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HOUSE

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There was the 19-year-old who got nailed twice while his parents were vacationing in Hawaii. Police responded the first time to a report of a fistfight. Cars lined both sides of a street. Maybe 75 people were milling around a yard, at least 80% of them underage. Beer was everywhere, Ruby says. The host was cited and fined.

A week before the 19-year-old's parents were to return, he hosted another party and was cited again. "You'd think he'd learn the first time. He didn't," Ruby says. "The parents weren't happy."

Party trouble

Another time, officers drove by a party of 25 or so people and found a young man with a severe gash in his leg from falling on a beer bottle. An investigation identified underage drinkers.

Once a father hosted a party — "he was well aware the kids were drinking," Ruby says — and police responding to a noise complaint found a young man lying in a driveway where his friends had left him. He had to have his stomach pumped, Ruby says.

A 49-year-old man hosted a small Halloween party for his daughter that got large and out of hand. He was reluctant to step in. "He didn't want to embarrass his daughter. It's a common thing," Capt. Bruce Norris says.

Though most underage drinking parties occur in the summer, there's a feeling among police, not yet backed up by data, that they've declined as word of these crackdowns spread. "So it seems to be working," Norris says.

On a recent Saturday night, Ruby patrolled the city and outlying areas, but the party scene was quiet.

The next night, New Year's Eve, officers in nearby Moorpark had bottles thrown at them as they dispersed 75 people at a party hosted by the mother of an 18-year-old. "She admitted providing alcohol to his friends, and she knew some of the minors were under 21," Capt. Jeff Matson says.

He says her rationale is common among some parents: "If my son is going to drink, it's OK if I provide it at home."

Tony Barrett thinks the city's enforcement is excessive.

"This is all punitive, but they could turn it into a positive," Barrett says. "I told them you have a perfect chance to help these kids, because it's the same core group that go to all these parties. It fell on deaf ears."

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What's this?



What's Hot - Adults and Underage Drinking

The Party's Over: San Diego

"Whenever a young person drinks, an adult is involved in some way," says Dana Stevens, Manager of the North Inland Community Prevention Program in Poway, California. "Whether it is a retailer, parent, older sibling, or friend, it is time we hold adults accountable for underage drinking. Underage drinking is an adult problem, as well as a youth problem."



Cities in San Diego County are giving local law enforcement new tools to reduce youth access to alcohol. Poway and San Diego passed ordinances that make it illegal for adults to host parties on their property where three or more minors are present and any of the youth are drinking.

Oceanside and La Mesa are also considering "house party" ordinances that close a loophole in California law that meant it was easier to cite teens for possession than penalize the adults who provided the alcohol.

"Before the new ordinance," says Stevens, "criminal penalties required a witness to see the adult provide alcohol to the underage person. Police could only break up a party if it got too loud or if neighbors complained. Now, if police see somebody leaving a party either drinking or intoxicated, and that person appears to be underage, the cops can find out what's going on in the house. If it turns out to be an underage drinking party, the police can cite the parent or other adult at the home."

Penalties under Poway and San Diego's house party ordinances include fines up to \$1,000 and up to six months in jail. Adults are not responsible, under the new law, if they are away from home and teens hold a drinking party without their knowledge.

"When our ordinance came up for a vote in Poway," recalls Stevens, "not a single person spoke in opposition." But, she emphasizes, unanimous support for the measure did not materialize spontaneously. According to Stevens, adoption of the new law was the product of three years of grassroots work and consistent leadership from the San Diego Policy Panel on Youth Access to Alcohol.

The need to close the loophole on house parties emerged as the policy panel reduced or eliminated other sources young people had used to acquire alcohol. Before turning to social access, the panel implemented a series of decoy campaigns to identify retailers who were selling to minors or allowing "shoulder tap" purchases.

"We got better at what we were doing," says Stevens. "And we learned from the kids where they were getting alcohol and where they went to consume it." The panel participants also reviewed the reports filed by police when they cited youth for possession of alcohol. They learned that social access is a significant ingredient in underage drinking.

Some parents believe that hosting a drinking party for teens keeps them safe and "off the streets." A tragedy following one such house party helped to build community support for the ordinance. "A few years ago, some teens were drinking at a party hosted by parents,"

recalls Stevens. "The parents thought that they were being responsible because they took the kids' car keys. But then they went to bed, leaving the keys on the kitchen counter. The young people later drove to a store for cigarettes and got in an accident. One teen was killed, and the driver ended up in jail for several years."

Large family celebrations also allow youth access to alcohol. "The adults aren't worried about kids drinking because they are having a good time and it seems safe to them," says Stevens. "But they don't think about what can happen when the young people inevitably leave the party and either drive or go elsewhere unsupervised."

Not all of the adults hosting underage drinking parties are parents. The new law will also help curb underage drinking in and around college campuses where young teens often attend parties hosted by young adults who provide the alcohol.

Advocates of the house party ordinances are happy to have another tool for reducing underage drinking. They are also encouraged to see evidence that the policymakers who passed the new laws recognize that underage drinking is an adult problem.

"If adults face criminal charges," says San Diego Police Detective Larry Darwent, who chairs the Law Enforcement Task Force on Underage Drinking, "they'll think twice before hosting underage drinking parties."

