

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8128 HOUSE STATE AFFAIRS

393

# Financial Assessment Units by Offense

## Table 2

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-1703 6F	Arson, Att.	50
13-1703 5F	Arson	85
13-1704 4F	Arson, Solic.	335
13-1703 4F	Arson	170
13-1704 3F	Arson, Att.	340
13-1704 2F	Arson	N/A
13-1203 3M	Assault	15
13-1203 2M	Assault	25
13-1204 1M	Assault, Aggravated, Att.	35
13-1203 1M	Assault	35
13-1204 6F	Assault, Aggravated	70
13-1204 4F	Assault, Aggravated, Att.	190
13-1204 3F	Assault, Aggravated	270
13-1204 2F	Assault, Aggravated	360
13-3305 1M	Betting and Wagering, Att.	20
13-3305 6F	Betting and Wagering	30
13-1506 2M	Burglary, 3rd deg., Att. Facil.	25
13-1506 1M	Burglary, 3rd deg., Facil.	50
13-1507 1M	Burglary, 2nd deg., Att. Facil.	35
13-1507 6F	Burglary, 2nd deg., Facil.	50
13-1506 6F	Burglary, 3rd deg., Solic.	65
13-1506 5F	Burglary, 3rd deg., Att.	120
13-1507 5F	Burglary, 2nd deg., Solic.	160
13-1507 4F	Burglary, 2nd deg., Att.	235
13-1506 4F	Burglary, 3rd deg.	160
13-1507 3F	Burglary, 2nd deg.	340
13-1508 3F	Burglary, 1st deg.	340
13-1508 2F	Burglary, 1st deg.	N/A
13-1505 1M	Burglary Tools, Poss., Att.	15
13-1505 6F	Burglary Tools, Poss.	65
13-3623 1M	Child Abuse, Att.	35
13-3623 6F	Child Abuse	70
13-3623 5F	Child Abuse	125
13-3623 4F	Child Abuse	190
13-3623 3F	Child Abuse	270
13-3623 2F	Child Abuse	N/A
13-1410 3F	Child Molestation, Att.	260
13-1410 2F	Child Molestation	N/A
13-3212 3F	Child Prostitution, Att.	350
13-2316 1M	Computer Fraud, 2nd deg., Att.	20
13-2316 6F	Computer Fraud, 2nd deg.	80
13-2316 5F	Computer Fraud, 1st deg.	200

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-3453 1M	Cont. Sub., Man.Dis.Pos.Dis.Imitat., Att.	20
13-3453 6F	Cont. Sub., Man.Dis.Pos.Dis.Imitation.	40
13-3613 1M	Contributing to Deliq./Depend. of Child	30
13-1602 2M	Criminal Damage	15
13-1604 1M	Criminal Damage, Aggravated	20
13-1602 1M	Criminal Damage, Att.	20
13-1604 6F	Criminal Damage, Aggravated	60
13-1602 6F	Criminal Damage	45
13-1602 5F	Criminal Damage	100
13-2006 1M	Criminal Impersonation	20
13-2003 1M	Criminal Poss. Forgery Device, Att.	30
13-2003 6F	Criminal Poss. Forgery Device	45
13-2004 6F	Criminal Simulation	30
13-1502 3M	Criminal Trespass, 3rd deg.	10
13-1503 2M	Criminal Trespass, 2nd deg.	15
13-1504 1M	Criminal Trespass, 1st deg.	20
13-1504 6F	Criminal Trespass, 1st deg.	60
13-1302 1M	Custodial Interference	25
13-1302 6F	Custodial Interference	50
13-3407 1M	Dangerous Drug, Poss.	20
13-3407 6F	Dangerous Drug, Poss, Solic.	45
13-3407 5F	Dangerous Drug, Poss., Att.	105
13-3407 4F	Dangerous Drug, Poss.	150
13-3407 3F	Dangerous Drug, Trans./Sell, Att.	220
13-3407 2F	Dangerous Drug, Trans./Sell	320
36-0861 5F	Disinterment of a Human Body	75
13-2904 1M	Disorderly Conduct	20
28-0473 1M	Driving with a Suspended License	20
13-3415 2M	Drug Paraphernalia, Pos.Man.Del., Solic.	15
13-3415 1M	Drug Paraphernalia, Pos.Man.Del., Att.	20
13-3415 6F	Drug Paraphernalia, Pos.Man.Del.	40
28-0692 1M	DUI with One Prior	85
28-0692 6F	DUI with Two Priors, Att.	65
28-0692 5F	DUI with License Suspended	115
13-1201 1M	Endangerment	35
13-1201 6F	Endangerment	70
13-2503 1M	Escape, 2nd deg., Facil.	40
13-2502 1M	Escape, 3rd deg., Att.	40
13-2503 6F	Escape, 2nd deg., Att.	95
13-2502 6F	Escape, 3rd deg.	75
13-2503 5F	Escape, 2nd deg.	195

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-2507 1M	Failure to Appear, 1st degree, Att.	30
13-3620 1M	Failure to Report Child Abuse	30
13-3002 1M	False or Forged Messages, Att.	20
13-3002 6F	False or Forged Messages	30
13-2907 1M	False Reporting	20
13-2107 1M	False Statement Fin. Cond. or ID, Att.	20
13-2107 6F	False Statement Fin. Cond. or ID	30
23-0785 6F	False Statement	30
13-2703 6F	False Swearing	55
13-2002 1M	Forgery, Facil.	30
13-2002 6F	Forgery, Solic.	45
13-2002 5F	Forgery, Att.	100
13-2002 4F	Forgery	140
13-2104 6F	Forgery of Credit Card	30
44-1220 1M	Fraudulent Insurance Claim, Att.	30
44-1220 6F	Fraudulent Insurance Claim	55
13-2310 1M	Fraudulent Schemes & Arti., Att. Facil.	20
13-2310 6F	Fraudulent Schemes & Arti., Facil.	60
13-2310 4F	Fraudulent Schemes & Arti., Solic.	80
13-2310 3F	Fraudulent Schemes & Arti., Att.	140
13-2310 2F	Fraudulent Schemes & Arti.	295
13-2311 1M	Fraudulent Schemes & Prac., Facil.	20
13-2311 6F	Fraudulent Schemes & Prac., Att.	30
13-2311 5F	Fraudulent Schemes & Prac.	60
13-2105 1M	Fraudulent Use of Credit Card	20
13-2105 6F	Fraudulent Use of Credit Card	30
13-2512 1M	Hindering Prosecution, 1st deg., Facil.	20
13-2512 6F	Hindering Prosecution, 1st deg., Att.	30
13-2512 5F	Hindering Prosecution, 1st deg.	75
13-2312 6F	Illegal Control of an Enter., Facil.	60
13-2312 4F	Illegal Control of an Enter., Att.	140
13-2312 3F	Illegal Control of an Enterprise	200
49-0923 6F	Illegal Disposal of Hazardous Waste	115
13-3608 4F	Incest	260
13-1402 1M	Indecent Exposure	20
13-1402 6F	Indecent Exposure	70
13-2802 1M	Influencing a Witness	30
13-2810 1M	Interfering with Judicial Proceedings	55
13-1807 1M	Issuing a Bad Check	20
13-3208 1M	Keeping/House of Prost., Employee	20
13-3208 6F	Keeping/House of Prost., Operating, Att.	55
13-3208 5F	Keeping/House of Prost., Operating	95

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-1304 5F	Kidnapping, Att.	130
13-1304 4F	Kidnapping	180
13-1304 3F	Kidnapping	260
13-1304 2F	Kidnapping	N/A
28-0661 1M	Leaving the Scene of an Inj. Acc., Att.	30
28-0661 6F	Leaving the Scene of an Inj. Acc.	55
28-0663 6F	Leaving the Scene of an Inj. Acc.	55
13-2905 3M	Loitering	10
13-2905 1M	Loitering, Att.	20
13-2905 6F	Loitering	30
13-1103 3F	Manslaughter	N/A
13-3405 1M	Marijuana, Poss., Att.	20
13-3405 6F	Marijuana, Poss.	45
13-3405 5F	Marijuana, Poss.	60
13-3405 4F	Marijuana, Poss. for Sale	105
13-3405 3F	Marijuana, Poss. for Sale	150
13-3405 2F	Marijuana, Trans./Sell	220
13-3102 2M	Misconduct Involving Weapons, Att.	20
13-3102 1M	Misconduct Involving Weapons	45
13-3102 6F	Misconduct Involving Weapons	80
13-3102 5F	Misconduct Involving Weapons, Att.	105
13-3102 4F	Misconduct Involving Weapons	145
13-2317 6F	Money Laundering, 2nd deg., Facil.	60
13-2317 3F	Money Laundering, 2nd deg.	200
13-1105 5F	Murder, 1st deg., Facil.	270
13-1105 3F	Murder, 1st deg., Solic.	N/A
13-1104 2F	Murder, 2nd degree, Att.	N/A
13-1105 2F	Murder, 1st degree, Att.	N/A
13-1104 1F	Murder, 2nd degree	N/A
13-1105 1F	Murder, 1st degree	N/A
13-3408 1M	Narcotic Drug, Poss., Facil.	20
13-3408 6F	Narcotic Drug, Poss., Solic.	45
13-3408 5F	Narcotic Drug, Poss., Att.	105
13-3408 4F	Narcotic Drug, Poss.	150
13-3408 3F	Narcotic Drug, Trans./Sell, Att.	220
13-3408 2F	Narcotic Drug, Trans./Sell	320
13-1102 4F	Negligent Homicide	190
13-3506 4F	Obscene/Harmful Items, Furn.to Minors	135
13-3502 1M	Obscene Items, Prod.Publ.Sale...,Facil.	20
13-3502 6F	Obscene Items, Prod.Publ.Sale..., Att.	30
13-2409 5F	Obstructing Criminal Investigations	95
13-3209 5F	Pandering	55

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-2702 4F	Perjury	135
13-3554 1M	Portraying Adult as Minor	20
13-3406 1M	Prescription Drug, Poss.	20
13-3406 6F	Prescription Drug, Poss. for Sale	30
13-3303 1M	Promoting Gambling, Facil	20
13-3303 6F	Promoting Gambling, Att.	30
13-3303 5F	Promoting Gambling	55
13-2505 1M	Promoting Prison Contraband, Facil.	20
13-2505 6F	Promoting Prison Contraband, Att.	80
13-2505 5F	Promoting Prison Contraband	105
13-2505 4F	Promoting Prison Contraband, Att.	220
13-2505 3F	Promoting Prison Contraband	320
13-3214 1M	Prostitution	20
13-3507 1M	Public Display of Expl. Sex. Mat., Att.	20
13-1403 5F	Public Sexual Indecency to a Minor	260
13-2103 6F	Receipt by Fraud. Use of Credit Card	30
13-3204 6F	Receiving Earnings of a Prostitute, Att.	55
13-3204 5F	Receiving Earnings of Prostitute	95
13-1702 1M	Reckless Burning	35
13-2508 1M	Resisting Arrest, Att.	30
13-2508 6F	Resisting Arrest	75
13-1902 6F	Robbery, Solic.	85
13-1902 5F	Robbery, Att.	120
13-1902 4F	Robbery	235
13-1903 6F	Robbery, Agg., Facil.	85
13-1903 4F	Robbery, Aggravated, Att.	235
13-1903 3F	Robbery, Aggravated	340
13-1904 6F	Robbery, Armed, Facil.	115
13-1904 4F	Robbery, Armed, Solic.	235
13-1904 3F	Robbery, Armed, Att.	340
13-1904 2F	Robbery, Armed	N/A
13-2408 1M	Securing the Proceeds of a Felony, Att.	45
13-2408 6F	Securing the Proceeds of a Felony	55
13-1404 1M	Sexual Abuse, Facil.	35
13-1404 6F	Sexual Abuse, Att.	70
13-1404 5F	Sexual Abuse	130
13-1404 4F	Sexual Abuse, Att.	260
13-1404 3F	Sexual Abuse	350
13-1406 6F	Sexual Assault of a Spouse	180
13-1406 3F	Sexual Assault, Att.	350
13-1406 2F	Sexual Assault	N/A

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-1405 1M	Sexual Conduct, Minor 15 or >, Att.	50
13-1405 6F	Sexual Conduct, Minor 15 or >	180
13-1405 5F	Sexual Conduct, Minor <15, Solic., Att.	130
13-1405 4F	Sexual Conduct, Minor <15, Solic.	180
13-1405 3F	Sexual Conduct, Minor <15, Att.	260
13-1405 2F	Sexual Conduct, Minor <15	N/A
13-3553 3F	Sexual Exploitation of a Minor, Att.	350
13-3553 2F	Sexual Exploitation of a Minor	350
13-1403 6F	Sexual Indecency to a Minor, Att.	90
13-1805 1M	Shoplifting	20
13-1805 6F	Shoplifting	60
13-2809 1M	Tampering with Physical Evidence, Att.	40
13-2809 6F	Tampering with Physical Evidence	75
13-2407 1M	Tampering with a Public Record, Att.	40
13-2804 6F	Tampering with a Witness	135
13-1802 1M	Theft	20
13-1802 6F	Theft	45
13-1802 5F	Theft	80
13-1802 4F	Theft	100
13-1802 3F	Theft	145
13-2102 1M	Theft of Credit Card, Solic.	20
13-2102 6F	Theft of Credit Card, Att.	45
13-2102 5F	Theft of Credit Card or Fraud. Obtain.	80
13-1804 1M	Theft by Extortion, Facil.	50
13-1804 4F	Theft by Extortion	160
13-1202 1M	Threatening or Intimidating Assault	25
13-2307 1M	Traffic. Stln. Prop., 2nd deg, Att.Facil.	20
13-2307 6F	Traffic. Stln. Prop., 2nd deg., Facil.	45
13-2307 5F	Traffic. Stln. Prop., 2nd deg., Solic.	80
13-2307 4F	Traffic. Stln. Prop., 2nd deg., Att.	100
13-2307 3F	Traffic. Stln. Prop., 2nd deg.	140
13-2307 2F	Traffic. Stln. Prop., 1st deg.	295
13-1806 1M	Unlawful Failure to Return Rented Prop.	20
13-1806 6F	Unlawful Failure to Return Rented Prop.	60
28-0622 6F	Unlawful Flight from Law Officer, Att.	85
28-0622 5F	Unlawful Flight from Law Officer	135
13-1303 1M	Unlawful Imprisonment	35
13-1303 6F	Unlawful Imprisonment	70
13-3701 1M	Unlawful Use of Food Stamps	20
13-3701 6F	Unlawful Use of Food Stamps	30
13-1803 1M	Unlawful Use of Means of Transp., Att.	20
13-1803 6F	Unlawful Use of Means of Transp.	60

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-2704 6F	Unsworn Falsification	40
13-2916 1M	Use/Telephone to Terrify/Threaten/Harass	30
13-3403 1M	Vapor/Toxic Substance, Pos./Sale	30
13-3403 6F	Vapor/Toxic Substance, Pos./Sale., Att.	80
13-3403 5F	Vapor/Toxic Substance, Pos./Sale	145

May 21, 1991

# Financial Assessment Unit Values

## Table 1

NET Daily Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
3	2	1	1	1	1	1	1	0
4	2	2	2	1	1	1	1	1
5	3	2	2	2	1	1	1	1
6	3	3	3	2	1	1	1	1
7	4	3	3	2	2	1	1	1
8	5	4	3	2	2	2	1	1
9	5	4	4	3	2	2	2	1
10	6	5	4	3	2	2	2	1
11	6	5	5	3	3	2	2	1
12	7	6	5	4	3	2	2	2
13	7	6	6	4	3	3	2	2
14	8	7	6	4	3	3	2	2
15	9	7	7	5	4	3	3	2
16	9	7	7	5	4	3	3	2
17	10	8	7	5	4	3	3	2
18	10	8	8	5	4	4	3	2
19	16	9	8	6	4	4	3	3
20	17	9	9	6	5	4	3	3
21	18	10	9	6	5	4	4	3
22	19	10	10	7	5	4	4	3
23	20	11	10	7	5	5	4	3
24	20	11	10	7	6	5	4	3
25	21	18	11	8	6	5	4	3
26	22	18	11	8	6	5	4	3
27	23	19	12	8	6	5	5	4
28	24	20	12	8	7	6	5	4
29	25	20	13	9	7	6	5	4
30	26	21	20	9	7	6	5	4
31	26	22	20	9	7	6	5	4
32	27	22	21	10	7	6	5	4
33	28	23	21	10	8	7	6	4
34	29	24	22	10	8	7	6	5
35	30	25	23	11	8	7	6	5
36	31	25	23	11	8	7	6	5
37	31	26	24	11	9	7	6	5
38	32	27	25	17	9	8	7	6
39	33	27	25	18	9	8	7	5
40	34	28	26	18	9	8	7	5

