	1st conviction \$250min, \$500max. 2nd conviction \$500min, 1000max. 3rd conviction \$1000min, 2500max.	no provision	no provision	no provision	recommended by many as appropriate sanction. was recommended as a deterrent (see attach. #4)
2. Minimum Incarceration for DWI and breath test refusal	1st conviction 72 consec. hrs. 2nd conviction 20 consec. days 3rd or subsequent conviction 30 consec. days min.	no provision	no provision	1st conviction 72 consec. hrs. 2nd conviction w/in 1yr 20dy. w/in 5yr 10dy.	recommended by many as appropriate sanction. --very expensive. success was questioned at at hearings (see attach.#5).
3. Presentence investigation report	no provision	no provision	no provision	no provision	recommended by many as way to increase DWI conviction rate
4. increase penalty for causing death or bodily injury	no provision	no provision	no provision	no provision	recommended in hearings as appropriate retribution
5. make sanctions for driving while license revoked equal to DWI	14 consecutive days, \$500 min.	no provision	no provision	no provision	recommended as a deterrent for drunk driving, and driving in violation of license revocation
6. driver's license suspensions	no provision	no provision	no provision	no provision	recommended as one of the most successful deterrents

ADJUDICATION/ SANCTIONING	SB 61	CSHB17(Jud)am	SB 226	Current Law	Recommendations/ Explanations
7. driver's license revocations	1st conviction DUI or refusal 90 day minimum 2nd conviction 1 yr license revocation, 3rd or subs. conviction permanent re- vocation	no provision	no provision	1st conviction DUI-30 day min, or 60 day limited license /revocation combination 2nd conviction w/in 1 yr license revoc./ no limited lic. 3rd conviction no lim. lic. for 3 years.	recommended as one of the most successful deterrents
8. administrative license revocation	enf. officer shall seize license.(see attach #6).	no provision	no provision	no provision	recommended by Allen Baily as as one of the most successful deterrents.
9. community service.	no provision	no provision	no provision	no provision	cheaper than incarceration/ similar effect.
10. automobile impoundment	car being used when apprehended shall be impounded for 3rd or subsequent conviction.	no provision	no provision	Anchorage Muni. Judges may impound auto used for no less that 30 days upon 2nd conviction, and no less than 60 days for 3rd convict.	constitutional questions have been raised concerning this sanction.
11. automobile forfeiture	car being used when apprehended may be forfeited	no provision	no provision	no provision	was recommended numerous times during hearings as appropriate sanction

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSFB 17(Jud)am	SB 226	Current Law	Recommendation/Explanation
1. raise the minimum drinking age.	no provision	raises to 21. contains advisory vote provision. Those under 21 may work in estab. serving alcohol.	no provision	no provision	recommended for general deterrence. May decrease alcohol related accidents by 28%.
2. increase the excise tax on liquor	no provision	no provision	no provision	no provision	a 50¢ increase per 5th is said to decrease alcohol consumption by 5%.
3. prohibit open alcohol containers in automobiles	no provision	no provision	no provision	prohibited in Muni. of Anch.	recommended by many as most obvious way to decrease drunk driving
4. decrease bar hours	no provision	no provision	no provision	no provision	would decrease amount of time for persons to consume alcohol
5. distribute alcohol licenses which are similar to driver's licenses.	no provision	no provision	no provision	no provision	allow regulation of problem drinkers and habitual drinkers who drive.
6. increase the price of liquor licenses	no provision	no provision	no provision	no provision	accord. to some, this would decrease the number of alcohol estab.

DECREASE ALCOHOL BEVERAGE CONSUMPTION		SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/Explanation
7. mandatory food service between certain hours	no provision	no provision	no provision	no provision	no provision	this would decrease the rate at which one became intoxicated
ENGINEERING EFFORTS/ DRIVING SAFETY		SB 61	CSHB 17(Jud) am	SB 226	Current Law	Recommendations
1. mandatory seat-belt use	no provision	no provision	no provision	no provision	no provision	According to Larry Ross this would drastically reduce the number of auto fatalities
2. child safety restraints	no provision	no provision	no provision	no provision	no provision	this measure drastically reduces the number of infant fatalities.
3. lower the speed limit to 50mph	no provision	no provision	no provision	no provision	no provision	lowering the speed limit was one of the two most successful highway safety measures in the '70's.
4. mandatory auto insurance	no provision	no provision	no provision	no provision	no provision	would make driver's more respons. for their action. increased ins. rates would be a natural deterrent.
5. require digital add on equip. for car ignitions	no provision	no provision	no provision	no provision	no provision	would make it virtually impossible to start autos when intoxicated
6. curfew licenses for drivers under 18	no provision	no provision	no provision	driving prohibited for 16-17 year olds between 12am and 5am(see Attach 7)	no provision	could decrease fatalities for those covered under bill by as much as 63%

REHABILITATION TREATMENT/ EDUCATION	SB 61	CSHB 17(Jud)am	SB 226	Current law	RECOMMENDATION
1. provide reha- bilitation in incarceration facilities	no provision	no provision	no provision	no provision	recommended by Judge Andrews as necessary for habitual offenders
2. court mediator or, hotline for problem drinkers	no provision	no provision	no provision	no provision	some felt that this was necessary, for those who have no where to turn
3. teenage treatment program or facilities	no provision	no provision	no provision	no provision	treatment for teens should be tailored differently than that for adults.
4. rehabilitation, treatment	offender shall undertake rehabilitation or education specified by the court	no provision	no provision	treatment administered with judicial discretion	
5. education	offender shall undertake rehabilitation or education specified by the court	no provision	will provide education in high schools (see attach 7).	provided as treatment at discretion of courts	

ATTACHMENT 1

April 16, 1983

Selective enforcement roadblocks

Selective enforcement roadblocks have been implemented in a number of countries, and in the United States.

A pilot project was implemented in the state of Maryland to aid in the detection and apprehension of intoxicated drivers. The program is anticipated to be a deterrent for potential drunk drivers.

The safety of citizens as well as Public Safety personnel will be considered in the selection of the sites. The sites will also be selected based on time of day, day of week location, and the number of accidents located in that area. The sites must also have a safe area in which cars can stop.

The Maryland project does not use barricades to block oncoming traffic. All traffic approaching the checkpoint will be pass through the checkpoint where the car will be approached by a police officer who will hand the driver a brochure prepared to explain the selective roadblock. If the officer detects alcohol while the car is stopped, the driver will be detained and required to present their driver's license and vehicle registration. They may also be required to give a preliminary breath test. If sufficient evidence of intoxication is developed, the driver will be arrested.

No action will be taken against a driver for merely turning off the roadway before the checkpoint.

ATTACHMENT 2

April 16, 1983

Mandatory Breathalyzer tests

A number of states give preliminary breath alcohol tests for all persons who are stopped for moving violations or who are involved in car accidents. The probable cause to give the test is simply that alcohol impairment may have caused the accident of the illegal driving pattern.

This was recommended by Dr. Dennis Kelso during the April 9, 1983 hearing as one of the best ways to increase enforcement efforts.

The lack of adequate enforcement was established as one of the largest loopholes in the drunk driving situation.

ATTACHMENT 3

April 16, 1983

Backup crews to assist police officers

Currently, the Alaska state trooper must spend at least one hour with the car of the apprehended person until the car can be impounded.

Using backup crews to come and wait with the car was recommended during the April 9 hearing as one way to decrease their down time which would ultimately increase enforcement.