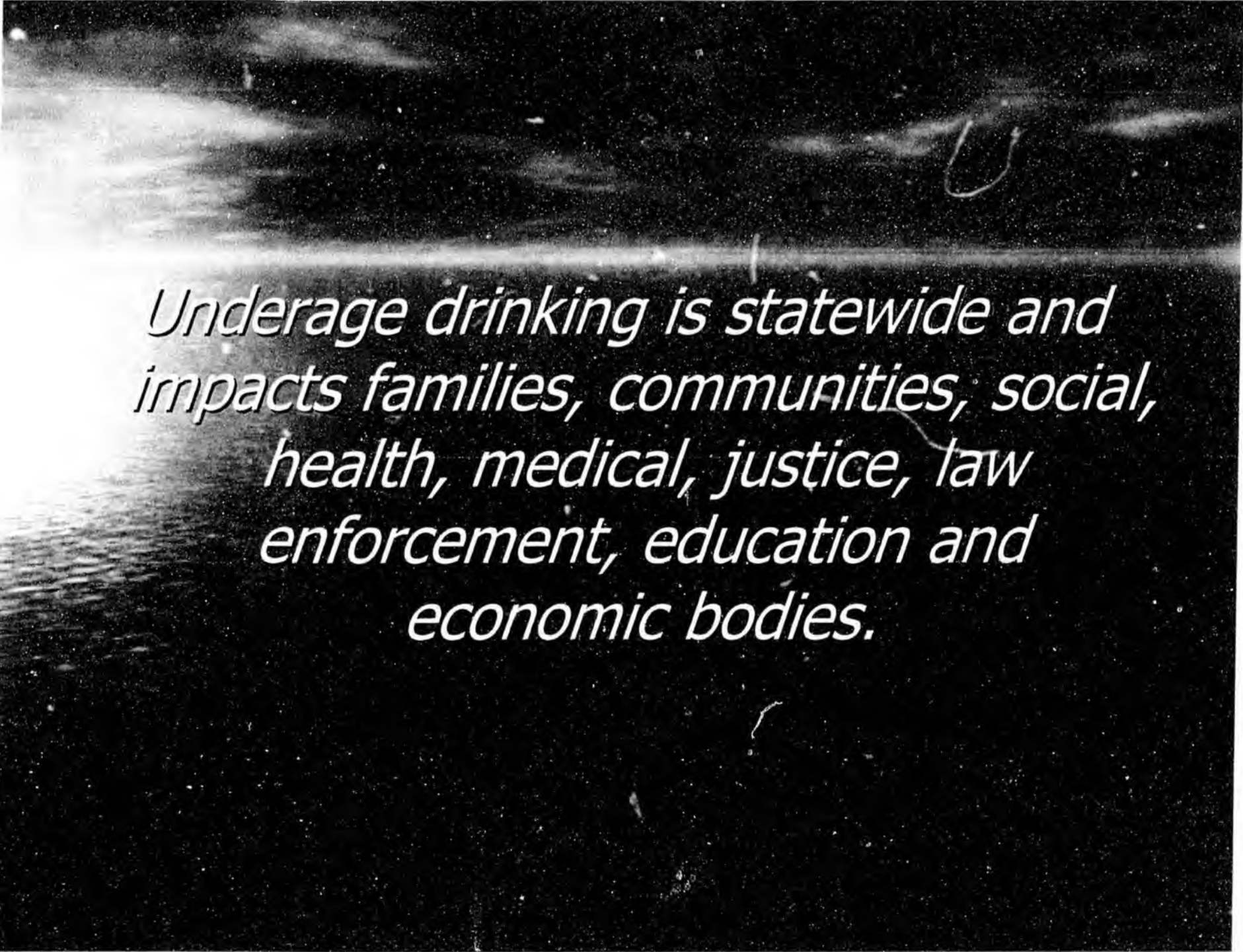
More information



Current Status of Underage Drinking in Alaska

From the Perspective of Alaska
Youth

REPORT TO AFN/FAI ELDERS AND YOUTH 2005



Underage drinking is statewide and impacts families, communities, social, health, medical, justice, law enforcement, education and economic bodies.

Purpose

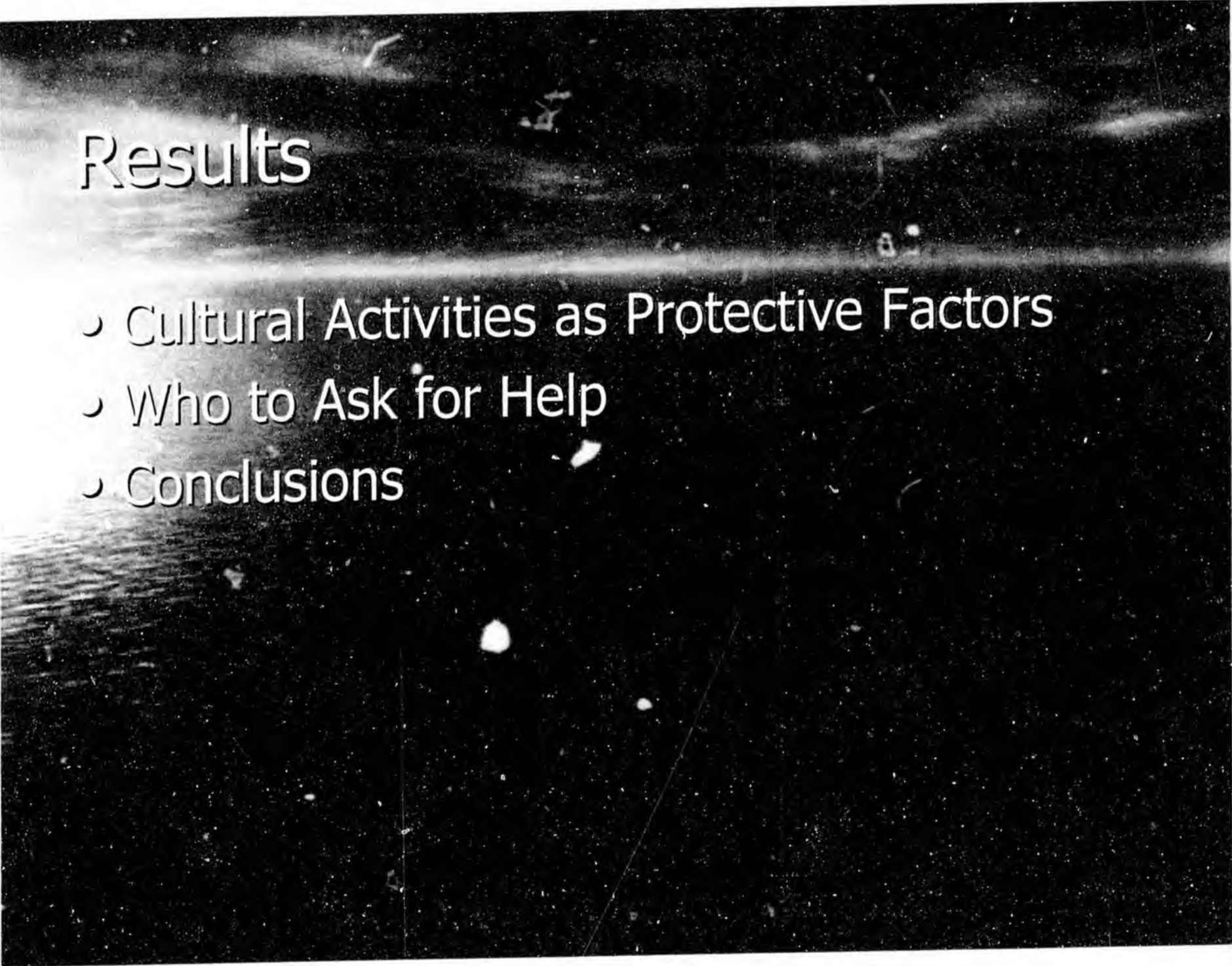
- Previous studies show the percentage of underage drinking throughout all Alaska; however this is the only survey which reveals the perception of the severity of underage drinking in rural Alaska from the perspective of Alaska youth.

Results

- Demographics
- Survey Location
- Access to Alcohol
- Why, when and where youth drink
- Perception of Underage Drinking Problem

Results

- Who is drinking and what are the consequences
- Problems Caused by Underage Drinking
- What Works: Youth Perspective
- Youth Perspective on Prevention and Interventions