NET Daily Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
41	35	29	27	18	10	8	7	5
42	36	29	27	19	10	8	7	6
43	37	30	28	19	10	9	7	6
44	37	31	29	20	10	9	7	6
45	38	32	29	20	16	9	8	6
46	39	32	30	21	16	9	8	6
47	40	33	31	21	16	9	8	6
48	41	34	31	22	17	10	8	6
49	42	34	32	22	17	10	8	7
50	43	35	33	23	18	10	8	7
51	43	36	33	23	18	15	9	7
52	44	36	34	23	18	16	9	7
53	45	37	34	24	19	16	9	7
54	46	38	35	24	19	16	9	7
55	47	39	36	25	19	17	9	7
56	48	39	36	25	20	17	9	7
57	48	40	37	26	20	17	14	8
58	49	41	38	26	20	17	15	8
59	50	41	38	27	21	18	15	8
60	51	42	39	27	21	18	15	8
61	52	43	40	27	21	18	15	8
62	53	43	40	28	22	19	16	8
63	54	44	41	28	22	19	16	13
64	54	45	42	29	22	19	16	13
65	55	46	42	29	23	20	16	13
66	56	46	43	30	23	20	17	13
67	57	47	44	30	23	20	17	13
68	58	48	44	31	24	20	17	14
69	59	48	45	31	24	21	17	14
70	60	49	46	32	25	21	18	14
71	60	50	46	32	25	21	18	14
72	61	50	47	32	25	22	18	14
73	62	51	47	33	26	22	18	15
74	63	52	48	33	26	22	19	15
75	64	53	49	34	26	23	19	15
76	65	53	49	34	27	23	19	15
77	65	54	50	35	27	23	19	15
78	66	55	51	35	27	23	20	16
79	67	55	51	36	28	24	20	16
80	68	56	52	36	28	24	20	16

NET Dally Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
81	69	57	53	36	28	24	20	16
82	70	57	53	37	29	25	21	16
83	71	58	54	37	29	25	21	17
84	71	59	55	38	29	25	21	17
85	72	60	55	38	30	26	21	17
86	73	60	56	39	30	26	22	17
87	74	61	57	39	30	26	22	17
88	75	62	57	40	31	26	22	18
89	76	62	58	40	31	27	22	18
90	77	63	59	41	32	27	23	18
91	77	64	59	41	32	27	23	18
92	78	64	60	41	32	28	23	18
93	79	65	60	42	33	28	23	19
94	80	66	61	42	33	28	24	19
95	81	67	62	43	33	29	24	19
96	82	67	62	43	34	29	24	19
97	82	68	63	44	34	29	24	19
98	83	69	64	44	34	29	25	20
99	84	69	64	45	35	30	25	20
100	85	70	65	45	35	30	25	20

NVAL4  
May 21, 1991

NET Daily Income Figures for Skilled Unemployed Defendants. Use these figures only if the defendant is unemployed.

Unskilled and Services	\$16.00
Landscaper, "Burger King", General Laborer, Assembly, Etc.	
Clerical	\$22.00
Sales	\$22.00
Construction/Maintenance/Production	\$28.00
Managerial	\$33.00
Technical	\$39.00
Professional	\$44.00

Source: Maricopa County Small Employer Wage Survey 1989  
 Arizona Department of Economic Security Research Administration  
 April 1, 1991

**Appendix C:**

Day Fines Program for Milwaukee, Wisconsin

• Benchmark Scale

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
105-60	Abandoned Ice Box	4	0-5
105-65	Abandoned Vehicles	4	1-10
110-36	Abandonment of Shopping Carts	4	1-25
2-166(8)(a)	Alarm Companies—Faulty Alarms	7	0-25
2-166(6)(b)	Alarm Companies—Poor Response	7	0-25
106-2(2)	Alcoholic Drink Opened in Moving Vehicle	4	0-05
107-13	Amusement Machines and Devices, Coin Operated-Permit Minor to Operate	7	1-25
105-2	Assault and Battery	16	1-25
105-21(1)	Baseball, Basketball, Softball Prohibited between 10 PM-8 AM on City Play Areas, Playgrounds and Playfields	4	1-03
106-1.1	Begging	2	0-05
42-19	Billboards on Public Property	4	1-10
102-2	Bicycle License	2	1-02
102-2	Bicycle License—Parent or Guardian Permitting	2	1
102-8	Bicycle Horn or Warning Device	2	1
110-8	Breaking Street Lamps or Windows	2	1
250-5	Careless Use of Smoking Materials	13	8-250
105-34	Carrying Concealed Weapon	13	10-25
106-30	Cigarettes or Papers Transferred to Minor	2	1-2
110-1	Coin Machines—Tampering/Damage	5	3-25
106-23.2	Contributing to Delinquency	7	1-25
106-23	Curfew—Loitering of Minor under Age 17	3	0-01
106-23(1)	Curfew—Parents' Responsibility	3	1-10
106-23(2)	Curfew—Operator's Responsibility	7	1-10
106-23(3)	Curfew—Hotel's, Etc. Responsibility	7	1-10
110-3	Damage to Drinking Fountains	3	1-03
110-4	Damage to Public Property	3	1-03
105-35	Discharge of Firearms in City	16	1-25
106-1	Disorderly Conduct	5	0-10
101-43	Defacement, Unauthorized Removal and Possession of Traffic Control Signals	13	5-25
106-9.6	Display of Sexually Explicit Material or Devices to Minor	7	0-25
108-13(1)	Endurance Contests, Marathons, Etc.— Time of Participation	7	0-10
108-13(2)	Endurance Contests, Marathons, Etc.— Permit Required	7	0-10
5-3	Excavation/Installations on Public Places without Permit	6	1-13

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
81-99(5)	Failure to Comply with Precious Metal and Gem Dealers Regulations (First Offense)	21	3-50
81-99(5)	Failure to Comply with Precious Metal and Gem Dealers Regulations (Second Offense)	45	25-100
81-104(5)	Failure to Comply with Secondhand Dealers Regulations (First Offense)	21	3-50
81-104(5)	Failure to Comply with Secondhand Dealers Regulations (Second Offense)	45	25-100
5-3	Failure to Obtain Excavation Permit	5	1-13
100-67(4)	Failure to Pay Taxi Fare	5	0-25
105.47	Fireworks	7	5-25
75-17	False Communication for Emergency Medical Service	7	0-25
106-16	Fortune Telling Prohibited	4	1-25
110-32	Fraud on Hotel/Restaurant Keeper	5	0-25
84-20(15)	Fraud on Parking Lot Operators	5	3-25
107-2	Gambling/Inmate of Gambling House	7	0-10
105-70	Glue Sniffing/Transfer to Minor	7	5-25
106-8	Harassing/Obscene Phone Calls	7	3-10
2-138	Hindering an Officer	5	1-13
109-1(3)	Housing Discrimination	7	1-10
106-5	Indecent Exposure	7	3-13
106-3	Inmate of House of Prostitution	13	5-25
92-3	Junk Collectors and Dealers	16	13-50
110.12	Landlord Prohibit Forced Entry	10	1-25
106-21(2)	Library Card—Unlawful Use	5	1-10
106-21(3)	Library Materials—Fail to Return	5	1-10
106-21(4)	Library Materials—Theft	7	3-25
8-62(1)	Loiter on Drawbridge	3	1-5
106-31(1)(a)	Loitering or Prowling	7	0-25
106-31(1)(b)	Loitering—Window Peeping	7	0-25
106-31(1)(c)	Loitering—Public Rest Rooms, Lewd Acts	7	0-25
106-31(1)(d)	Loitering on School Property	7	0-25
106-31(1)(e)	Loitering in Public Buildings (Lodges)	7	0-25
106-31(1)(f)	Loitering in Restaurants, Taverns, Etc.	7	0-25
106-31(1)(g)	Loitering—Prostitution Related	13	0-25
106-11	Mashing	10	1-13
106-13	Massage Establishments	13	8-25
80-63	Noise Pollution	10	3-25
80-65(4)	Noise Nuisances Where Sound Level Measurements Not Practical	4	1-10

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
95-14	No Home Improvement License	4	1-13
106-7	Obscenity	10	5-25
5-32	Obstruction on Public Ways	6	1-13
105-55	Outdoor Magazine Solicitation	4	0-5
101-32.4	Parking Meters—Damaging/Tampering	5	3-25
92-1	Pawnbrokers License	16	13-50
106-3	Patron of House of Prostitution	4	0-05
110-1	Possession of Key to Open Meter	5	3-25
80-3	Private Visual Presentation Violation on Commercial Establishment	16	3-50
106-1.8(1)	Public Drinking	3	1-05
2-25(5)	Resisting or Obstructing Issuance of a Citation	5	1-13
110-35	Retail Theft—Value Not Over \$100	16	0-25
105-1	Riot, Disorderly Assemblage	4	0-03
84-41	Roller Skate Rentals—License Required and Restrictions	4	3-13
105-56	Sale on Public Premises	4	1-10
2-4-18	Signs Posted on Public Property	7	1-25
105-50	Smoking, Drinking and Radio or Tape Players on Buses	2	1-03
105-49	Smoking in Theater	2	1
105-69	Sniffing Harmful Substances/Transfer to Minor (Paint)	7	5-25
6-12	Snow Plowing Equipment License	4	1-05
6-8	Snow Removal	2	1-05
80-15	Spitting in Public Places	2	1
97-3	Tampering with Water Works Facilities and Theft of Water	16	0-50
100-52 thru 100-70	Taxi Cab Permit and Driver Regulations	4	1-5
110-12	Tenant Deny Access to Landlord	10	1-25
110-16	Theft	16	1-25
99.13(10)	Theft of Services/Tampering Cable System	31	0-25
84-48	Tires—Unserviceable Tire Generators and Transporters	31	8-250
110-10	Trespassing upon Buildings or Premises	4	0-25
101-20	Unnecessary Vehicle Noises Prohibited	3	2
110-15	Vandalism	16	0-25
105-66	Vehicle Repair on Street	4	1-10
110.33	Worthless Checking	16	3-50

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
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**ANIMAL ORDINANCES**

78-2	Keeping of Animals	4	1-10
78-3(1)	Kennels	7	1-10
78-3(2)	Animal Fancier Permits	7	1-10
78-4	Pet Shop License	7	1-10
78-5	Grooming Establishments	7	1-10
78-7	Sanitation of Commercial Animal Establishment	4	1-10
78-8	Current Dog and Cat License Required	3	1-10
78-9(1)	Permitting Animals to Run at Large	3	1-10
78-9(2)	Setting an Animal at Large	3	1-10
78-9(3)	Animal Litter	3	1-10
78-11	Harboring Vicious Animal	7	3-25
78-13	Animal Disturbing the Peace	5	3-25
78-14	Cruelty to Animals	7	3-25
78-22	Removal of Dead Animals	7	3-25

**FIRE ORDINANCES**

2-159	False Fire Alarm (Per Count)	10	5-25
2-159.1	Driving over Firehose Prohibited	3	1-03
2-159.6	Fire or Police Officers - Obstruct, Hinder or Battery, Damage to Fire or Police Equipment	10	3-25

**HEALTH/LITTER VIOLATIONS**

2-103	Right of Entry (Health Commissioner) (First Offense)	4	3-05
2-103	Right of Entry (Health Commissioner) (Second Offense)	7	3-10
64.01 thru 64.12	Mobile Home/Campground	7	1-25
68-2	Food Sanitation	13	3-25
68-3	Impure or Adulterated Food, Drugs, Water or Ice	13	3-25
68-4	Food License	13	3-25
74-1	Food Peddlers	7	1-25
75-1	Self-Service Laundries	3	1-25
75-20 and (6)	Swimming Pool/Places	7	3-25

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
76-20	Dry Cleaners	4	1-16
77-5 and 77-6	Pest Control Operators	4	3-5
78-2(2)	Bring or Keep Dangerous Animal in City	4	1-10
78-2(3)	Number of Animals Permitted	5	1-10
78-11(4)	Fail to Destroy Vicious Animal	7	3-25
78-12	Control Rabid Animals	7	1-10
78-16	Bird Feeding	3	1-10
78-17	Pigeon Harborage	4	0-10
79-2(1) thru 79-2(12)	Solid Waste Collection and Storage Regulations	3	1-25
79-3(2)	Waste Containers Required (Commercial)	3	1-25
79-4(1)(a)	Portable, Rodent-Resistant Waste Containers Required	3	1
79-4(1)(b)	Improper Garbage Disposal	3	1
79-5(1)(a)	Proper Location of Waste Containers; House Numbers Posted on Buildings Adjacent to Alleys	3	1
79-5(1)(b)	Access to Waste Containers	3	1
79-9(1) and 79-9(4)	Private Waste Container Regulations	4	1-25
79-10(1), 79-10(2), 79-10(3)	Unlawful Dumping or Littering	4	1-25
79-11	Litter on Public Street or Property	3	1-25
79-12	Littering Upon Any Premises	3	1
80-6(1)	Discharge of Offensive and Hazardous Substance—Public Nuisance	13	3-25
80-19	Nuisance Lights, Residential Property	6	4-25
80-29	Sandblasting	13	3-25
80-31	Compost Pile (Flies)	3	1-03
80-45, 80-46, 80-46.5	Dumps	4	1-10
80-48(2)	Lumber on Ground	3	1-03
80-49	Nuisance Vehicles	4	3-05
80-64(1) and 80-68	Noise (e.g. Industrial, Ventilation)	13	3-25
80-65(4)	Petition of Noise Nuisance (e.g. Music, Bands)	4	1-10
82-2	False Weights and Measures	13	3-25
82-14	Weights and Measures License	7	1-25
84-45	Filling Stations (Licensing)	7	1-25

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
236-38(2)	Discharge/Cause Discharge Hazardous Substance on Public Street/Property	45	0-100
<b>LIQUOR AND TAVERN VIOLATIONS</b>			
84-43	Cigarette and Tobacco License	10	1-25
84-54	License and Permit Required, Video Game and Amusement Machines	10	1-25
87-2	Pool and Billiard Hall License	10	1-10
90-3(1)	License Required—Liquor Basic Requirement	16	0-25
90-3(2)	Separate License Required	16	0-25
90-4(1)	Class "A" Liquor Consumed Off Premises Original Container	7	0-25
90-4(2)	Class "B" Tavern—Consumed on Premises and Sale in Original Containers	7	0-25
90-4(2)(b)(2)	Consumption from Bottle on Class "B" Premises	4	1-25
90-4(3)	Class "B" Tavern—Service Bar—at Tables Only	16	0-25
90-4(4)(a)	Class "B" Manager's License Required	16	0-25
90-4(4)(b)	Manager's Responsibility	16	0-25
90-4(4)(c)	Licensee's Responsibility	16	0-25
90-4(6)(a)	Class "B" Fermented Malt License—License Required	10	0-25
90-4(7)	Special Class "B" Malt License—License Required	10	0-25
90-4(8)	Class "C" Malt Wholesaler License—License Required	10	0-25
90-4(9)	Special Class "C" Malt Wholesaler—License Required	10	0-25
90-4(10)	Class "D" (Bartender) Operator's License Required	16	0-25
90-4(11)	Class "D" (Bartender) Special Temporary License	16	0-25
90-5(2)	Truth of Statements and Affidavits—Falsifying	31	0-25
90-5(12)	Report of Changes Required	16	0-25
90-6(2)	Residency Requirements	16	0-25
90-8	Responsible Person Upon License Premises	10	0-25
90-9	Collusive Agreement/Hidden Partners	5	0-05
90-13	Class "B" Tavern —Number of Licenses Permitted	16	0-25