Results

- Cultural Activities as Protective Factors
- Who to Ask for Help
- Conclusions

Demographics

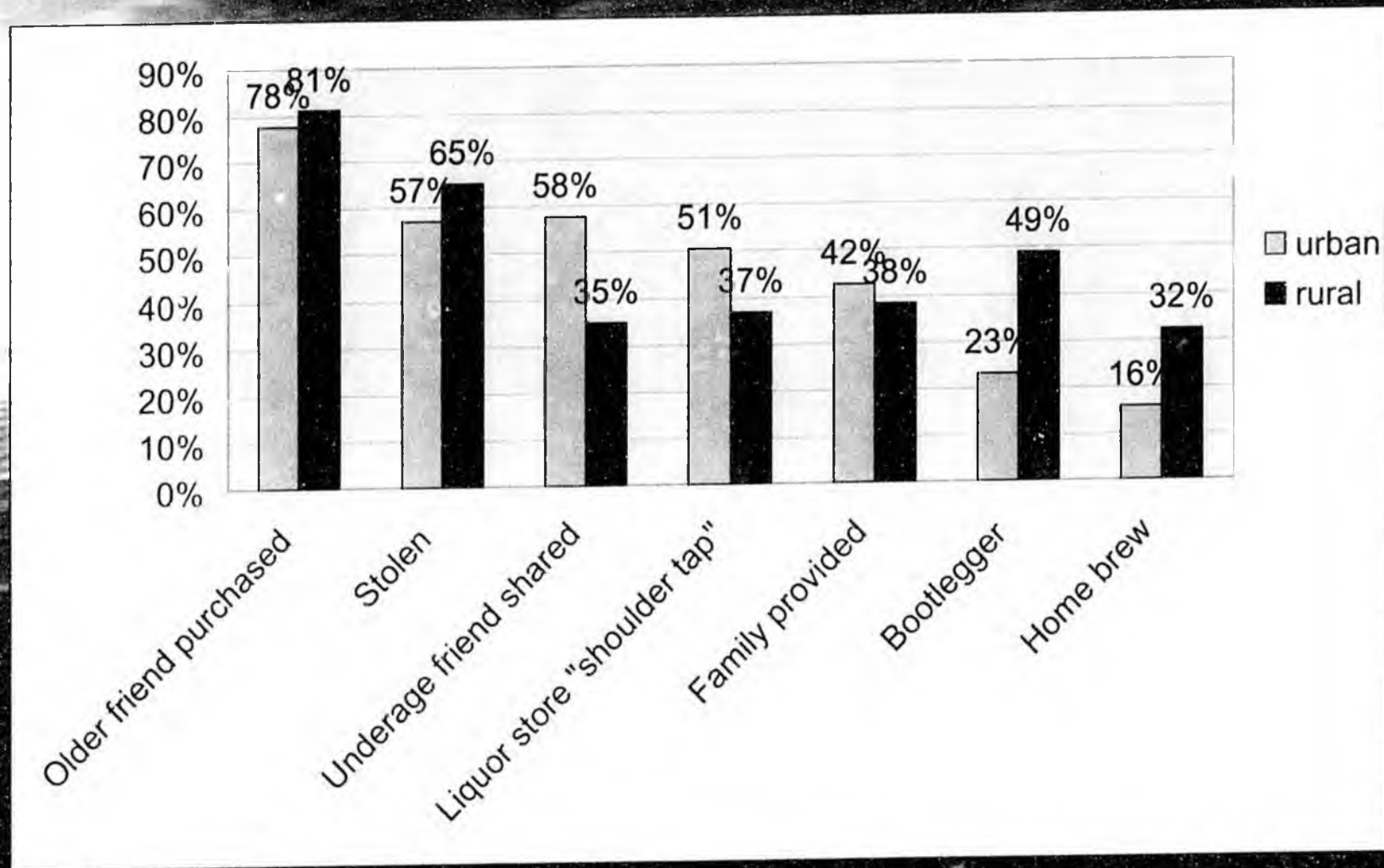
Participants: Urban/Rural and Cultural Groups	Number	Percent of total
Athabaskan	74	15%
Yupik	112	23%
Inupiat	73	15%
Aleut	87	18%
Haida	7	1.5%
Cu'pik	7	1.5%
Tlingit	15	3%
Tsimpshian	3	.5%
Eskimo	115	23.5%