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
90-15(1)	Class "A" Liquor —Hours of Sale	16	0-25
90-15(2)	Class "A" Malt License—Hours of Sale	10	0-25
90-15(3)	Class "B" Tavern—Patrons After Hours	7	0-25
90-15(3)(b)	Hours for Sale in Original Package	7	0-25
90-16	Display of License	10	0-25
90-27(1)(c)	Immediate Entry for Police, Local and State Authorities	10	0-25
90-27(1)(d)	Safe Egress from All Entrance Doors and Serving Rooms	10	0-25
90-27(2)	Adjacent Rooms to Licensed Tavern	10	0-25
90-27(5)	Illumination During Conduct of Business *	10	0-25
90-28	Misleading Advertising Prohibited in Class "B" Taverns	10	0-25
90-32	Fraud on Tavern Keepers Prohibited	4	3-25
90-33(1)	Tavern Amusement License Required	4	0-25
90-33(2)	Instrumental Music License Required	4	0-25
90-33(3)	Prerecorded Music Dance License	4	0-25
90-33(4)	Prerecorded Music Machine Premises License (Recorded Spins)	7	0-25
90-33(5)	Tavern Dance Hall License Required	7	0-25
90-33(6)	Special Tavern Dancing Permit	7	0-25
90-36(1)(a)	Hours for Music—Tavern Amusement	7	0-25
90-36(1)(b)	Hours for Music—Tavern Ballroom Premises	7	0-25
90-36(1)(c)	Hours for Music—Instrumental, Tavern Dance, Phonograph	7	0-25
90-36(1)(d)	Hours for Music—Prerecorded Music	7	0-25
90-36(3)	Advertising of Dancing	7	0-25
90-36(4)	Posting of Occupancy Capacity	4	0-05
90-37(1)	Pharmacist's Liquor Permit—Application, Quantity	5	2-10
90-37(2)	Pharmacist's Liquor Permit—Qualifications, Resident	5	2-10
90-37(4)(a)	Pharmacist's Liquor Permit—Register to be Kept	5	2-10
90-37(4)(b)	Pharmacist's Liquor Permit—Sales to Be Recorded	5	2-10
90-37(5)	Pharmacist's Liquor Permit—Hours for Sale	5	2-10
90-38	Medical Prescriptions Limited—False Prescription	5	2-10
90-39(1)	Alcoholic Beverages Prohibited on Any Premises under Jurisdiction of Board of School Directors	5	0-10

**MILWAUKEE MUNICIPAL COURT DAY-FINE  
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
90-39(1)	Juvenile under Legal Drinking Age Prohibited from Having Alcoholic Beverages on Premises under Jurisdiction of School Directors	4	0-03
91-2	Soda License or Sticker Required	10	1-25
91-5(1)(2)	Transfer of License	10	1-25

**PUBLIC DANCE HALL VIOLATIONS**

108-2	Public Dance Hall—License Required	4	1-05
108-4	Public Dance Hall—Posting License	4	1-05
108-7	Public Dance Hall—Filing Permit	4	1-05
108-7.5	Public Dance Hall—Responsibility of Permittee	4	0-05
108-10	Public Dance Hall—Permitting Persons under 17 Years on Premises, Misrepresenting Age	4	1-05
108-11	Public Dance Hall—Closing Hours	4	1-05

**JUVENILES (14 to 18 Years of Age)**

	Non-traffic violations, except for violations of 90-18(2), 90-18(3), 90-19, and 90-39(1)	3	0-01
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**Appendix D:**

Alaska Sentencing Commission: Survey  
Data of Felony Sentences Imposed  
Between 1986-91

# FINES

## PSR/JDG DATA

Offense	Sen Len Mo.	Fine
04_11_010	18	5000.00
04_11_010	36	500.00
04_11_010	36	500.00
28_54_210	36	5000.00
35_060	60	250.00
41_210	48	1000.00
41_220	24	500.00
41_220	48	250.00
41_220	36	3000.00
41_420	36	1000.00
41_420	60	2000.00
41_436	96	10000.00
41_436	36	500.00
41_510	60	250.00
46_300	36	1000.00
46_484	36	500.00
71_030	30	1500.00
71_030	72	10000.00
71_030	48	2000.00
71_030	48	2500.00
71_030	60	3000.00
71_030	36	5000.00
71_030	60	5000.00
71_030	60	5000.00
71_040	36	15000.00
71_040	36	2000.00
71_040	24	2500.00
71_040	36	5000.00
71_939	72	10000.00

3  
hoolag  
- driving  
4  
assault  
2 rape 2  
2 sex 76

13 drugs  
1500-15000

out of 655 people, 29 received fines  
+ sentes ranging from 18 mos to 8 years

10% sample of judgment forms  
'86-'91 statewide

**Appendix E:**

Alaska Sentencing Commission: Ranking of  
Title 11 Criminal Offenses (July 1991)

Expanded Range		All Offenses											Defining Characteristics	
Sorted by Rank	Statutes	Class	Score	Adj	Not	Primary Interest	typ	leve	cul	Secondary Interest	type	leve	cul	
1	Murder 1 (1)(a)		41.100	U			person	24	3	4				causes death of any person
2	Murder 1 (1)(b)		41.100	U			person	24	3	4				compels person to commit suicide through duress
3	Murder 1 (2)		41.100	U		216	person	24	3	3				torture of child resulting in death
4	Murder 2 (a)(1)		41.110	U			person	24	3	3				knowing conduct to cause death or serious physical injury
5	Murder 2 (a)(2)		41.110	U			person	24	3	3				extreme indifference to the value of human life
6	Murder 2 (a)(3)		41.110	U			person	24	3	3				felony murder
7	Kidnapping (a)(1)(A)		41.300	U			Person	24	2	4				for ransom
8	Kidnapping (a)(1)(B)		41.300	U			Person	24	2	4				to use as shield for hostage
9	Kidnapping (a)(1)(C)		41.300	U			Person	24	2	4				inflict physical injury or sexual assault
10	Kidnapping (a)(1)(D)		41.300	U			Person	24	2	4				interfere w/government or political function
11	Kidnapping (a)(1)(E)		41.300	U			Person	24	1	4				facilitate commission of a felony
12	Kidnapping (a)(2)(A)		41.300	U			Person	24	2	4				holds person where unlikely to be found
	Kidnapping (a)(2)(B)		41.300	U			Person	24	2	4				holds person w/substantial risk of serious physical injury
	Sex Assault 1 (a)(2)		41.410	US			person	14	3	4				attempt causing serious physical injury
15	Sex Abuse Minor 1(a)(1)		41.434	US			person	13	3	4				offender (16), penetration w/victim under 13
16	Sex Abuse Minor 1(a)(2)		41.434	US			person	13	3	4				offender (18), penetration w/victim entrusted to care
17	Sex Abuse Minor 1(a)(3)		41.434	US			person	13	3	4				offender (18), penetration w/victim under 16
18	Sex Assault 1 (a)(1)		41.410	US			person	13	3	4				penetration
19	Sex Assault 1 (a)(3)		41.410	US			person	13	3	4				penetration w/mentally incapable or entrusted to care
20	Unlaw Exp Minor(a)(1)		41.455	B			Person	13	3	4				actual or simulated penetration - pornography
21	Unlaw Exp Minor(b)(1)		41.455	B			Person	13	3	4				parent allows child to be used
22	Manlaughter (a)(1)		41.120	A			Person	24	3	2				causes death of another (not Murder I or II)
23	Arson 1		46.400	A			Property	6	3	4	person	14	2	2 Intentionally starts fire, recklessly endangering person
24	Escape 1		56.300	A			Pub Admi	7	3	4	person	14	1	3 uses deadly weapon
25	Promo Prostit 1(a)(2)		66.110	A		90	Pub Hlth	3	3	4	person	9	3	2 induces minor or person in one's custody into prostitution
26	Robbery 1 (a)(1)		41.500	A			person	14	2	3	property	3	3	4 armed w/deadly weapon
27	Robbery 1 (a)(2)		41.500	A		1	person	14	2	3	property	3	3	4 uses (or attempts to use) dangerous instrument
28	Robbery 1 (a)(3)		41.500	A		1	person	14	2	3	property	3	3	4 causes (or attempts to cause) serious physical injury
29	Crim. Misch. 1(a)(2)		46.480	B			Property	8	3	4	person	10	1	2 more than \$100,000 damage by "widely dangerous means"
30	Escape 2(1)(c) or (d)		56.310	B			Pub Admi	7	3	4	person	14	1	2 escapes while possessing firearm
31	Sex Abuse Minor 2(a)(2)		41.436	B			person	9	3	4				sexual contact w/under 13 years
32	Sex Abuse Minor 2(a)(3)		41.436	B			person	9	3	4				entrusted to offender's care (offender 18, victim 18): contact
33	Sex Abuse Minor 2(a)(4)		41.436	B			person	9	3	4				16 or older offender aids or encourages contact
	Sex Abuse Minor 2(a)(5)		41.436	B			person	9	3	4				entrusted to offender's care (offender 18, victim 16): contact
35	Sex Assault 2(a)(1)		41.420	B			person	9	3	4				sexual contact
36	Sex Assault 2(a)(2)		41.420	B			person	9	3	4				sexual contact w/mentally incapable and entrusted to care
37	Sex Assault 2(a)(3)		41.420	B			person	9	3	4				sexual contact w/mentally incapable or incapacitated
38	Extortion (a)(1)		41.520	B			Person	10	2	4	Property	3	3	3 threatens physical harm
39	Escape 2(1)(a) or (b)		56.310	B			Pub Admi	7	3	4	person	10	1	2 felon escapes
40	Arson 2		46.410	B			Property	6	3	4	person	14	1	2 intentionally damages building, fire or explosion
41	Extortion (a)(2)		41.520	B			Person	9	2	4	Property	3	3	3 other threats
42	Robbery 2		41.510	B		1	person	10	2	3	property	3	3	4 uses (or threatens) force in taking of property
43	Theft 0			B		7	Property	8	3	4				Over \$100,000
44	Crim. Misch. 1(a)(4)		46.480	B			Property	1	3	4	person	10	2	4 tampers w/food or drug w/intent to cause phys inj
45	Burglary 1(a)(1)		46.300	B		n	property	3	3	4	person	9	3	2 building is a dwelling
46	HICS 1 (a)(1)		71.010	U			Con Sub	10	3	3				delivers heroin to minor
47	HICS 1 (a)(2)		71.010	U		01	Con Sub	9	3	3				delivers cocaine, amphet. or barbs. to minor
48	HICS 1 (a)(3)		71.010	U			Con Sub	9	5	2				engages in continuing criminal enterprise
49	Terrorist threat (a)(2)		56.820	C			Pub Admi	4	3	4	person	13	1	3 place person in fear of death or phys. inj. - repeat threats
50	Bribe receiving: Pub Ser		56.110	B			Pub Admi	7	3	4				public servant solicits or accepts bribe
51	Bribery: Public Servant		56.100	B			Pub Admi	7	3	4				bribing a public servant
52	Perjury		56.200	B			Pub Admi	7	3	4				make false sworn statement

Expanded Range				All Offenses											Defining Characteristics
Sorted by Rank				Adj	Primary				Secondary						
Statutes	Clas	Score	Not		Interest	typ	leve	cul	Interes	type	leve	cul			
				Score											
1 Murder 1 (1)(a)	41.100	U		280		person	24	3	4					causes death of any person	
2 Murder 1 (1)(b)	41.100	U		280		person	24	3	4					compels person to commit suicide through duress	
3 Murder 1 (2)	41.100	U		260	216 a	person	24	3	3					torture of child resulting in death	
4 Murder 2 (a)(1)	41.110	U		216		person	24	3	3					knowing conduct to cause death or serious physical injury	
5 Murder 2 (a)(2)	41.110	U		216		person	24	3	3					extreme indifference to the value of human life	
6 Murder 2 (a)(3)	41.110	U		216		person	24	3	3					felony murder	
7 Kidnapping (a)(1)(A)	41.300	U		192		Person	24	2	4					for ransom	
8 Kidnapping (a)(1)(B)	41.300	U		192		Person	24	2	4					to use as shield for hostage	
9 Kidnapping (a)(1)(C)	41.300	U		192		Person	24	2	4					inflict physical injury or sexual assault	
10 Kidnapping (a)(1)(D)	41.300	U		192		Person	24	2	4					interfere w/government or political function	
11 Kidnapping (a)(1)(E)	41.300	U		192		Person	24	2	4					facilitate commission of a felony	
12 Kidnapping (a)(2)(A)	41.300	U		192		Person	24	2	4					holds person where unlikely to be found	
13 Kidnapping (a)(2)(B)	41.300	U		192		Person	24	2	4					holds person w/substantial risk of serious physical injury	
14 Sex Assault 1 (a)(2)	41.410	US		160		person	14	3	4					attempt causing serious physical injury	
15 Sex Abuse Minor 1(a)(1)	41.434	US		156		person	13	3	4					offender (16), penetration w/victim under 13	
16 Sex Abuse Minor 1(a)(2)	41.434	US		156		person	13	3	4					offender (10), penetration w/victim entrusted to care	
17 Sex Abuse Minor 1(a)(3)	41.434	US		156		person	13	3	4					offender (18), penetration w/victim under 16	
18 Sex Assault 1 (a)(1)	41.410	US		156		person	13	3	4					penetration	
19 Sex Assault 1 (a)(3)	41.410	US		156		person	13	3	4					penetration w/mentally incapable or entrusted to care	
20 Unlaw Exp Minor(a)(1)	41.455	B		156		Person	13	3	4					actual or simulated penetration - pornography	
21 Unlaw Exp Minor(b)(1)	41.455	B		156		Person	13	3	4					parent allows child to be used	
22 Manslaughter (a)(1)	41.120	A		144		person	24	3	2					causes death of another (not Murder I or II)	
23 Arson 1	46.400	A		120		Property	6	3	4	person	14	2	2	Intentionally starts fire, recklessly endangering person	
24 Escape 1	56.300	A		126		Pub Admi	7	3	4	person	14	1	3	uses deadly weapon	
25 Promo Prostit 1(a)(2)	66.110	A		120	90	Pub Hlth	3	3	4	person	9	3	2	induces minor or person in one's custody into prostitution	
26 Robbery 1 (a)(1)	41.500	A		120		person	14	2	3	property	3	3	4	armed w/deadly weapon	
27 Robbery 1 (a)(2)	41.500	A		120	1	person	14	2	3	property	3	3	4	uses (or attempts to use) dangerous instrument	
28 Robbery 1 (a)(3)	41.500	A		120	1	person	14	2	3	property	3	3	4	causes (or attempts to cause) serious physical injury	
29 Crim. Misch. 1(a)(2)	46.480	B		116		Property	8	3	4	person	10	1	2	more than \$100,000 damage by "widely dangerous means"	
30 Escape 2(1)(c) or (d)	56.310	B		112		Pub Admi	7	3	4	person	14	1	2	escapes while possessing firearm	
31 Sex Abuse Minor 2(a)(2)	41.436	B		108		person	9	3	4					sexual contact w/under 13 years	
32 Sex Abuse Minor 2(a)(3)	41.436	B		108		person	9	3	4					entrusted to offender's care (offender 18, victim 18): contact	
33 Sex Abuse Minor 2(a)(4)	41.436	B		108		person	9	3	4					16 or older offender aids or encourages contact	
34 Sex Abuse Minor 2(a)(5)	41.436	B		108		person	9	3	4					entrusted to offender's care (offender 18, victim 16): contact	
35 Sex Assault 2(a)(1)	41.420	B		108		person	9	3	4					sexual contact	
36 Sex Assault 2(a)(2)	41.420	B		108		person	9	3	4					sexual contact w/mentally incapable and entrusted to care	
37 Sex Assault 2(a)(3)	41.420	B		108		person	9	3	4					sexual contact w/mentally incapable or incapacitated	
38 Extortion (a)(1)	41.520	B		107		Person	10	2	4	Property	3	3	3	threatens physical harm	
39 Escape 2(1)(a) or (b)	56.310	B		104		Pub Admi	7	3	4	person	10	1	2	felon escapes	
40 Arson 2	46.410	B		100		Property	6	3	4	person	14	1	2	intentionally damages building, fire or explosion	
41 Extortion (a)(2)	41.520	B		99		Person	9	2	4	Property	3	3	3	other threats	
42 Robbery 2	41.510	B		96	1	person	10	2	3	property	3	3	4	uses (or threatens) force in taking of property	
43 Theft 0		B		96		J,k Property	8	3	4					Over \$100,000	
44 Crim. Misch. 1(a)(4)	46.480	B		92		Property	1	3	4	person	10	2	4	tampers w/food or drug w/intent to cause phys inj	
45 Burglary 1(a)(1)	46.300	B		90	n	property	3	3	4	person	9	3	2	building is a dwelling	
46 NICS 1 (a)(1)	71.010	U		90		Con Sub	10	3	3					delivers heroin to minor	
47 NICS 1 (a)(2)	71.010	U		90	01	Con Sub	9	3	3					delivers cocaine, amphet. or barbs. to minor	
48 NICS 1 (a)(3)	71.010	U		90		Con Sub	9	5	2					engages in continuing criminal enterprise	
49 Terrorist threat (a)(2)	56.820	C		87		Pub Admi	4	3	4	person	13	1	3	place person in fear of death or phys. inj. - repeat threats	
50 Bribe receiving: Pub Ser	56.110	B		84		Pub Admi	7	3	4					public servant solicits or accepts bribe	
51 Bribery: Public Servant	56.100	B		84		Pub Admi	7	3	4					bribing a public servant	
52 Perjury	56.200	B		84		Pub Admi	7	3	4					make false sworn statement	