Survey Location and Gender

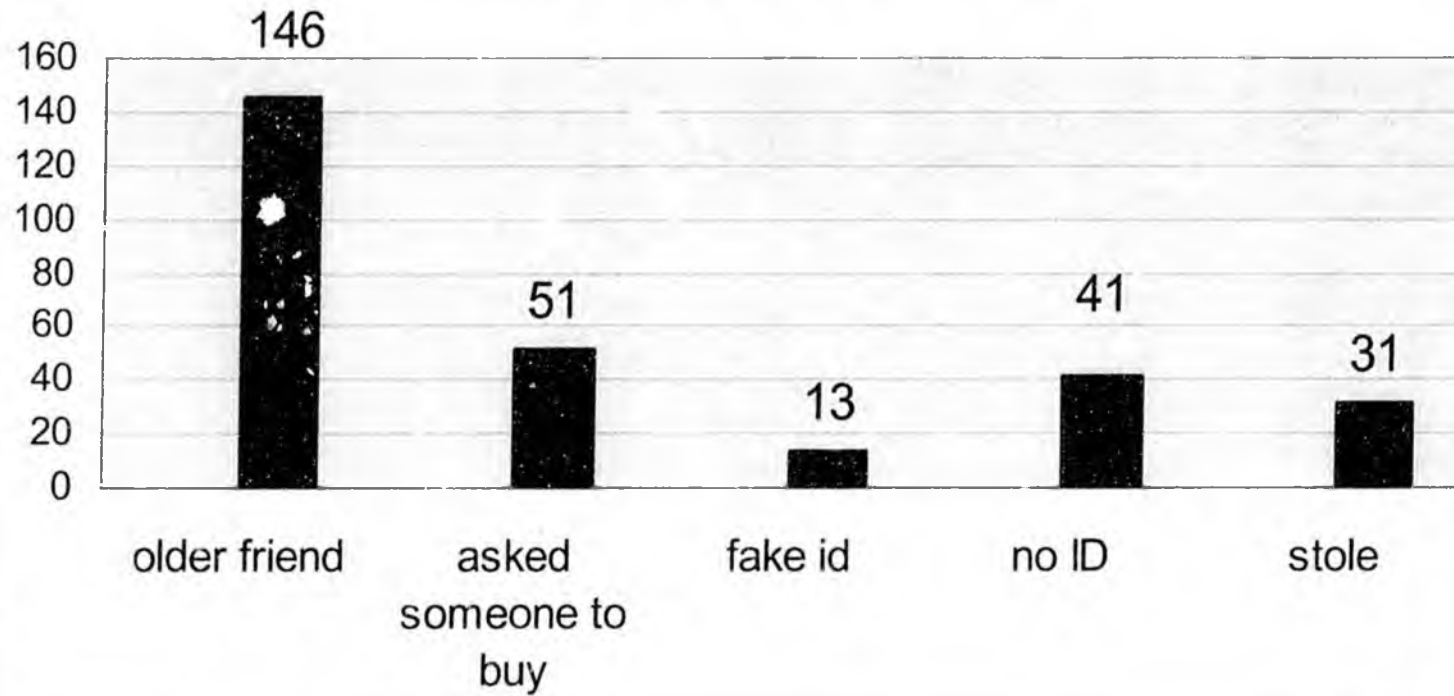
Male	Female
259	311

UAA	McLaughlin	AFN
93	112	365

Access to Alcohol



Access to Alcohol in Anchorage

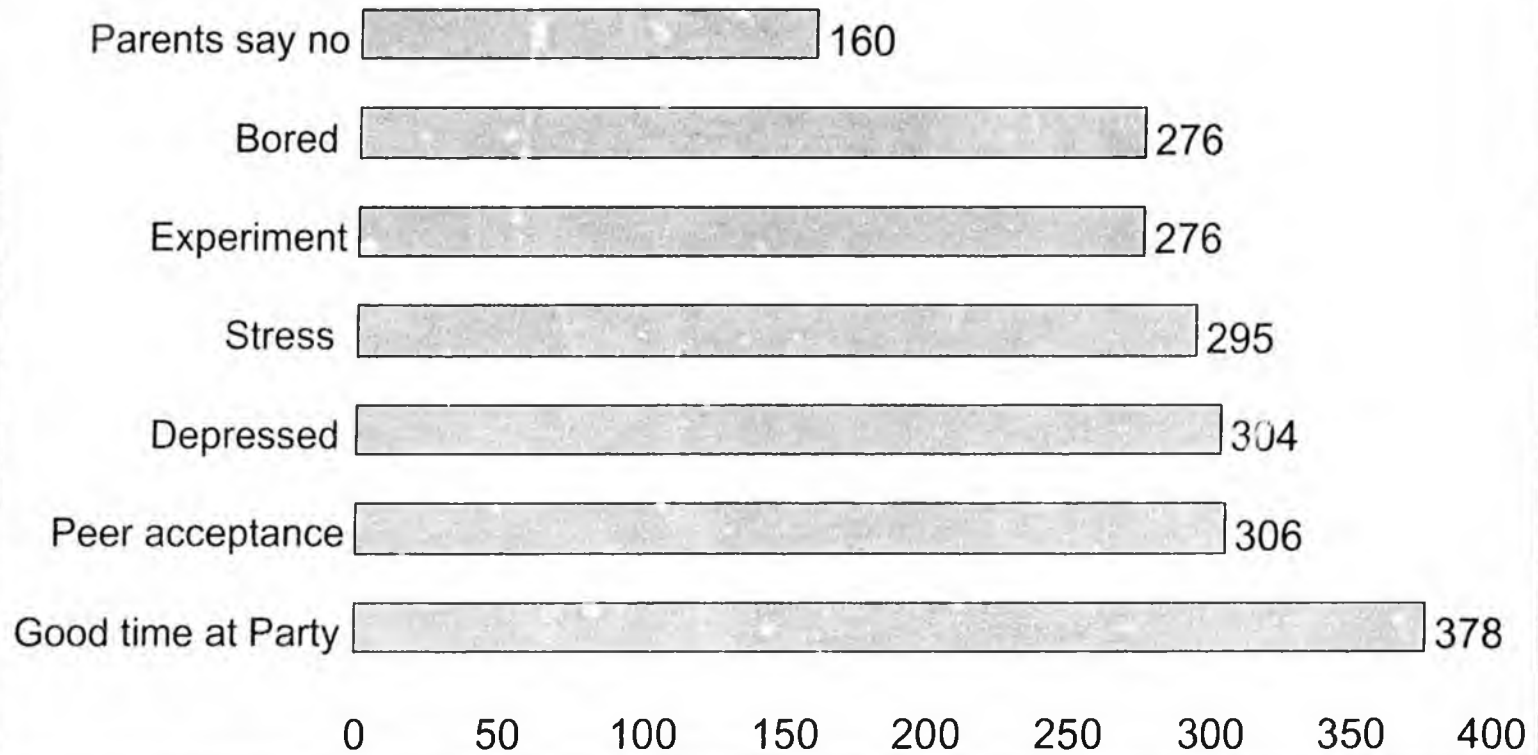


91% of UAA students report having an older friend provide alcohol.

Why youth drink

"Alcohol costs a lot, and so if money is spent on it then they are really broke, and that makes them want to drink more."

Why do Teens Drink?



When youth drink

- Summer is best because then you can drink outside and not get caught.
- It is easier to drink in the summer because you don't worry about being at school the next day. You won't get in trouble.
- Having a hangover at school is really bad.
- More likely to get caught if they were drinking on school days. The school personnel would catch them.

When Youth Drink, Cont'd.

- If they had a job then they wouldn't be out drinking so much they would worry about being there the next day.
- If you drink during school teachers might catch on, some parents don't care because they drink too.
- Parents don't know how to confront their children and tell them to quit – not putting consequences on them. Getting caught and facing consequences is more likely to happen at school



Where youth drink

- › Most common places to drink:
 - at a friend's house,
 - an older friend's house,
 - or one where there either isn't supervision or no adults are at home.

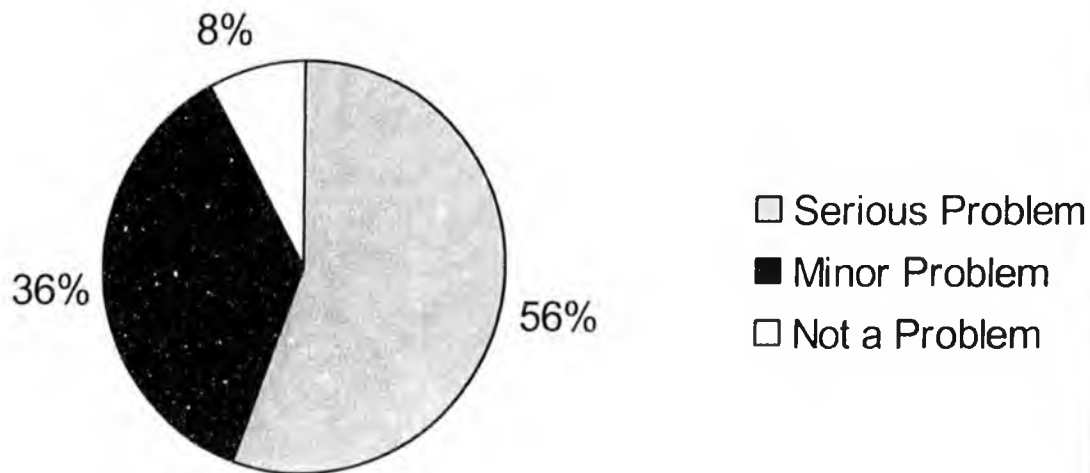


Where Youth Drink, Cont'd.

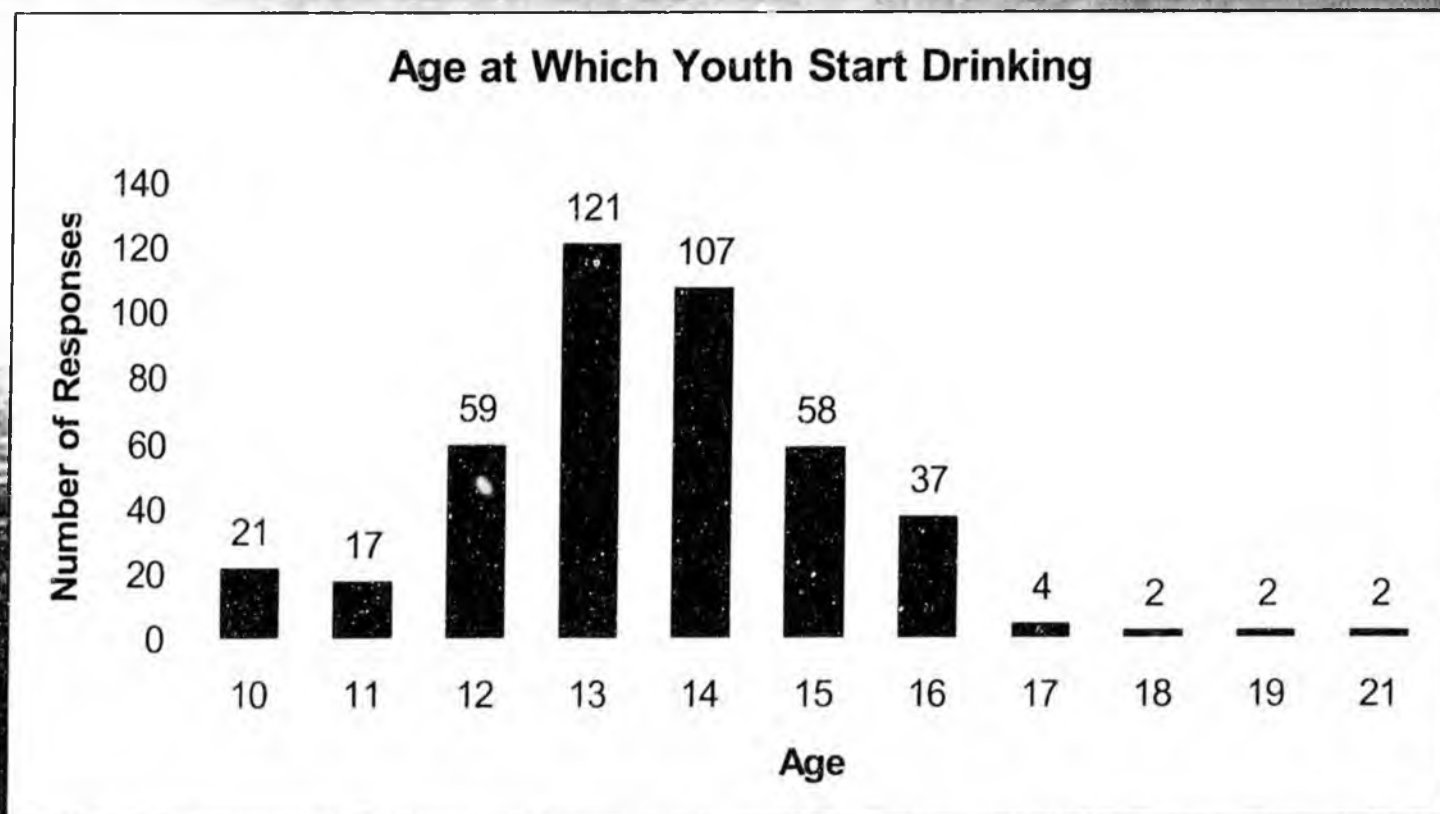
- Isolated places:
 - the beach,
 - the woods,
 - the park,
 - abandoned houses and buildings, other assorted hiding places
- **Anywhere alcoholics are,**
- **Anywhere older people aren't.**

Perception of the Underage Drinking Problem

Severity of Under-Age Drinking Problem as Perceived by All Youth



When do Youth Start Drinking



College Students

- 89% report having had alcohol
- Age of first drink reported 15-18
- 72% report binge drinking
- 30% have thought about quitting

How often do you drink alcohol?

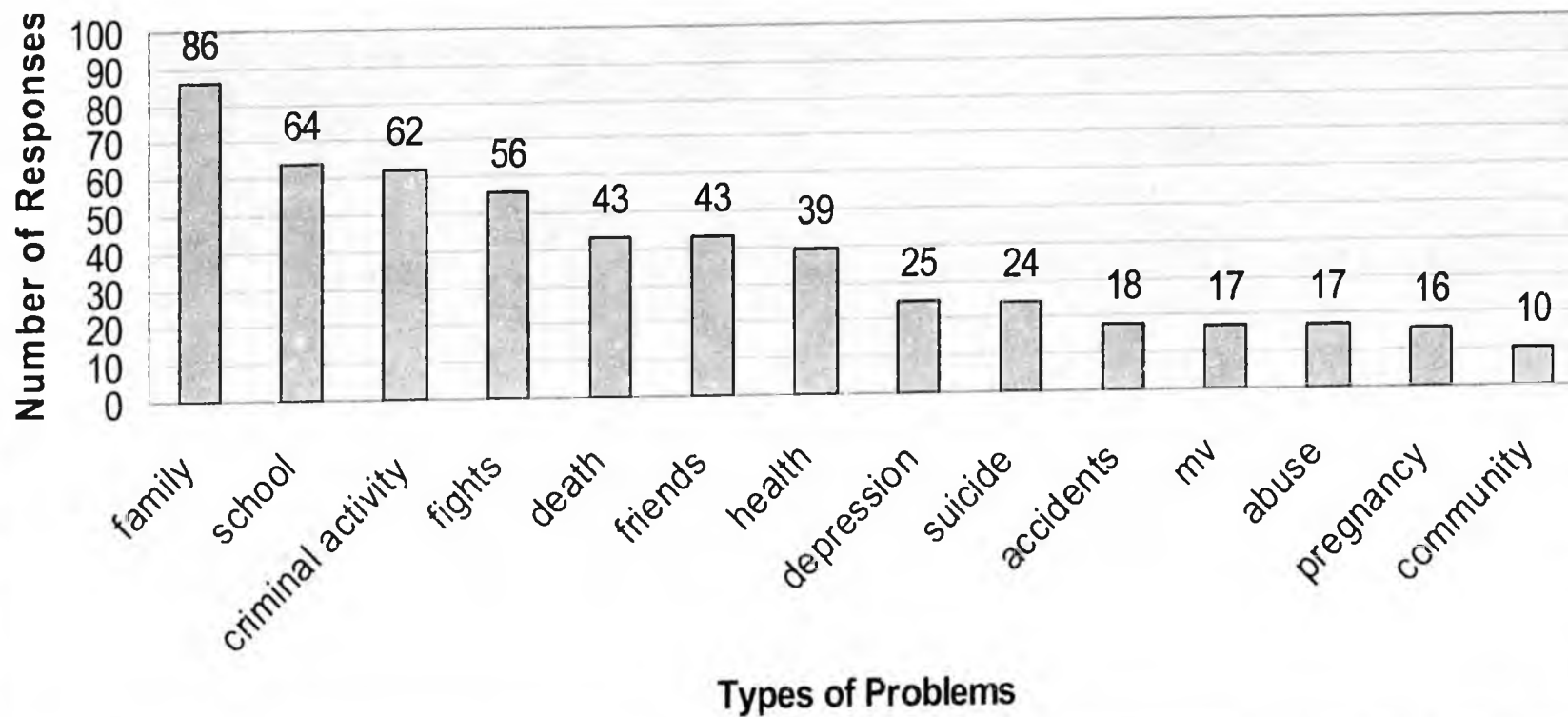
	Percent
Daily	4
Once a week	24
Once a month	25
< once a month	34
Don't drink anymore	14

What are the Consequences

- Getting Grounded
- Yelling
- Eliminating contact with Friends
- Absent from School
- Doing poorly in School
- Arrested
- MCA
- Kicked off Campus
- DWI