Expanded Range			All Offenses											Defining Characteristics	
Sorted by Rank Statutes	Clas	Score	A-IJ	Not	Primary			Secondary			cul	leve	cul	leve	cul
					Interest	typ	leve	Interes	type	leve					
53 Terrorist Threat (a)(1)	56.820	C	84			Pub Admi	4	3	3	person	6	2	4	knowing makes false rept. - place person in fear of phys.	
54 Unlaw Exp Minor(a)(2-6)	41.455	B	81			Person	9	3	3					other than penetration	
55 Unlaw Exp Minor(b)(2-6)	41.455	B	81			Person	9	3	3					other than penetration	
56 Coercion (a)(1)	41.530	C	80			Person	10	2	4					instills fear of physical harm	
57 Burglary 1(a)(2)(A)	46.300	B	76			property	3	3	4	person	10	2	2	armed with firearm	
58 Burglary 1(a)(2)(B)	46.300	B	76			property	3	3	4	person	10	2	2	causes (or attempts to cause) physical injury	
59 Burglary 1(a)(2)(C)	46.300	B	76	1		property	3	3	4	person	10	2	2	uses (or threatens to use) dangerous instrument	
60 Pr. Contra. 1(a)(1)	56.375	C	76			Pub Admi	4	3	4	person	14	1	2	promoting contraband in correctional facility; deadly weapon	
61 Coercion (a)(2)	41.530	C	72			Person	9	2	4					other threats	
62 Crim. Neg. Homicide	41.130	C	72			person	24	3	1					with crim. neg. causes death of another	
63 Custodial Interfer 1	41.320	C	72	60	f	Person	5	3	4					out of state	
64 Theft 1	46.120	B	72		j	property	6	3	4					\$25,000 - \$100,000	
65 Conn. Bribery	46.670	C	66			Property	3	3	4		5	2	3	bribes agent, fiduciary, lawyer, partner	
66 Conn. Bribe Receive	46.660	C	66			Property	3	3	4		5	2	3	accepts bribe as agent etc.	
67 Crim. Misch. 2(a)(2)	46.482	C	66			Property	3	3	2	person	24	1	2	recklessly tampers w/airplane or pipeline	
68 Interfer Official Proc	56.510	B	63			Pub Admi	7	3	3					threatening or bribing witnesses or jurors	
69 Rec Bribe: Witness/Juror	56.520	B	63			Pub Admi	7	3	3						
70 Tamper Phys Evidence	56.610	C	63			Pub Admi	7	3	3						
71 Tamper Witness 1(a)(1)	56.540	C	63			Pub Admi	7	3	3					induces witness to testify falsely in official proceeding	
72 Custodial Interfer 2	41.330	MA	60			Person	5	3	4					in state	
73 Manslaughter (a)(2)	41.120	A	60	216	c	person	24	3	3					aids another to commit suicide	
74 MICS 2	71.020	A	60			Con Sub	10	3	2					sells heroin to adults	
75 MICS 3 (a)(1)	71.030	B	60	54		Con Sub	9	3	2					del or poss cocaine, amphet. or barb. w/ intent to del	
76 Pr. Contra. 1(a)(2)	56.375	C	60			Pub Admi	4	3	4	person	6	1	2	promoting contraband in correctional facility; facilitate escape	
77 Sex Abuse Minor 2(a)(1)	41.436	B	60	108	g	person	9	3	4					penetration - 3 years younger; statutory rape	
78 Sex Abuse Minor 3	41.438	C	60	8		person	5	3	4					contact w/person 13-15 and 3 yrs. younger than offender	
79 Promo Prostitution 1	66.110	B	58			Pub Hlth	3	2	3	person	10	2	2	uses force	
80 Reckless Endangerment	41.250	MA	56			person	14	2	2					creates substantial risk of serious physical injury to another	
81 MICS 3 (a)(2)	71.030	B	54			Con Sub	6	3	3					delivers sch. IVA, VA, or VIA drug to minor	
82 MICS 3 (a)(3)	71.030	B	54			Con Sub	9	2	3					18+ yr. old possess heroin or cocaine on or near school	
83 Crim. Misch. 2(a)(3)	46.482	C	52			Property	8	2	2	person	10	1	2	recklessly creates risk of \$100,000 damage by widely dangerous mea	
84 Del Limit Cntrl Sub	73.030	h	48			Con Sub	6	4	2						
85 Poss w/Intent Manufacture	73.020	C	48			Con Sub	6	4	2						
86 Record false instru	46.550	C	48			property	6	2	4					intent to offer contract or deed for recording	
87 Tamper witness 1(a)(2)	56.540	c	48			Pub Admi	4	3	4					induces witness to be absent from judicial proceeding	
88 HIW 1 (a)(1)	61.200	C	45			Pub Orde	5	3	3					felon in possession	
89 HIW 1 (a)(2)	61.200	C	45			Pub Orde	5	3	3					sells firearm to convicted felon	
90 HIW 1 (a)(3)	61.200	C	45			Pub Orde	5	3	3					sells a prohibited weapon	
91 HIW 1 (a)(4)	61.200	C	45			Pub Orde	5	3	3					sells firearm to drunk or psychotic person	
92 HIW 1 (a)(5)	61.200	C	45			Pub Orde	5	3	3					removes serial number	
93 HIW 1 (a)(6)	61.200	C	45			Pub Orde	5	3	3					knowingly possesses a firearm w/serial # removed	
94 Burglary 2	46.310	C	44			property	2	3	4	person	10	1	2	enter building with intent to commit crime	
95 Indecent Exp (child)	41.460	MA	40	30	h	Person	5	3	2					child	
96 Theft 2 (a)(2)	46.130	C	38			property	2	3	4	person	14	1	1	firearm or explosive	
97 Hinder Prosecution 1	56.770	C	36			Pub Admi	4	3	3					renders assistance to felon	
98 Jury Tampering	56.590	C	36			Pub Admi	4	3	3					communicate with juror in order to influence	
99 MICS 4 (a)(1)	71.040	C	36			Con Sub	6	3	2					deliver sch IVA or VA drug	
100 MICS 4 (a)(4)	71.040	C	36			Con Sub	6	2	3					possess sch. IIIA, IVA, VA or VIA drugs on school	
101 MICS 4 (a)(9)	71.040	C	36			Con Sub	6	3	2					obtains drugs thru fraud or forgery	
102 Official Miscond	56.850	MA	36			Pub Admi	4	3	3					pub. serv. u/a acts, refrains from duty	
103 Perjury: Inc. Statement	56.230	C	36			Pub Admi	4	3	3					perjury by making two inconsistent statements	
104 Permitting Escape	56.370	C	36			Pub Admi	4	3	3					public servant allows escape w/ crim neg	

Expanded Range				All Offenses												
Sorted by Rank				Primary				Secondary				Defining Characteristics				
Statutes	Clas	Score	Adj	Interest	typ	leve	cul	Interes	typo	leve	cul					
105 Resist/Interfer Arrest	56.700	MA	36		Pub Admi	4	3	3					by force, criminal misch., risk of physical injury			
106 Scheme to Defraud (a)(1)	46.600	B	36		Property	3	3	4					defraud 5 people			
107 Scheme to Defraud (a)(2)	46.600	B	36		Property	3	3	4					defraud 1 person more than \$10,000			
108 Tamper Public Recs 1	56.815	C	36		Pub Admi	4	3	3					tampers to obtain benefit for self or injure or deprive			
109 Theft 2 (a)(1)	46.130	C	36		property	3	3	4					\$500 or more but less than \$25,000			
110 Theft 2 (a)(3)	46.130	C	36		property	2	3	4	person	6	1	2	taken from the person of another			
111 Unsworn Falsification	56.210	MA	36		Pub Admi	4	3	3					makes false unsworn statement to public off.			
112 Harassment (a)(6)	61.120	MB	30		Pub Orde	5	2	3					violation of domestic violence order: restraining communication			
113 Indecent Exp (adult)	41.460	MB	30		Person	5	3	2					adult			
114 MICS 4 (a)(5)	71.040	C	30		Con Sub	3	5	2					knowingly maintain a ship, boat, etc. where drugs are			
115 Crim Simulation	46.530	C	24	o	Property	3	2	4					\$500+: alter, possess, use instr. intent to defraud			
116 Escape 4	56.330	MA	24		Pub Admi	2	3	4					misdemeanor escapes			
117 MICS 4 (a)(2)	71.040	C	24		Con Sub	3	4	2					delivers more than 1 oz. of marijuana			
118 MICS 4 (a)(3)	71.040	C	24		Con Sub	6	2	2					possess certain amounts of various drugs			
119 MICS 5 (a)(3)	71.050	MA	24		Con Sub	6	2	2					possess certain amounts of various drugs			
120 Miscand. Juror	56.600	C	24		Pub Admi	4	3	2					juror agrees to vote before case submitted to jury			
121 Poss Gambling Recs 1	66.230	C	24		Pub Hlth	3	2	4								
122 Pr. Contra. 1(a)(3)	56.375	C	24		Pub Admi	2	3	4					contraband is a controlled substance			
123 Promo Gambling 1	66.210	C	24		Pub Hlth	3	2	4					profits from gambling enterprise			
124 Promo Gambling 2	61.120	MA	24		Pub Hlth	3	2	4					profits from unlawful gambling			
125 Promo Prostit 2	66.120	C	24		Pub Hlth	3	2	4					owns or manages a prostitution enterprise or procures			
126 Promo Prostit 3	66.130	MA	24		Pub Hlth	3	2	4					owns or manages a place of prostitution			
127 Removal ID. (b)(1)	46.260	C	24	o	Property	3	2	4					\$500 - \$25,000			
128 Theft 2 (a)(4)	46.130	C	24	m	property	2	3	4					\$50 - \$500 (convicted twice in five years)			
129 Theft 3 (a)(1)	46.140	MA	24	j	property	2	3	4					\$50 - \$500			
130 Unlawful Poss. (b)(1)	46.270	C	24	o	Property	3	2	4					\$500 or more			
131 Criminal Trespass 1(a)	46.320	MA	22		property	2	2	3	person	10	1	1	enter land or dwelling w/ intent to commit crime; enter dwelling			
132 Crim Non Support	51.120	MA	20		Family	5	2	2					desertion			
133 Delinq Minor (a)(1)	51.130	MA	20		Family	5	2	2					act prohibited by state law			
134 Delinq Minor (a)(3)	51.130	MA	20		Family	5	2	2					minor in room where drug sale occurs			
135 HIW 2 (a)(1)	61.210	MA	20		Pub Orde	5	2	2					drunk in possession			
136 HIW 2 (a)(2)	61.210	MA	20		Pub Orde	5	2	2					discharges firearm on roadway			
137 HIW 2 (a)(3)	61.210	MA	20		Pub Orde	5	2	2					discharges w/reckless disregard for property or inj. to person			
138 Crim. Misch. 3(a)(3)	46.404	MA	18		Property	2	3	3					uses rental car past due date			
139 MICS 5 (a)(1)	71.050	MA	18		Con Sub	3	3	2					delivers 1/2 oz. or more of marijuana			
140 MICS 5 (a)(2)	71.050	MA	18		Con Sub	3	3	2					sells less than 1/2 oz. of marijuana			
141 Poss Gambling Device	66.260	MA	18		Pub Hlth	3	2	3								
142 Poss Gambling Recs2	66.240	MA	18		Pub Hlth	3	2	3					possesses a gambling record			
143 Pr. Contra. 2(a)(2)	56.300	MA	10		Pub Admi	2	3	3					possesses contraband in correctional facility			
144 Rec Unlawful Grats	56.120	MA	10		Pub Admi	2	3	3					public servant takes payment for act already committed			
145 Unlawful Evasion 1	56.340	MA	18		Pub Admi	2	3	3					felon fails to return from furlough			
146 Crim Simulation	46.530	MA	16	o	Property	2	2	4					\$50 - \$500: alter, possess, use with intent to defraud			
147 Gambling	66.200	MB	16		Pub Hlth	2	2	4								
148 Poss. Burglary Tools	46.315	MA	16		Property	2	2	4								
149 Pr. Contra. 2(a)(1)	56.300	MA	16		Pub Admi	2	2	4					introduces other contraband			
150 Prostitution	66.100	MB	16		Pub Hlth	2	2	4								
151 Removal ID. (b)(2)	46.260	MA	16	o	Property	2	2	4					\$50 - \$500			
152 Unlawful Poss. (b)(2)	46.270	MA	16	o	Property	2	2	4					\$50 - \$500			
153 HIW 3 (a)(1)	61.220	MB	15		Pub Orde	5	1	3					knowingly possesses concealed			
154 HIW 3 (a)(2)	61.220	MB	15		Pub Orde	5	1	3					possesses loaded firearm in bar			
155 HIW 3 (a)(3)	61.220	MB	15		Pub Orde	5	1	3					minor possesses w/o consent			
156 Harassment	61.120	MB	12		Pub Orde	1	3	4					taunting, telephoning, physical contact			