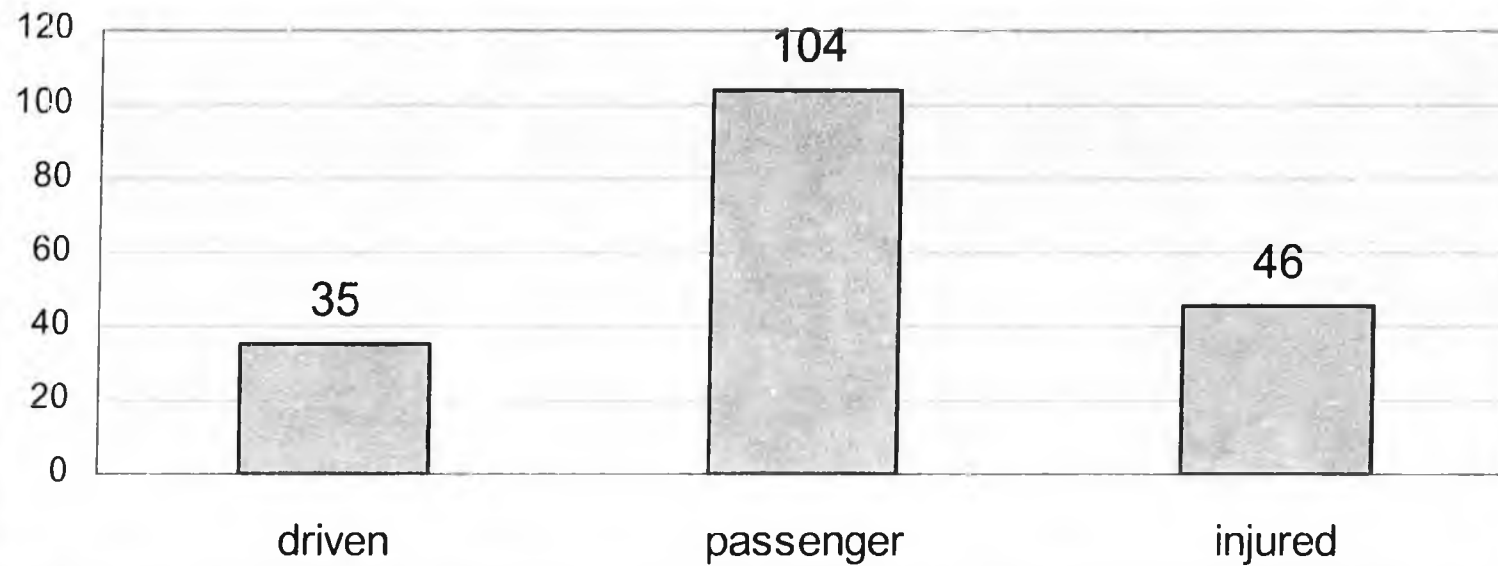
Problems Caused by Underage Drinking

Youth Perception of Problems Caused by Underaged Drinking

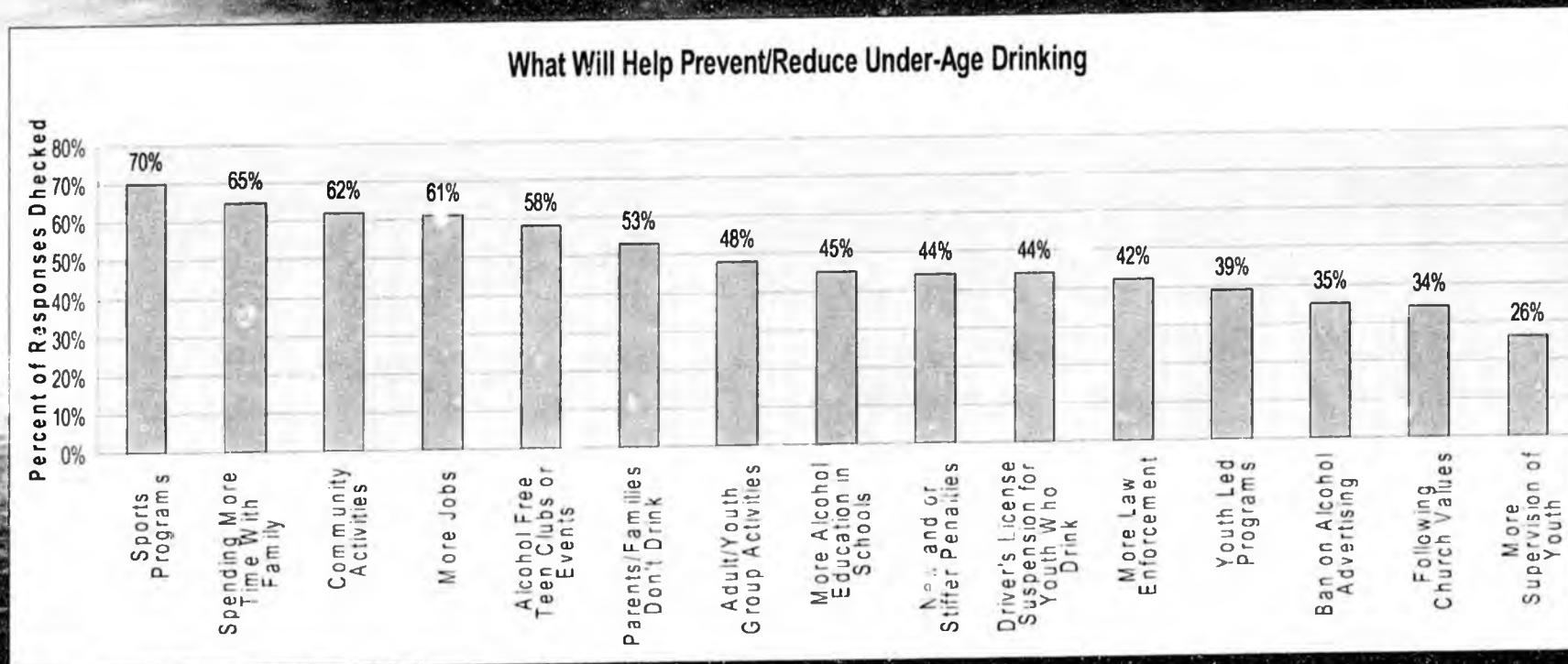


Drunk Driving

Risky Behavior



What Works: Youth Perspective

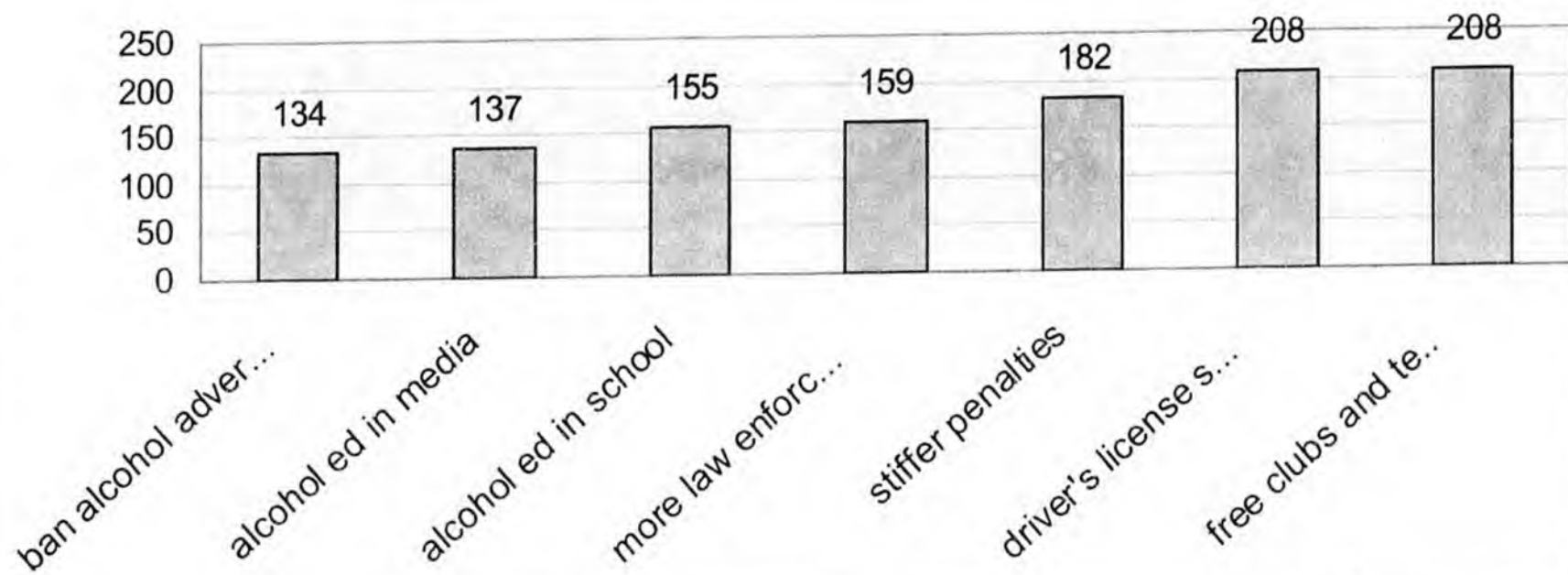


UAA Students Top 3 answers were tied

- Spend More Time with Families
- More Community Activities
- Parents/Families Who Don't Drink

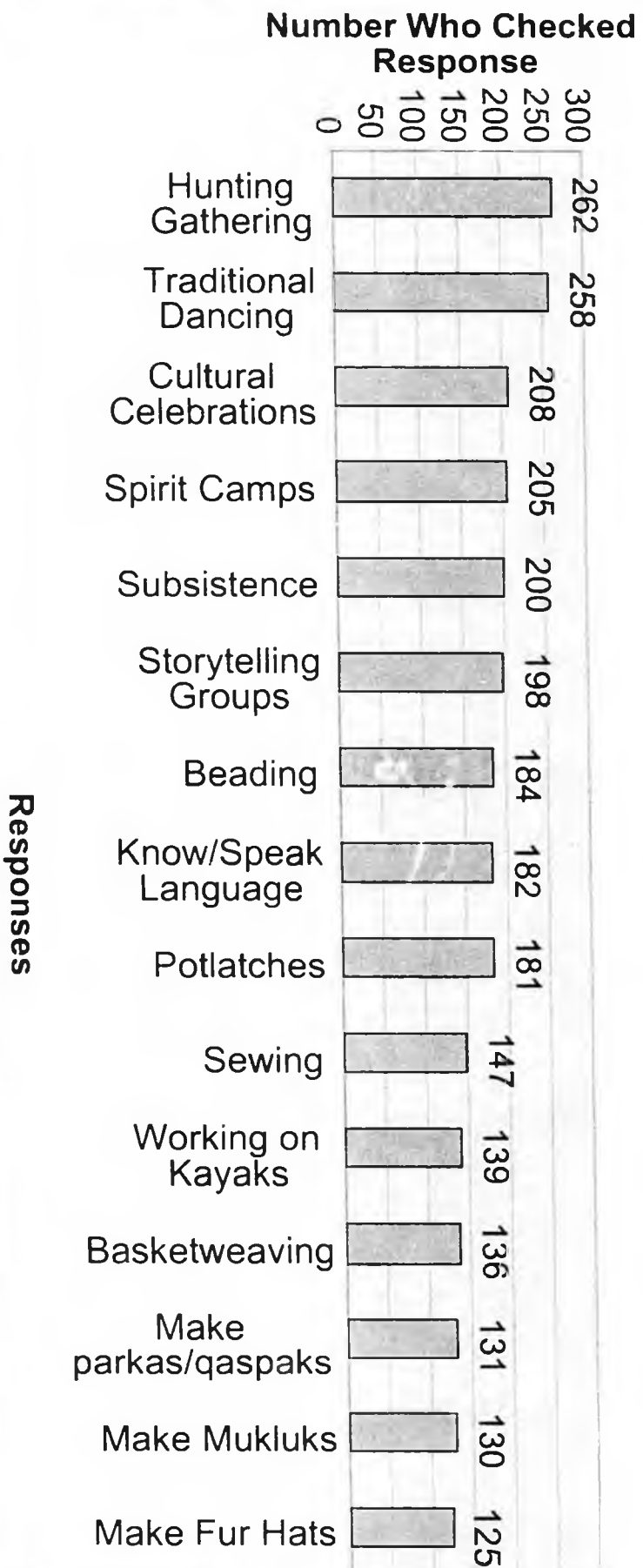
Anchorage Youth Solutions

What approaches will reduce teen drinking?