Expanded Range	Sorted by Rank	Statutes	Class	Score	Adj	All Offenses								Defining Characteristics	
						Not	Primary			Secondary					
							Interest	Typ	leva	cul	Interes	typ	leva		cul
105 Resist/Interfer Arrest	56.700	MA	36			Pub Admi	4	3	3						by force, criminal misch., risk of physical injury
106 Scheme to Defraud (a)(1)	46.600	B	36			Property	3	3	4						defraud 5 people
107 Scheme to Defraud (a)(2)	46.600	B	36			Property	3	3	4						defraud 1 person more than \$10,000
108 Tamper Public Recs 1	56.815	C	36			Pub Admi	4	3	3						tampers to obtain benefit for self or injure or deprive
109 Theft 2 (a)(1)	46.130	C	36			property	3	3	4						\$500 or more but less than \$25,000
110 Theft 2 (a)(3)	46.130	C	36			property	2	3	4	person	6	1	2		taken from the person of another
111 Unsworn Falsification	56.210	MA	36			Pub Admi	4	3	3						makes false unsworn statement to public off.
112 Harassment (a)(6)	61.120	MB	30			Pub Orde	5	2	3						violation of domestic violence order: restraining communication
113 Indecent Exp (adult)	41.460	MB	30			Person	5	3	2						adult
114 MICS 4 (a)(5)	71.040	C	30			Con Sub	3	5	2						knowingly maintain a ship, boat, etc. where drugs are
115 Crim Simulation	46.530	C	24		o	Property	3	2	4						\$500+: alter, possess, use instr. intent to defraud
116 Escape 4	56.330	MA	24			Pub Admi	2	3	4						misdeemeanant escapes
117 MICS 4 (a)(2)	71.040	C	24			Con Sub	3	4	2						delivers more than 1 oz. of marijuana
118 MICS 4 (a)(3)	71.040	C	24			Con Sub	6	2	2						possess certain amounts of various drugs
119 MICS 5 (a)(3)	71.050	MA	24			Con Sub	6	2	2						possess certain amounts of various drugs
120 Miscand. Juror	56.600	C	24			Pub Admi	4	3	2						juror agrees to vote before case submitted to jury
121 Poss Gambling Recs 1	66.230	C	24			Pub Hlth	3	2	4						
122 Pr. Contra. 1(a)(3)	56.375	C	24			Pub Admi	2	3	4						contraband is a controlled substance
123 Promo Gambling 1	66.210	C	24			Pub Hlth	3	2	4						profits from gambling enterprise
124 Promo Gambling 2	61.120	MA	24			Pub Hlth	3	2	4						profits from unlawful gambling
125 Promo Prostit 2	66.120	C	24			Pub Hlth	3	2	4						owns or manages a prostitution enterprise or procures
126 Promo Prostit 3	66.130	MA	24			Pub Hlth	3	2	4						owns or manages a place of prostitution
127 Removal ID. (b)(1)	46.260	C	24		o	Property	3	2	4						\$500 - \$25,000
128 Theft 2 (a)(4)	46.130	C	24		m	property	2	3	4						\$50 - \$500 (convicted twice in five years)
129 Theft 3 (a)(1)	46.140	MA	24		j	property	2	3	4						\$50 - \$700
130 Unlawful Poss. (b)(1)	46.270	C	24		o	Property	3	2	4						\$500 or more
131 Criminal Trespass 1(A)	46.320	MA	22			property	2	2	3	person	10	1	1		enter land or dwelling w/ intent to commit crime; enter dwelling
132 Crim Non Support	51.120	MA	20			Family	5	2	2						desertion
133 Delinq Minor (a)(1)	51.130	MA	20			Family	5	2	2						act prohibited by state law
134 Delinq Minor (a)(3)	51.130	MA	20			Family	5	2	2						minor in room where drug sale occurs
135 HIW 2 (a)(1)	61.210	MA	20			Pub Orde	5	2	2						drunk in possession
136 HIW 2 (a)(2)	61.210	MA	20			Pub Orde	5	2	2						discharges firearm on roadway
137 HIW 2 (a)(3)	61.210	MA	20			Pub Orde	5	2	2						discharges w/reckless disregard for property or inj. to person
138 Crim. Misch. 3(a)(3)	46.484	MA	18			Property	2	3	3						uses rental car past return date
139 MICS 5 (a)(1)	71.050	MA	18			Con Sub	3	3	2						delivers 1/2 oz. or more of marijuana
140 MICS 5 (a)(2)	71.050	MA	18			Con Sub	3	3	2						sells less than 1/2 oz. of marijuana
141 Poss Gambling Devise	66.260	MA	18			Pub Hlth	3	2	3						possesses a gambling record
142 Poss Gambling Recs2	66.240	MA	18			Pub Hlth	3	2	3						possesses contraband in correctional facility
143 Pr. Contra. 2(a)(2)	56.380	MA	18			Pub Admi	2	3	3						public servant takes payment for act already committed
144 Rec Unlawful Grats	56.120	MA	18			Pub Admi	2	3	3						felon fails to return from furlough
145 Unlawful Evasion 1	56.340	MA	18			Pub Admi	2	3	3						
146 Crim Simulation	46.530	MA	16		o	Property	2	2	4						\$50 - \$500:alter, possess, use with intent to defraud
147 Gambling	66.200	MB	16			Pub Hlth	2	2	4						
148 Poss. Burglary Tools	46.315	MA	16			Property	2	2	4						
149 Pr. Contra. 2(a)(1)	56.380	MA	16			Pub Admi	2	2	4						introduces other contraband
150 Prostitution	66.100	MB	16			Pub Hlth	2	2	4						
151 Removal ID. (b)(2)	46.260	MA	16		o	Property	2	2	4						\$50 - \$500
152 Unlawful Poss. (b)(2)	46.270	MA	16		o	Property	2	2	4						\$50 - \$500
153 HIW 3 (a)(1)	61.220	MB	15			Pub Orde	5	1	3						knowingly possesses concealed
154 HIW 3 (a)(2)	61.220	MD	15			Pub Orde	5	1	3						possesses loaded firearm in bar
155 HIW 3 (a)(3)	61.220	MB	15			Pub Orde	5	1	3						minor possesses w/o consent
156 Harassment	61.120	MB	12			Pub Orde	1	3	4						taunting, telephoning, physical contact

Expanded Range	Sorted by Rank Statutes	Class	Score	Adj Score	Not	All Offenses								Defining Characteristics
						Primary				Secondary				
						Interest	Typ	Level	Cul	Interest	Typ	Level	Cul	
157	Wider Prosecution 2	56.780	MB	12		Pub Admi	2	3	2					renders assist to person w/ crime punishable for + 90 days
158	Making False Report	56.800	MA	12		Pub Admi	2	3	2					false info re. crime, fire, flood
159	Tamper Witness 2	56.545	MA	12		Pub Admi	2	3	2					induces witness to be absent from official proceeding
160	Theft 3 (a)(3)	46.140	MA	12	m	property	1	3	4					less than \$50, convicted of theft twice in last five years
161	Theft 4	46.150	MB	12	J	property	1	3	4					less than \$50
162	Unlawful Evasion 2	56.350	MB	12		Pub Admi	2	3	2					misdemeanant fails to return from furlough
163	Doing Minor (a)(5)	51.130	MA	10		Family	5	1	2					under 16 absent from custody of parent or school
164	Criminal Trespass 2(a)(1)	46.330	MB	9		property	1	1	4	person	5	1	1	enter or remain unlawfully on premises
165	Criminal Trespass 2(a)(2)	46.330	MB	9		property	1	1	4	person	5	1	1	enter or remain unlawfully in a propelled vehicle
166	Crim Simulation	46.530	MD	8	o	Property	1	2	4					less than \$50
167	Disorderly Conduct	61.110	MB	6		Pub Orde	1	3	2					noise, fight in self defense, hazardous condition
168	MICS 6 (a)(1)	71.060	MB	6		Con Sub	3	1	2					marijuana possession in public
169	MICS 6 (a)(2)	71.060	MB	6		Con Sub	3	1	2					marijuana possession while driving
170	MICS 6 (a)(3)	71.060	MB	6		Con Sub	3	1	2					minor possesses marijuana
171	MICS 6 (a)(4)	71.060	MD	6		Con Sub	3	1	2					possess of 4 oz. or more of marijuana
172	MICS 6 (a)(5)	71.060	MB	6		Con Sub	3	1	2					refuse entry for inspection under AS 17.30
173	Removal ID. (b)(3)	46.260	MD	4	o	Property	1	1	4					less than \$50
174	Unlawful Poss. (b)(3)	46.270	MD	4	o	Property	1	1	4					less than \$50





Seriousness Categories

Level 1 Score 268-288

Murder 1

Level 2 216

Murder 2

Level 3 192

Kidnapping

Level 4 156-168

Sexual Assault 1

Sexual Abuse of a Minor 1

Unlawful Exploitation of a Minor 1

Level 5 120-144

Manslaughter (except assisting suicide)

Arson 1

Escape 1

Robbery 1

Level 6 108-116

Sexual Assault 2

Sexual Abuse of a Minor 2 (except statutory rape)

Unlawful Exploitation of a Minor 2

Escape 2 - while possessing firearm

Criminal Mischief 1 - intentionally damaging > \$100,000 by widely dangerous means

Level 7 90-107

Arson 2

Robbery 2

Escape 2 - unarmed escape by felon

Criminal Mischief 1 - tamper food or drug with intent to cause physical injury

Burglary 1 - dwelling

MICS 1 - delivers heroin or cocaine to minor

engages in continuing criminal enterprise

Promoting Prostitution 1 - minor or person in one's custody

Theft 0 - > \$100,000

Extortion

Level 8 72-87

Terroristic Threat - repeated threats of death or physical injury

false report causing fear of physical injury

Bribery of Public Servant - giving and receiving

Perjury

Coercion

Burglary 1 - armed with firearm

causes (or attempts to cause) physical injury

uses (or attempts to use) dangerous instrument

Promoting Contraband 1 - deadly weapon in jail

Criminally Negligent Homicide

Custodial Interference 1 - out of state

Theft 1

Level 9 44-66

Commercial Bribery - giving and receiving

Criminal Mischief 2 - tampering with airplane or pipeline

recklessly damaging > \$100,000 by widely dangerous means

Interference with Official Proceedings - threatening or bribing witness or juror

Receiving a Bribe by Witness or Juror

Witness Tampering - testify falsely

be absent from proceedings

Custodial Interference 2 - in state

MICS 2 - selling heroin to adults

MICS 3 - selling cocaine to adults

MICS 3 - deliver schedule 4,5,6 drug to minor

adult possessing heroin or cocaine near school

Promoting Contraband 1 - to facilitate escape

Promoting Prostitution 1 - use of force on adult

Sexual Abuse of a Minor 2 - penetration >3 years younger than offender: statutory rape

Sexual Abuse of a Minor 3 - contact with 13-15 year old, >3 years younger than offender

Burglary 2

Deliver Imitation Controlled Substance

Possession with Intent to Manufacture

Record False Instrument - deed or contract

MIW 1

Level 10 36-40

Indecent Exposure to Child

Theft 2

Scheme to Defraud

Jury Tampering - communication with intent to influence

Tamper Public Records 1

Unsworn Falsification

Official Misconduct

Perjury by Inconsistent Statement

Permitting Escape

Hinder Prosecution 1 - assistance to felon

Level 11 18-30

Harassment - violation of DV order restraining communication

Indecent exposure to Adult

Escape 4

MICS 4 & 5

Misconduct by Juror - agree to vote before case submitted

Possession Gambling Records 1

Promoting Contraband 1(a)(3) - drugs

Promoting Gambling 1 & 2

Promoting Prostitution 2 & 3

Pre- and Post-Theft Crimes \$500-\$25,000 - crim. sim., removal ID, unlawf. poss.

Theft 3

Criminal Trespass 1

Criminal Nonsupport

Contribute to Delinquency of Minor - drugs or crimes

MIW 2

Possession Gambling Device

Possession Gambling Records 2

Promoting Contraband 2 - possession

Receiving Unlawful Gratuities - public servant

Unlawful Evasion 1 - felon fails to return from furlough

Level 12 4-16

Pre- and Post-Theft Crimes \$50-500

Gambling

Possession of Burglary Tools

Prostitution

MIW 3

Hinder Prosecution 2 - render assistance to misdemeanant

Making False Report

Theft 4

Unlawful Evasion 2 - misdemeanant fails to return from furlough

Contribute to Delinquency of Minor - encourage absence from school

Criminal Trespass 2

Pre- and Post-Theft Crimes < \$50

Disorderly Conduct

MICS 6

# FISCAL NOTE

STATE OF ALASKA .  
1993 LEGISLATIVE SESSION

BILL NO. H.B. 119

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act authorizing a sentencing BRU: Institutions  
court to impose a sentence of a day fine..." Component: Institutions  
 Sponsor: Representative Ulmer  
 Requestor: House State Affairs COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0	2.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary)

Please see attached fiscal analysis.

Prepared by: Dana LaTour, Special Assistant  
 Division: Commissioner's Office  
 Approved by Commissioner: Lloyd G. Rupp  
 Agency: Department of Corrections

Phone: 465-3376  
 Date: 03-10-93  
 Date: 03-10-93

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information call the Governor's Legislative Office

HB 119 provides for the development of a day fine plan which would permit courts to order a defendant, upon the conviction of a misdemeanor, to be sentenced to pay a day fine. If a day fine is imposed then the defendant may not be sentenced to imprisonment or placed on probation.

The bill directs the Alaska Supreme Court to develop the plan, the Department of Law to collect the day fines, and the Department of Corrections to report to the legislature on the use of day fines.

The Department of Corrections would be charged with annually evaluating the program and reporting a comparison of the number of defendants receiving a day fine to those receiving another sentence; a comparison of the recidivism rates; the potential savings to the state; the amount of day fines collected, the success rate of collections, and the number of civil actions required to collect the day fines; and offering recommendations to improve the program.

The Department of Corrections does not have an adequate Management Information System and at this time does not have the capability to provide information on recidivism. The current system was installed 12 years ago and has not been updated to new computer platforms. The system was originally designed to track the movement of an offender through the jail process (bookings to release). It was not designed to be a data base that provided profiles upon request.

The \$2000 reflected in the fiscal note covers the cost of preparing, printing and distributing the annual reports.

The Department feels that HB 199 could in the long term, save the Department of Corrections money by reducing the misdemeanor population of the institutions.

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

MEMORANDUM  
March 1, 1993

TO: Representative Al Vezey  
Chair, House State Affairs Committee

FROM: Representative Fran Ulmer

SUBJECT: HB 119, "An Act authorizing a sentencing court to impose a sentence of a day fine instead of a sentence of imprisonment on a defendant convicted of a misdemeanor; directing the Alaska Supreme Court to develop and implement a day fine plan; requiring the Department of Corrections to report to the legislature on the use of day fines; amending Alaska Rule of Criminal Procedure 32; and providing for an effective date."

This is to request that you schedule HB 119 for hearing before the House State Affairs Committee.

HB 119 establishes a "day fine" system in Alaska. It authorizes a court to fine misdemeanors based on the severity of the offense and on the defendant's ability to pay. We have spent millions of dollars during the past decade adding prison and jail beds, and still the demand for justice outstrips the supply of cells. HB 119 expands a judges sentencing options and introduces a structured fine system that other countries and jurisdictions in the United States have found to be effective.

The Alaska Court System is very supportive of the concept of day fines. I have included with this memo, a document produced by the Court System reflecting their research and findings.

Thank you for your consideration in scheduling this very important bill.



# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 3, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 3/11/93

The STATE AFFAIRS Committee considered:

HB 119

HOUSE BILL NO. 119

AUTHORIZE USE OF DAY FINES IN MISD. CASES

"An Act authorizing a sentencing court to impose a sentence of a day fine instead of a sentence of imprisonment on a defendant convicted of a misdemeanor; directing the Alaska Supreme Court to develop and implement a day fine plan; requiring the Department of Corrections to report to the legislature on the use of day fines; amending Alaska Rule of Criminal Procedure 32; and providing for an effective date."

RECOMMENDATIONS: [ ] the same title

be replaced with \_\_\_\_\_ [ ] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

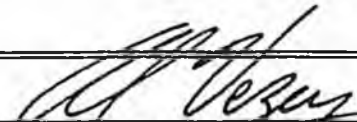
[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<i>Al Vega</i>		X	
<i>Ann Wilson</i>	X	<i>Harold DeLong</i>		✓	
<i>Betty Davis</i>	X				
<i>Pete Kott</i>	X	<i>Jerry Sanders</i>		✓	

  
 CHAIRMAN'S SIGNATURE

**HB**

**138**

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

March 3, 1993

**SUBJECT:** Sectional Summary of HB 138.

**TO:** Representative Brian Porter

**FROM:** Michael F. Ford *M. F.*  
Legislative Counsel

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

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

**Section 1.** Inserts the Department of Public Safety in place of existing language allowing only a hearing officer to grant limited license privileges. Requires an offender to have paid the cost of an alcoholism and rehabilitation treatment program before being eligible for a limited driver's license.

**Section 2.** Allows a court or the Department of Public Safety to grant limited driver's licenses to a person who has been previously convicted, if the previous conviction occurred before January 1, 1991, and the person meets the other conditions listed in this section.

**Section 3.** Sets out the periods during which a person could receive limited license privileges. Requires that if a person is eligible for more than one period of limited license privileges, the limited license eligibility periods shall be combined. Specifies that a combined limited license eligibility period may not commence until all periods of license revocation have been completed.

**Section 4.** Requires a person who applies for a limited driver's license to pay a fee of \$100.

Representative Brian Porter

March 3, 1993

Page 2

**Section 5.** Amends the applicability section of SCS CSHB 53(Jud), that was enacted in 1990, to allow the limited license provisions in sec. 18 of that bill to apply to all offenses related to limited driver's licenses, no matter when the offense occurred.

**Section 6.** Provides that the limited license provisions in sec. 1 and 2 of this Act apply to offenses, no matter when the offense occurs.

**Section 7.** Provides that secs. 1-3, and 5 are retroactive to January 1, 1991.

**Section 8.** Effective date.

MFF:pl

93-151.plm



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Representative Brian Porter

State Capitol  
Juneau, AK 99801-1182

Date: March 1, 1993

From: Representative Brian Porter

To: Representative Al Vezey  
Chairman, House State Affairs Committee

Re: SPONSOR'S STATEMENT for HB 138 - An Act relating to limitations on a driver's license; imposing a limited license fee; and providing for an effective date

=====

HB 138 is a technical bill which corrects certain drafting errors made in the revision of DWI statutes passed in 1990 as HB 53. That legislation established the opportunity for persons whose licenses have been revoked as a result of their second, third, fourth or fifth convictions to be eligible for a limited license and thus "earn back" a portion of the revocation period. The limited license option received overwhelming legislative support and was adopted as a means of encouraging and rewarding persons who have proved themselves to be responsible in effectively addressing their alcohol problems.

Unfortunately, the earn back provisions of the prior legislation were interpreted as applying only to convictions occurring after January 1, 1991 and to third convictions occurring prior to January 1, 1991. The intent of the legislature was that limited license earn back provisions should apply equitably to all convictions occurring both before and after the effective date of the bill (January 1, 1991). Because the original legislative intent was not clear, the clarification's contained in HB 138 are necessary.

HB 138 clarifies the prior legislation regarding DWI statutes in the following ways:

1. Clarifies that limited licenses may be granted for second, third, fourth, and fifth convictions that occurred prior to January 1, 1991;
2. Specifies the allowable limited license periods for which a person may qualify;
3. Clarifies that a person who has two or more revocations running consecutively may be eligible for more than one limited license period and that those periods shall be combined;
4. Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods;

5. Establishes a \$100 application fee to cover the cost of processing the application.

In addition, HB 138 includes a provision that the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license. This provision was included at the request of the Substance Abuse Directors Association in an effort to sustain on-going programs for alcohol rehabilitation. Although this provision is not a clarification of prior legislation, it is consonant with the underlying purpose of that legislation to advance the state's efforts to support sobriety, safe driving practices and employment.

The \$100 application fee more than covers the administrative costs associated with this legislation and results in a net gain to the state.

If you have any questions, please give me a call.

/em



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Representative Brian Porter

State Capitol  
Juneau, AK 99801-1182

### HB 138 - Limitations on a Drivers' License Sectional Analysis

#### Section 1: AS 28.15.201(d)

Requires that, in addition to other criteria for granting limited license privileges, the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license.

#### Section 2: AS 28.15.201(e)

Clarifies that limited licenses may be granted for convictions occurring before 1/1/91.

#### Section 3: AS 28.15.201(g)

Sets out the allowable limited license periods for which a person may qualify:\*

2nd conviction:	Last 60 days (1 year minimum revocation)
3rd conviction:	(a) Last 7 years for convictions occurring before 1/1/91 (10 year minimum revocation)
	(b) Last 2 years for convictions occurring after 1/1/91 (5 year minimum revocation)
4th conviction:	Last 5 years (10 year minimum revocation)
5th conviction:	Last 5 years (10 year minimum revocation)
6th conviction:	Last 5 years (10 year minimum revocation)
7th conviction:	No limited license available

\*Current law establishes the minimum mandatory revocation periods. The court may impose longer revocation periods.

#### AS 28.15.201(h)

Clarifies that, if a person is eligible for more than one period of limited license privileges, those periods shall be combined. The limited license period shall begin after the completion of any license revocation

period for which a limited license is not allowed, and after completion of the adjusted minimum revocation periods for each offense for which a limited license is allowed.

**AS 28.15.201(i)**

Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods.

**Section 4: AS 28.15.271(b)**

Establishes an application fee of \$100 for persons applying for limited licenses.

**Section 5: Section 36, ch. 119, SLA 1990**

Clarifies that limited license provisions apply to offenses committed before, on, or after December 31, 1990.

**Section 6:** Clarifies that the act applies to offenses committed before, on, or after the effective date of the act.

**Section 7:** Makes this act retroactive to January 1, 1991.

**Section 8:** This act takes effect immediately.

# MEMORANDUM

State of Alaska  
Department of Law

TO: All Attorneys  
Criminal Division

DATE: January 2, 1991

FILE NO.:

TEL. NO.: 465-3428

SUBJECT: Policy Memorandum on  
Limited Driver's Licenses

FROM:

Margot O. Knuth *mk*  
Assistant Attorney General  
Criminal Division, Central Office

As you know, the legislature this past year substantially changed the statutes governing the issuance of limited licenses to drivers whose privileges have been revoked by the court or by the division of motor vehicles for DWI/refusal offenses. These changes were accomplished by ch. 119, SLA 1990, and are principally reflected in AS 28.15.165 - .166, AS 28.15.181, AS 28.15.201 and AS 28.15.211. If you have any question about the general provisions, you should refer to the statutes and to the legislation summary presented in the 1990 District Attorneys Conference Notebook (at pages 5-13).

The question has arisen whether these new provisions apply to pre-existing revocations; i.e., may people whose licenses were revoked years ago come into court in January 1991 to obtain a limited license? This memorandum is to advise you that it is the position of the Criminal Division that the new provisions *do* apply to pre-1991 revocations. Accordingly, it is very important for all attorneys to be familiar with the policies and legal arguments set out in this memorandum. }

The legislature intended to allow previously convicted persons to obtain limited licenses after the same period of time and in the same fashion as may those whose offenses are committed after the effective date of the act. Thus, someone whose license was revoked for one year on a second DWI offense in 1990 may apply on January 1, 1991, for a limited license for the last 60 days of the revocation period pursuant to AS 28.15.166(b), which specifies that "An initial request for limited license privileges may be made at any time," and pursuant to AS 28.15.201(d), which authorizes the grant of a limited license to a person for the last 60 days if the person has only been convicted once before.

This is so despite the language of sec. 36 of the act, which indicates that its provisions "apply to judicial proceedings and administrative proceedings by the Department of Public Safety relating to offenses that are committed after December 31, 1990." We believe that this applicability clause applies only to the penalty provisions of the act. This issue is ultimately one of legislative intent.

Our analysis is twofold: first, the legislative history of the act reveals that the legislature intended all holders of revoked licenses to have the same opportunity to obtain a limited license, regardless of when the person's offense was committed or when the person was convicted for that offense. (Indeed, we specifically advised the legislature that this would be the effect of the bill.) Second, there is a section in the act that would be meaningless if the act were applied only prospectively. (This is section 18 of the act, adding subsection (e) to AS 28.15.201, which gives an "old" third offender the same chance for a limited license as that given under the act to "new" third offenders.) It is a maxim of statutory construction that legislation should be interpreted whenever possible so that all sections are given effect.

It is also the position of the Criminal Division that the provisions of AS 28.15.201(e), equalizing treatment for old third offenses, apply not only to the holders of revoked licenses who are on their third offense, but also to the third offense of those who are on their fourth or greater offense. Thus, all defendants are eligible for a limited license on their third offense after three years, regardless of when that offense was committed or whether they were subsequently convicted on another offense. This is, again, in accordance with what we believe the legislature intended. It also is in accordance with the rule of statutory construction that a statute should be interpreted so as to avoid discriminating against a particular group unless the legislature clearly intended such discrimination.

Finally, it is the position of the Criminal Division that, even though AS 28.15.201(e) specifies it is applicable to convictions occurring "before the effective date of this Act," it was meant to and is applicable to all persons *charged* under the old law, regardless of whether they are *convicted* before or after December 31, 1990. Again, this is consistent with the legislature's intent and with traditional rules of statutory construction.

The court system has already grappled with this issue and has circulating the attached memorandum to all judges and magistrates.<sup>1</sup> The memorandum takes the same position we are taking. Nonetheless, we have been advised that each judicial district will be formulating its own position and apparently there is some disagreement. Generally, we may expect deference to our position and that of the court administration. A judge may, however, raise one of these issues *sua sponte*, in which case we should offer to brief the issue for the court. In addition to the analysis set out in the court system's memorandum, you may wish to cite the following Alaska cases:

*Zurfluh v. State*, 620 P.2d 690 (Alaska 1980), in which the Alaska Supreme Court held that an amendment to the sentencing statutes, allowing the imposition of jail time as a

---

<sup>1</sup> The court system has indicated that its memorandum is *not* to be distributed to the general public and we ask you to respect that wish.

condition of an SIS, should be applied retroactively to cover a "gap period" created by judicial decision despite the act's entire silence on the issue. The court relied on its finding that the act was "curative legislation," and then stated: "The apparent intent of the legislature [w]as that the benefits of this type of sentencing should be available to trial judges as soon as possible and there is nothing to indicate that the legislature meant to discriminate against people who were sentenced during the 153 days when suspended imposition of sentence with a period of incarceration was unavailable." 620 P.2d at 693.<sup>2</sup>

*City of Homer v. Gangl*, 650 P.2d 396, 400 n.4 (Alaska 1982), in which the court stated, "We have already rejected the so-called plain meaning rule as a strict exclusionary rule in favor of a sliding scale approach, where the plainer the language of a statute, the more convincing contrary legislative history must be." *See also Wright v. State*, 651 P.2d 846 (Alaska App. 1982), in which the Alaska Court of Appeals acknowledged that a "statutory ambiguity may be based upon consideration of legislative intent."

*Bolhouse v. State*, 687 P.2d 1166, 1178 (Alaska App. 1984) (Bryner, Chief Judge, concurring) ("when sentencing provisions are amended by the legislature, a person who is being sentenced under prior law should normally not receive a greater sentence than that person would receive under the amended law").

*State ex rel. Smith v. Tyonek Timber, Inc.*, 680 P.2d 1148, 1157 (Alaska 1984), in which the Alaska Supreme Court reiterated that "There is no question that a remedial statute is to be liberally construed to effectuate its purposes."<sup>3</sup>

*State v. Andrews*, 707 P.2d 900, 907 (Alaska App. 1985):

Ambiguities in criminal statutes must be narrowly read and construed strictly against the government.... The foregoing rule applies equally to provisions governing sentencing and provisions

---

<sup>2</sup> In our situation, not only is there "nothing to indicate that the legislature meant to discriminate against people who were sentenced" prior to the act, but the adoption of AS 28.15.201(e) shows that the legislature was actively endeavoring to achieve parity of treatment for all persons with revoked licenses.

<sup>3</sup> *Cf. State v. First National Bank of Anchorage*, 660 P.2d 406, 418 n.23 (Alaska 1982) ("The State's argument that ULSPA is 'remedial' and thus deserving of retroactive application on that basis alone is, in our opinion, without merit. Even when a statute is remedial in nature, it will be construed retroactively only if the legislative intent clearly indicates that retroactive operation is intended.")

A. LIMITED LICENSE AVAILABILITY

Prior to the new DWI law, only first-time DWI offenders could be granted limited licenses. Under the new law (effective January 1, 1991) AS 28.15.201(d) authorizes limited licenses through the sixth DWI offense as follows:

<u>Offense</u>	<u>License Revocation</u>		<u>Limited License Availability (New Law)</u>
	<u>New Law</u>	<u>Old Law</u>	
1st	90 days	90 days	Final 60 days
2nd	1 year	1 year	Final 60 days
3rd	5 years	10 years	Final 2 years
4th	10 years	10 years	Final 5 years
5th	10 years	10 years	Final 5 years
6th	10 years	10 years	Final 5 years
7th or more	10 years	10 years	No limited license

It was the intent of the legislature that DWI/Refusal offenders whose convictions occurred under the old law would have the same opportunity to request a limited license as those convicted under the new law. (See Part D of this handout for additional information about the intent of the legislature.) The periods of limited license availability provided at AS 28.15.210(d) (shown above) are intended to be applicable to all DWI/Refusal revocations.

However, applying the limited license availability periods of AS 28.15.201(d) does not provide all offenders the same opportunity to request a limited license. This is because three-time offenders under the old law were revoked for ten years, so eight years of revocation must elapse before they can request a limited license for the "final two years". Three-time offenders under the new law are revoked for only five years, so only three years of revocation must elapse before they can request a limited license for the "final two years".

To equalize this difference, the legislature created a special provision at AS 28.15.201(e) to allow persons with three convictions prior to January 1, 1991 to request limited licenses for the final seven years of the 10 year revocation. This equalizes the mandatory period of revocation for all three-time offenders.

POSTAL SERVICE TRANSMITTAL FORM 7071 (10/19/88)

To	From	Phone #	Fax #
Eric Mussler	Wages Bank		
Dept.	Co.		
Rep. Porter			

defining crimes.... Closely allied to the doctrine that criminal statutes must be strictly construed is the so-called rule of lenity. If a statute establishing a penalty is susceptible of more than one meaning, it should be construed so as to provide the most lenient penalty.

*Alaska Children's Services v. Williamson*, 606 P.2d 786 (Alaska 1980), in which the Alaska Supreme Court held that two statutes, enacted at the same time and dealing with the same subject matter, are *in pari materia* and "should be construed so as to be consistent with one another and in such a manner as to give maximum effect to each."

This is complicated and it may not make sense to you the first time around. If you have questions or need assistance in briefing the issues discussed in this memorandum, please do not hesitate to call or use PROFS. The guiding principle, however, should be to interpret the act as liberally as possible from the outset, rather than our awaiting a mandate to do so from the court of appeals at some later date.

In addition to the court system's memorandum on limited licenses (entitled "SPECIAL PROVISION: LIMITED LICENSES FOR DWI/REFUSAL CONVICTIONS WHICH OCCURRED PRIOR TO JANUARY 1, 1991"), we are also attaching the Clerk's packet of instructions and forms for limited licenses. Please note that the forms include a Certification of Prosecutor, where we are to indicate whether we oppose or do not oppose the defendant's request for a limited license. (You should use traditional standards of prosecutorial discretion in deciding to oppose or not.) Finally, we are also attaching the court system's "cheatsheets" for DWI/Refusal and for DWLR penalties, for your general reference and use.

Good luck!

SPECIAL PROVISION: LIMITED LICENSES FOR DWI/REFUSAL CONVICTIONS  
WHICH OCCURRED PRIOR TO JANUARY 1, 1991

This handout provides information regarding the limited license provisions of the new DWI law.

Part A is an explanation of what the legislature intended to accomplish in the new law.

Part B provides examples of how to calculate limited license availability for persons with convictions under the old law.

Part C provides a brief summary of the new statutory standards which must be applied before any limited license may be granted under the new law. (See the handout entitled The 1991 DWI Law for further information about these new standards.)

Part D provides a brief discussion of some potential problems with the law. You may not agree that these are problems and you may find other problems. This information is offered as a guideline to assist courts and carries no legal authority in and of itself.

Please take the time to read both this handout and the handout entitled The 1991 DWI Law before you attempt to apply the limited license provision of the new law. Magistrates who have questions about the law should consult their training judges or magistrate services.

Note: The Forms Committee has prepared a packet of materials for use by all persons who request limited licenses. These materials will be available shortly.

The special provision at AS 28.15.201(e) is intended to be applied to the revocation period which is imposed for a third offense under the old law even if the offender is convicted of more than three offenses. Please see the discussion about the potential problem with applying this provision to such offenders in Part D, Section 2c(1) of this handout.

The legislature has been informing the public that the intent of the law is that the court will "add together" the mandatory periods of license revocation and calculate the periods of limited license availability for each offense to determine when an offender is eligible for a limited license.

For example, an offender with three offenses committed after the effective date of the new law will be revoked for a total of 6 years and 90 days (90 days for the 1st offense, 1 year for the second offense, and 5 years for the third offense). The offender must complete the mandatory period of complete revocation for each offense (30 days for the 1st, 305 days for the 2nd, and 3 years for the 3rd) before the limited license availability period begins. (These calculations are demonstrated in the following section using convictions under the old law in the examples.)

B. DETERMINING LIMITED LICENSE AVAILABILITY PERIODS

Below are examples of how the legislature intended sections (d) and (e) of AS 28.15.201 to apply to offenders who were charged and sentenced under the old law (prior to January 1, 1991). (Calculations for offenders who are charged and sentenced under the new law are identical except that AS 28.15.201(e) does not apply.)

1st Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days

AS 28.15.201(d) provides limited license availability for the first offense. The offender must complete the mandatory period of complete revocation - 30 days - before requesting a limited license.

Note that AS 28.15.201 describes the limited license availability periods as "the final 60 days", "the final two years", "the final five years", and "the final seven years" of the license revocation. The "mandatory period of complete revocation" is the length of time which must elapse before the limited license availability period begins. For example, for first-time offenders the mandatory revocation period is 90 days. The limited license availability period is the final 60 days. Thus the mandatory period of complete revocation is 30 days (90 days minus 60 days.)

(Reminder: For first offenses only, the period of limited license availability is the same under the new law as under the old law.)

2nd Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days

AS 28.15.201(d) provides limited license availability for the first and second offenses.

The two-time offender must complete the mandatory period of complete revocation for both offenses - 30 days plus 305 days, for a total of 335 days - before requesting a limited license.

### 3rd Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years

AS 28.15.201(d) provides limited license availability for the first and second offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The three-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years, for a total of 3 years and 335 days - before requesting a limited license.

### 4th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, and fourth offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The four-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years, for a total of 8 years and 335 days - before requesting a limited license.

### 5th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years
5th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, fourth, and fifth offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The five-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years plus 5 years, for a total of 13 years and 335 days - before requesting a limited license.

#### 6th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years
5th	10 years	final 5 years	5 years
6th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, fourth, fifth, and sixth offenses. AS 28.15.201 (e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The six-time offender must complete the mandatory period of complete license revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years plus 5 years plus 5 years, for a total of 18 years and 335 days - before requesting a limited license.

#### 7th Offense

Seven-time offenders are not allowed limited licenses under AS 28.15.201. They must complete the complete period of revocation for all offenses.

C. STATUTORY STANDARDS FOR ISSUANCE OF LIMITED LICENSE

Limited licenses which are issued beginning January 1, 1991 may be issued only according to the more stringent statutory standards of the new AS 28.15.201(d). The court must review the person's driving record and other relevant information, and may issue a limited license only for good cause and only if:

1. a person's ability to earn a livelihood would be severely impaired,
2. a limitation can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public, and
3. the person has successfully completed an alcoholism education and rehabilitation program.

Please refer to the handout entitled The 1991 DWI Law for additional information regarding the standards for granting limited licenses.

SPECIAL NOTE: Beginning January 1, 1991, the only offenders who can be issued a limited license under the more general statutory standards of the old law are those first-time offenders convicted under the old law. (See Part D, Section 2(d), below.)

D. PROBLEMS AND SPECIAL ISSUES

The 1991 DWI law is complex and confusing. It appears to have a number of drafting errors, not all of which are discussed here.

While it is not possible to provide a detailed analysis of every aspect of the new law, the following discussion is offered to assist judges and magistrates in interpreting and applying the law. Unfortunately one of the most difficult new provisions, the limited license provision, is expected to bring a number of people into court to request limited licenses very soon after the law takes effect.

1. Which Law Applies?

a. The General Rule Regarding New Legislation.

The general rule regarding the application of new legislation is found at AS 11.81.200:

When all or part of a criminal statute is amended or repealed, the criminal statute or part of it so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution, conviction, and punishment of a person who violated the statute or part of it before the effective date of the amending or repealing Act, unless otherwise specified in the amending or repealing Act.

This means that defendants are charged and sentenced under the old law for offenses which occur through midnight on December 31, 1990.

b. The Exception: New Legislation and Legislative Intent.

AS 01.10.090 provides that "[n]o statute is retrospective unless expressly declared therein." This section embodies the general rule on the retroactivity of statutes. The iron-clad language of this section is modified to some extent by AS 01.10.020, which provides:

The provisions of AS 01.10.040 - 01.10.090 shall be observed in the construction of the laws of the state unless the construction would be inconsistent with the manifest intent of the legislature.

In other words, a statute may be applied retroactively even if it does not say that it is retroactive, if that was the intent of the legislature.

The legislature's intent in passing a law may be important in matters other than retroactivity. Over the years, the courts have created rules of statutory construction to help a judge decide when it is appropriate to consider the intent of the legislature, and how this intent should be ascertained. In Alaska, these rules are more complex than in most other states. They may differ from case to case, depending on the type of case, the nature of the statute, the effect which the decision has on the parties, and other factors. Because of this, and because the way these rules are applied may affect the outcome of a particular case, it is not possible to provide you with a list of specific rules to be applied to this new statute.

2. Particular Problems in the New DWI Law.

a. The "Applicability" Problem.

Based on information provided to citizens by the legislature and on legislative memoranda, committee hearing notes, and other commentary relating to the enactment of this bill (some of which is available from Magistrate Services) it appears that the legislature intended the new limited license provisions to apply to all license revocations imposed as a result of DWI/Refusal convictions both before and after the effective date of the new law.

However, section 36 of the act reads:

APPLICABILITY. The provisions of this act apply to judicial proceedings and administrative proceedings by the Department of Public Safety relating to offenses that are committed after December 31, 1990.

This applicability provision can be read most narrowly to mean that none of the provisions of the law apply to convictions for offenses which are committed under the old law (before January 1, 1991).

It can be read more broadly to mean that none of the provisions of the law apply to offenses committed before January 1, 1991 except the special third-time limited license provision at AS 28.15.201(e), which has an express statement of applicability (see Section 3 below).

Viewed even more broadly, however, a limited license may be characterized as an independent limited privilege to drive which is separate and distinct from the fact of a license revocation and which has no effect on the underlying revocation. Under such a

view, the general applicability provision should not prevent the court from fulfilling the legislative intent and allowing all offenders to benefit from the limited license availability provisions.

The arguments against construing Criminal Rule 35 as a barrier to the court's ability to grant a limited license (discussed immediately below) further support the view that a limited license does not modify the underlying conviction and thus is available to all offenders regardless of the general applicability provision.

b. Criminal Rule 35 and the 120 Day Limit on Reducing Sentences.

Criminal Rule 35 provides that a court may reduce a sentence within 120 days of the day it is imposed. It had been suggested that this rule prohibits the court from granting a limited license more than 120 days after imposing sentence because a grant of a limited license is a reduction in a sentence.

A persuasive argument can be made, however, that the issuance of a limited license is not a reduction in sentence. It is instead a separate grant of an independent privilege which, while it is requested only because there is an underlying license revocation, does not erase or abolish that revocation.

In support of that analysis, consider this: if an offender who is under revocation is granted a limited license which allows driving only on a particular job, and that job ends, the court is not required to reinstate the underlying license revocation when the limited license ends because the underlying revocation remains in effect for the duration of its original imposition unless the revocation itself is amended.

c. AS 28.15.201 (e): The "Third Offense" Limited License Provision.

AS 28.15.201(e) is a special provision which is intended to equalize the limited license availability for three-time offenders with 10 year revocations under the old law. It reads as follows:

(e) Notwithstanding (d) of this section, a court revoking a driver's license under AS 28.15.181(c), or a hearing officer revoking a driver's license under AS 28.15.165(c), may grant limited license privileges for the final seven years during which the license was revoked if

(1) the person has been previously convicted twice and not more than twice;

(2) the court or hearing officer determines that the person's ability to earn a livelihood would be severely impaired and a limitation under (a) of this section can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public;

(3) the conviction for which the license was revoked occurred before the effective date of this Act; and

(4) the court or hearing officer determines that the person has successfully completed an alcoholism education and rehabilitation program.

Two problems with the wording of this provision are suggested here. There may be other problems, also.

(1) Offenders with more than three convictions.

Despite the language of AS 28.15.201(e)(1) which states that the provision applies to offenders who have been previously convicted "twice and not more than twice", it appears that the legislature intended this provision to be applied to the revocation which was imposed for an offender's third conviction even if the offender has more than three convictions.

If this section is not applied to offenders with more than three offenses then the only offenders convicted under the old law who have the same limited license opportunities as those convicted under the new law are those with exactly three offenses. This is because an offender with four or more offenses who gets a limited license for only the "final two years" provided by subsection (d) instead of for the "final seven years" of subsection (e) will have five additional years of complete revocation for the third offense.

The examples in part B of this handout apply this provision to all persons with three or more convictions under the old law. For example, a person with four convictions prior to January 1, 1991 would be allowed a limited license for the

final 60 days of the revocation for the first offense, for the final 60 days of the revocation for the second offense, for the final 7 years of the revocation for the third offense, and for the final 5 years of the revocation for the fourth offense.

The interpretation of this statute is a judicial decision.

- (2) Offenders who are charged under the old law but convicted after the effective date of the act.

Another problem with the special third-offense limited license provision is that according to AS 28.15.201(e)(3) it applies to convictions which occurred "before the effective date of this Act". That language appears to prohibit applying the provision to persons who are charged under the old law but who are not actually convicted until after December 31, 1990.

Since the provision is intended to provide a special limited license opportunity to all persons who had third convictions under the old law, it should include not only those persons who were convicted prior to the effective date of the act, but also anyone who is charged and sentenced under the old law, even if the conviction does not take place until after December 31, 1990.

The interpretation of this statute is a judicial decision.

- d. First Offenders: Which Limited License Standards Apply?

A first offender who is charged, convicted, and sentenced under the old law may request a limited license in the last 60 days of the 90 day revocation under the old law.

A request for a limited license from such an offender is subject to the old standards for the issuance of a limited license, not to the more stringent new standards (which require successful completion of an alcoholism education or rehabilitation program). (See Part D, Section 1a, above.)

December 20, 1990

CLERKS' INSTRUCTIONS

REQUEST FOR LIMITED LICENSE PRIVILEGES

(DWI and Refusal to Take Breath Test Convictions)

1. If the offense (DWI or Refusal) was committed after December 31, 1990, and the defendant asks how to get a limited license, give the defendant the new limited license request packet (made up of the CR-520 Instructions and the CR-521 Request form).

If the offense was committed on December 31, 1990, or before that date, the defendant may not be eligible to use the new procedures for requesting a limited license. Ask your judge whether or not you should give the packet to such defendants.

2. When the defendant returns the completed Request form, check to make sure:
  - a. All five pages have been completed, and
  - b. A ten-year driving record from DMV is attached.

If the request and required attachments are not complete, notify the defendant that the request needs to be completed before it will be forwarded to the judge for decision.

3. When the request is complete, ask your judge whether it is necessary to set a hearing on the request or if the judge will decide it without a hearing. If a hearing is necessary, notify both the defendant and prosecuting attorney of the time and place of the hearing.
4. When you send the request to the judge for decision, enclose in the case file a blank form CR-525, Order for Limited License Privileges.
5. If the judge denies the request, distribute the Order as follows:
  - a. Original to case file.
  - b. Copy to defendant.

It is not necessary to send a copy to DMV.

6. If the judge grants the request, distribute the order as follows:

a. Original to court file.

b. Send two copies to DMV in either Anchorage or Juneau.

Anchorage and Juneau are the only two DMV offices that have hearing officers who can grant limited license privileges on the defendant's concurrent administrative license revocation. The addresses are:

Division of Motor Vehicles  
Driver Services  
P. O. Box 20020  
Juneau, AK 99802

Division of Motor Vehicles  
Driver Improvement Office  
2150 E. Dowling  
Anchorage, AK 99507

It is not necessary to send a copy of the request to DMV along with the copies of the court's order.

Be sure to fill in the defendant's date of birth and driver's license number (OL number) in the caption before sending copies of the order to DMV.

Do not send a copy of the order to the defendant at this time. The defendant will not receive a copy of the order until DMV has decided whether or not to grant limited license privileges on DMV's administrative revocation action. DMV will send the defendant a copy of the court's order after DMV fills in the Administrative Order in the box at the bottom of the court's order. DMV will not send the court a copy of this.

INSTRUCTIONS FOR REQUESTING LIMITED LICENSE PRIVILEGES  
For Persons Convicted of DWI or Refusal to Take Breath Test

The 1990 Alaska Legislature passed a law which changes the procedures for granting limited license privileges to drivers whose licenses have been revoked for DWI or refusing to take a breath test. The new law applies to offenses committed after December 31, 1990. It is unclear whether or to what extent this law applies to offenses committed on or before that date.

Court personnel are prohibited from giving legal advice.

If you have any questions about your eligibility for limited license privileges or need assistance in completing the attached form, it is recommended that you talk with a lawyer.

WHO IS ELIGIBLE?

If your driver's license was revoked because you were convicted of either of the following two offenses, you may be eligible to request limited license privileges:

- operating a vehicle, aircraft or watercraft while intoxicated (DWI)
- refusal to submit to chemical test (Refusal)

In order to decide whether to grant you such privileges, the court must review your driving record and other relevant information. The court may grant limited license privileges only if:

- a. the revocation of your license severely impairs your ability to earn a livelihood, and
- b. a limitation can be placed on the license that will allow you to earn a livelihood without excessive danger to the public, and
- c. you have successfully completed an alcoholism education and rehabilitation treatment program.

## WHAT ARE LIMITED LICENSE PRIVILEGES?

Any limited license privileges the court may give you will only allow work-related driving (to and from work and/or during work). You will not be allowed to do recreational driving or driving for other purposes.

Limited license privileges may only be granted for a portion of the license revocation period as shown below:

NUMBER OF OFFENSES (DWI OR REFUSAL)	MINIMUM REVOCATION PERIOD	LIMITED LICENSE MAY BE ISSUED FOR
1	90 days	final 60 days
2	1 year	final 60 days
3	5 years	final 2 years
4	10 years	final 5 years
5	10 years	final 5 years
6	10 years	final 5 years
7	10 years	no limited license

In addition, the judge may limit your driving privileges in other ways. For example, the judge may order you to carry proof of insurance while driving or order you not to drive within 12 hours after consuming alcohol.

## HOW TO REQUEST

To request limited license privileges, you must complete the attached request form. The form includes the following sections:

1. Request for Limited License Privileges (pages 1-3) to be completed by you. On the "Case No." line write the case number of the most recent DWI or Refusal case in which your license was revoked. Write the case number at the top of every page of the request form.

You must attach a copy of your driving record from the Division of Motor Vehicles (DMV). When you go to a DMV office to get this record, you must specifically ask for your record for the last 10 years. Attach the original of the record you obtain from DMV, not a photocopy. Do not separate the perforated pages.

2. Certification of Employer (page 4) to be completed by your employer. If you are self-employed, you must fill out this section of the form.

3. Alcohol Treatment Verification (page 5) to be completed by the alcohol screening agency you were referred to in your judgment in this case.

Note: Fill in your name and address at the bottom of page 5 of this form so the alcohol screening agency can return the form to you.

4. Certification of Prosecutor (page 5) to be completed by the prosecuting agency (district attorney, city or borough prosecutor's office) which brought the charges against you. Make sure your name and address are filled in at the bottom of page 5 before you give it to the prosecutor.

You must give the prosecutor all 5 pages of the form, and all preceding sections must be completed before the prosecutor gets it.

The court may require additional information before ruling on your request.

All 5 pages of the request form must be complete, with required attachments, at the time you bring your request to the clerk's office for filing.

The court will notify you if it is necessary to have a hearing on your request.

If the court denies your request, the court will send you a copy of the denial order.

If the court grants your request, the court will forward a copy of its order to the Division of Motor Vehicles (DMV) so DMV can determine whether to grant you limited license privileges on any administrative revocations which may currently be in effect. The court will not notify you when it does this. The court's order approving limited license privileges is not effective until DMV also agrees to grant you these privileges and fills in the effective dates at the bottom of the order.

DMV will notify you of its action on your request. If DMV denies your request, you will not have any limited license privileges. If DMV grants your request, DMV will send you a copy of the court's order with DMV's action and the effective date information filled in at the bottom of the order.

If both the court and DMV agree to give you limited license privileges, you will be allowed to drive only at the times and for the purposes described in the court's order. You must carry the court's order with you whenever you drive to prove that you are authorized to be driving.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_

( ) STATE OF ALASKA )  
( ) \_\_\_\_\_ )  
Plaintiff, )  
vs. )  
\_\_\_\_\_ )  
Derendant. )

Case No. \_\_\_\_\_ CR  
(Use case number from most re-  
cent DWI or Refusal case in  
which your license was revoked.)

REQUEST FOR LIMITED  
LICENSE PRIVILEGES

My ability to earn a livelihood is severely impaired due to my  
license revocation because \_\_\_\_\_

I request that I be granted limited license privileges to permit  
me to drive

to and from work at the following times:

	<u>To Work</u>		<u>From Work</u>
SUN	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)
MON	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)
TUES	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)
WED	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)
THURS	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)
FRI	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)
SAT	_____ to _____ (am)(pm) and		_____ to _____ (am)(pm)

during work as follows: (List times you will need to drive,  
vehicle you will use and reason you must drive.)

Case No. \_\_\_\_\_ CR

Exact Mileage from Home to Work: \_\_\_\_\_

Is there bus service from within six blocks of your residence to within six blocks of your place of employment? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, why is this method of transportation not practical for you during the revocation period? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is other transportation available (e.g., taxi, household member, fellow worker)? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

#### Personal Information

Full Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
(First) (Middle) (Last)

Residence Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Driver's License No.: \_\_\_\_\_

#### Employment Information

Name of Employer: \_\_\_\_\_

Address of Employer: \_\_\_\_\_

Employer's Telephone Number: \_\_\_\_\_

My Job Title: \_\_\_\_\_

My Immediate Supervisor: \_\_\_\_\_

#### Driving Record

I am attaching a copy of my 10 year driving record from DMV.

Conviction Information

1. List below all your previous convictions for the following two offenses, whether in Alaska or elsewhere:
  - a. Operating a motor vehicle, aircraft or watercraft while intoxicated (or a similar law or ordinance);
  - b. Refusal to submit to chemical test (or a similar law or ordinance).

For each offense, give the date of conviction, the type of offense, the case number and the place of conviction.

<u>Case Number</u>	<u>Conviction Date</u>	<u>Type of Offense</u>	<u>Place</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. List below all convictions for traffic and criminal offenses which occurred after the conviction in this case.

<u>Case Number</u>	<u>Conviction Date</u>	<u>Type of Offense</u>	<u>Place</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I swear or affirm that all statements made in this request are true. I understand that any false statements may cause denial of this request for limited license privileges and may result in a prosecution for perjury.

\_\_\_\_\_ Date  
 \_\_\_\_\_ Defendant's Signature  
 Subscribed and sworn to or affirmed before me at \_\_\_\_\_  
 Alaska on \_\_\_\_\_, 19\_\_\_\_.

(SEAL)

\_\_\_\_\_  
 Clerk of Court, Notary Public or Other  
 Person Authorized to Administer Oaths  
 My Commission Expires: \_\_\_\_\_

CERTIFICATION OF EMPLOYER

Verification of Employment

Name of Company: \_\_\_\_\_

Address of Company: \_\_\_\_\_

I certify that I am authorized to verify employment for the above company and that \_\_\_\_\_ is currently employed by the company. (employee's name)

I certify that the above-named employee is scheduled to work the following schedule:

SUN	_____	(am)(pm) to	_____	(am)(pm)
MON	_____	(am)(pm) to	_____	(am)(pm)
TUES	_____	(am)(pm) to	_____	(am)(pm)
WED	_____	(am)(pm) to	_____	(am)(pm)
THURS	_____	(am)(pm) to	_____	(am)(pm)
FRI	_____	(am)(pm) to	_____	(am)(pm)
SAT	_____	(am)(pm) to	_____	(am)(pm)

Verification of Need for On-The-Job Driving

Is above-named employee required to drive at work? \_\_\_ Yes \_\_\_ No

If yes, explain: \_\_\_\_\_

If yes, what vehicle is the employee required to drive?

\_\_\_ his/her personal vehicle

\_\_\_ a company vehicle

If employee is required to drive a company vehicle:

Is the vehicle insured? \_\_\_ Yes \_\_\_ No

Will above employee be insured to drive the vehicle?

\_\_\_ Yes \_\_\_ No

Employer's Signature: \_\_\_\_\_

Print Employer's Name: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

Subscribed and sworn to or affirmed before me at \_\_\_\_\_, Alaska on \_\_\_\_\_, 19\_\_\_\_.

(SEAL)

Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

ALCOHOL TREATMENT VERIFICATION

(Note: This section must be filled out by the agency you were referred to in your judgment of conviction in this case.)

I certify that \_\_\_\_\_ has successfully completed  
(name of defendant)  
all court-ordered alcohol education and/or rehabilitation program requirements in this case.

All required screening fees have been paid: \_\_\_ Yes \_\_\_ No

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Date: \_\_\_\_\_ Business Telephone Number: \_\_\_\_\_

Return this form to the defendant at the address below.

CERTIFICATION OF PROSECUTOR

I certify that I am authorized to represent the (STATE) (CITY) (BOROUGH) (MUNICIPALITY) in this action. I have reviewed the request and certifications on the preceeding pages of this form. This office is

\_\_\_ not opposed to defendant's request for limited license

\_\_\_ opposed to defendant's request for limited license

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Prosecutor's Signature

\_\_\_\_\_ Type or Print Name

Return this form to the defendant at the following address:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

VARIATIONS IN PENALTIES FOR OPERATING A VEHICLE, AIRCRAFT OR WATERCRAFT WHILE INTOXICATED (AS 28.35.030)

AND

REFUSAL TO SUBMIT TO CHEMICAL TEST (AS 28.35.032)

(CLASS A MISDEMEANOR)

OFFENSE #	FINE		IMPRISONMENT		PERIOD OF REVOCATION	LIMITED LICENSE	FORFEITURE	ALCOHOL PROGRAM
	MIN.	MAX.	MIN.	MAX.			OF MOTOR-VEHICLE OR AIRCRAFT 28.35.036/.038	
1st offense	\$250	\$5,000	72 consec- utive hours	1 year	Not less than 90 days (not applicable in watercraft cases)	Possible for final 60 days of revocation	No	Yes
2nd offense	\$500	\$5,000	20 days	1 year	Not less than 1 year (not applicable in watercraft cases)	Possible for final 60 days of revocation	No	Yes
3rd offense	\$1,000	\$5,000	60 days	1 year	Not less than 5 years (not applicable in watercraft cases)	Possible for final 2 years of revocation	Possible (Watercraft may <u>not</u> be forfeited)	Yes
4th offense	\$2,000	\$5,000	120 days	1 year	Not less than 10 years (not applicable in watercraft cases)	Possible for final 5 years of revocation	Possible (Watercraft may <u>not</u> be forfeited)	Yes
5th offense	\$3,000	\$5,000	240 days	1 year	Not less than 10 years (not applicable in watercraft cases)	Possible for final 5 years of revocation	Possible (Watercraft may <u>not</u> be forfeited)	Yes
6th offense	\$4,000	\$5,000	360 days	1 year	Not less than 10 years (not applicable in watercraft cases)	Possible for final 5 years of revocation	Possible (Watercraft may <u>not</u> be forfeited)	Yes
7th offense	\$4,000	\$5,000	360 days	1 year	Not less than 10 years (not applicable in watercraft cases)	Not possible	Possible (Watercraft may <u>not</u> be forfeited)	Yes

**PENALTY VARIATIONS FOR DRIVING WHILE LICENSE CANCELED, SUSPENDED,  
REVOKED OR IN VIOLATION OF LIMITATION**

AS 28.15.291

**CLASS A MISDEMEANOR**

	IMPRISONMENT		FINE		COMMUNITY WORK SERVICE	REVOCATION OF LICENSE	LIMITED LICENSE
	MIN.	MAX.	MIN.	MAX.			
1. If original license action is <u>not</u> a result of court action on conviction for DWI or Refusal							
A. First Offense	10 days with 10 suspended	1 year		\$5,000	Not less than 80 hours	Not less than 90 days after license could have been restored	No
B. Subsequent Offenses	10 days (may <u>not</u> be suspended)	1 year		\$5,000		Not less than 90 days after license could have been restored	No
2. If original license action is a result of <u>court action</u> on:							
A. First Conviction for DWI/Refusal	20 days with no more than 10 days suspended	1 year	\$500	\$5,000	Not less than 80 hours	Not less than 90 days after license could have been restored	No
B. Second or subsequent conviction for DWI/Refusal	30 days (may <u>not</u> be suspended)	1 year	\$1,000	\$5,000		Not less than 90 days after license could have been restored	No

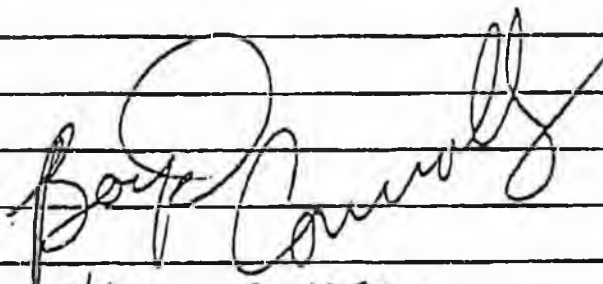
COMPARISON OF PENALTIES  
CSHB 53 (JUD)

CRIME	CURRENT LAW	CSHB 53 (Jud)
1st DWI	3 days in jail; 90 day loss/license \$250 fine	3 days in jail; 90 day loss/license Earn back last 60 dy \$250 fine
2nd DWI	20 days in jail; 1 yr loss/license \$500 fine	20 days in jail; 1 yr loss/license Earn back last 60 dy \$500 fine
3rd DWI	30 days in jail; 10 yr loss/license \$1000 fine	60 days in jail; 5 yr loss/license Earn back last 2 yrs \$1000 fine
4th DWI	30 days in jail; 10 yr loss/license \$1000 fine	120 days in jail; 10 yr loss/license Earn back last 5 yrs \$2000 fine
5th DWI	30 days in jail; 10 yr loss/license \$1000 fine	240 days in jail; 10 yr loss/license Earn back last 5 yrs \$3000 fine
6th DWI	30 days in jail; 10 yr loss/license \$1000 fine	360 days in jail; 10 yr loss/license Earn back last 5 yrs \$4000 fine
DWLR/DWLS 1/non-DWI	10 days in jail; 1 yr loss/license	10 days/jail w/10 sus 90 day loss/license 80 hrs comm. service
<p><i>HB 53</i></p> <p><i>1) Inc. mand. min. penalties</i></p> <p style="margin-left: 400px;">.1; nse</p> <p style="margin-left: 400px;">.1; nse</p> <p><i>2) Earn back provision</i></p> <p style="margin-left: 400px;">.1; nse</p>		
		10 days in jail 90 day loss/license
		20 days/jail w/10 sus 90 day loss/license 80 hrs comm. service \$500 fine
		30 days in jail; 90 day loss/license \$1000 fine

(House State Affairs)

THE REASON I'M INTERESTED IN  
SEEING BILL 138 PASSED IS THAT I'M  
IN RECOVERY MYSELF AND I AM  
CONCERNED ABOUT THE DRUNK  
DRIVERS ON THE HIGHWAYS AS IT  
IS NOW THERE IS NO INCENTIVE  
FOR THOSE WHO HAVE TWO  
OR MORE D.W.I.'S TO STAY  
SOBER, THEREFORE GOING  
BACK OUT AND DRIVING AGAIN.

SO I FEEL WITH THIS BILL  
PASSED AND VOLUNTARY URINE  
TESTING, A BOARD OF PEOPLE  
WHO ARE KNOWLEDGEABLE ABOUT  
THIS DISEASE TO INTERVIEW  
THOSE WISHING TO REGAIN  
THEIR LICENSE AFTER 5 YEARS  
OF SOBRIETY + PROOF OF  
TREATMENT AND OR A.A.



HC 3A SR 12920

Wasilla ALN 99654

376-5089



# Alaska State Legislature

Please enter into the record my testimony to the H. St. A.C.  
committee name

committee on HA 138, dated 2/4/93  
bill/subject

I support HB 138. Due to the lack of public transportation in the Mat-lu Valley, it limits anyone under such driving restrictions a means of financial support. Therefore it creates another burden to the community and that is either driving without a license and insurance or to live on Public assistance. I believe that if a person has proven proper recovery they should be allowed to support themselves.

Signed: Dave A. Bolinder  
Testifier

Representing (Optional)  
HC RD Box 6655 - E 2 Wasilla AK 99654  
Address  
273-5433  
Phone No.

**HB**

**142**

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

#### Sponsor Statement

House Bill 142 will enable emergency dispatchers to better assist people who call 911 when they find themselves in life threatening situations. Victims of crime, the young, and the elderly are often unable to give adequate directions when they dial 911. If enacted, HB 142 would create a mechanism to fund enhanced 911 emergency reporting systems. The bill is permissive.

Enhanced 911 emergency reporting systems provide an expansion of the benefits of the basic 911 emergency telephone number. Among the benefits are:

- 1) Immediate visual display of the location and telephone number of the caller.
- 2) Automatic routing to the appropriate emergency response unit.
- 3) Faster response time.
- 4) Curtailment of abuses of the emergency system by documenting callers.

This bill gives immunity from liability, (except for intentional acts of misconduct or gross negligence,) to municipalities and their suppliers of 911 services. For the purposes of a dispatcher furnishing name and address information to emergency response units, the bill waives the telephone customer privacy rights normally afforded by unlisted phone numbers.



# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

March 5, 1993

**SUBJECT:** Sectional Summary of HB 142 (Enhanced emergency reporting systems)

**TO:** Representative Fran Ulmer

**FROM:** Teresa B. Cramer *TBC*  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill is not considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

**Section 1** states the legislature's findings and purpose concerning the legislation.

**Sec. 2** establishes the authority for and financing of enhanced 911 systems.

Sec. 42.30.400 permits municipalities to purchase or lease enhanced 911 equipment or service. Under subsection (b), if the area to be served by the system is within the boundaries of more than one municipality, only those municipalities that enter into an agreement for the equipment required for the system are included. Under subsection (c), municipalities must notify the Department of Commerce and Economic Development and the local telephone companies that they plan to establish an enhanced 911 system.

Sec. 42.30.410 establishes a 50 cent surcharge on local exchange access lines in municipalities participating in the enhanced 911 fund, to be used for equipment costs and associated installation and maintenance costs. The fund is established in Sec. 42.30.440 of the bill. The section limits the amount of surcharge that one customer must pay, directs how the surcharge is to be collected and accounted for, and addresses the department's oversight powers concerning the fund.

Sec. 42.30.420 permits municipalities that do not participate in the enhanced 911 fund to establish a local surcharge to help pay for the enhanced 911 system.

Sec. 42.30.430 requires local exchange telephone companies to separately state the 911 surcharges, either the state-administered surcharge or a local surcharge, for which their customers are billed. Under subsection (c), a local telephone company is not required to sue to collect the 911 surcharges.