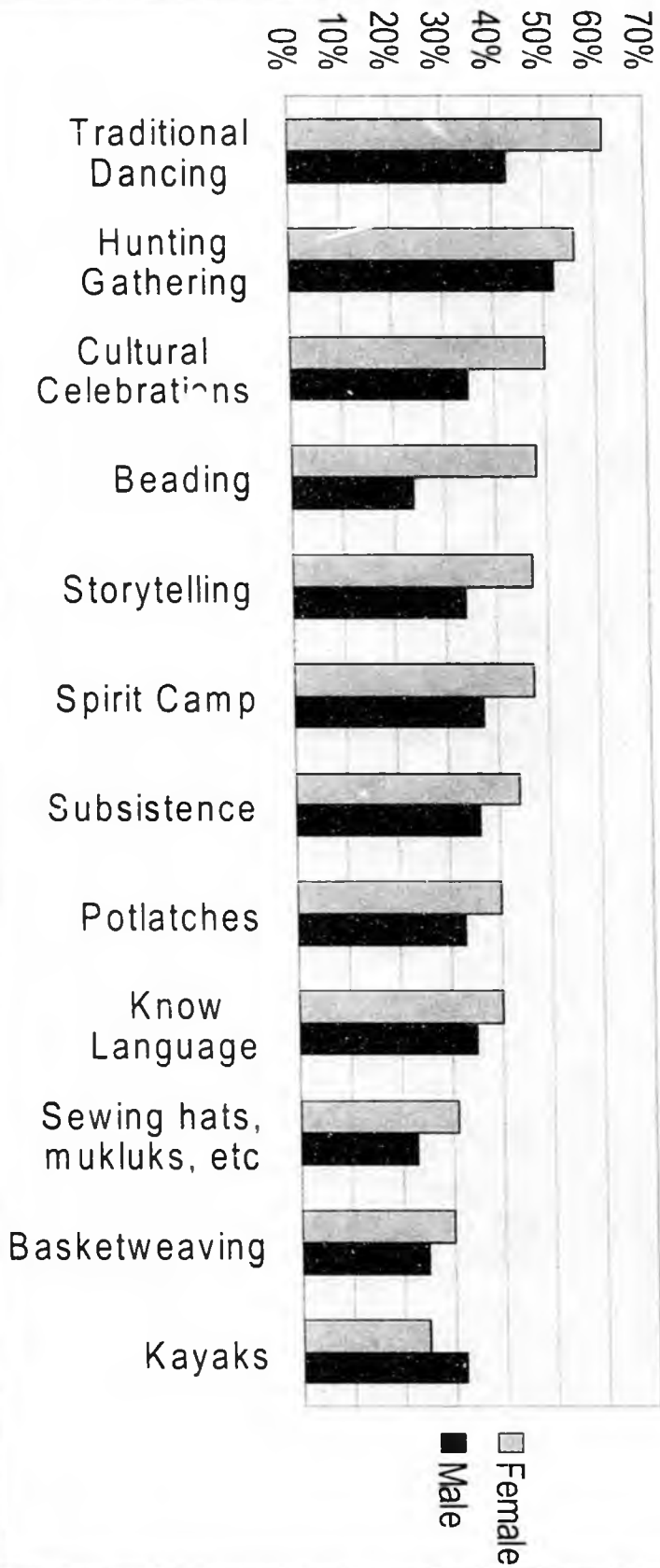
Prevention and Interventions

Which Cultural Activities Keep Youth From Drinking

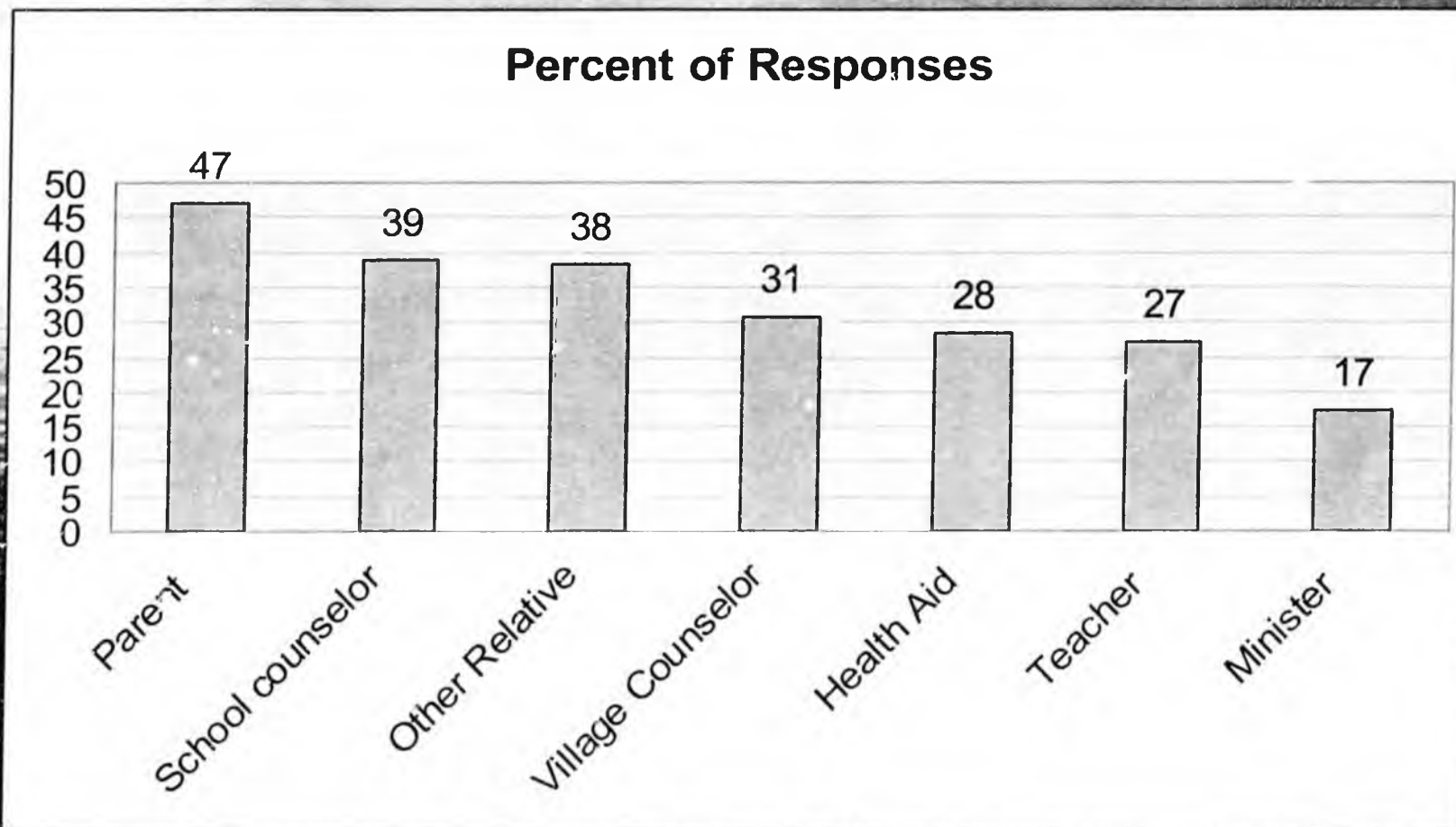


Cultural Activities - Protective

Cultural Activities by Gender



Who to Ask for Help



Conclusions

- Youth perceive that underage drinking is a problem
- There are multiple ideas for solutions
- Listen to youth and use adult knowledge

Recommendations

- Change the perceived norm
- Listen and Act
- Insure that help is available
- Advocate for funding of prevention programs

**Underage Drinking in Alaska
Needs Assessment**

Prepared for: State of Alaska
Department of Health and Social Services
Division of Juvenile Justice
PO Box 110635
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December 2000

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Executive Summary.

A. Introduction. Underage drinking is an issue that receives a great deal of attention in many forums in Alaska. A wide range of organizations and agencies, both public/governmental and private expend considerable energy addressing this problem. It is a problem that contributes to accidents, attempted suicides, poor physical health, and more serious crime. Hidden effects include the increased probability of addiction to alcohol as adults. This report provides an assessment of the scope of the problem, efforts to address it in a variety of domains, and data resources and systems that help in assessment and tracking progress in addressing the problem.

“Underage drinking” refers to consumption of alcohol by youth ages 20 and younger. Because certain services or facilities, such as substance abuse treatment programs and correctional facilities, treat persons 18 and older as adults, the population is stratified into two different groups: youth ages 18 through 20 and youth ages 17 and younger.

Underage drinking is a complex, multi-faceted problem that is manifested in various ways with multiple, layered strategies in place to address the issue. The following areas of inquiry are included in this report:

1. Statutes and policy issues related to underage drinking;
2. Law enforcement efforts and issues;
3. The court system and its response to underage drinking;
4. Substance abuse treatment trends and resources;
5. Prevention, education, and advocacy efforts; and
6. Data resources and trends regarding underage drinking.

B. Methodology. To examine the issue of underage drinking in Alaska, investigators examined statewide efforts and data and conducted more detailed inquiries for 17 sample communities. The communities selected are listed and described in greater detail in Section I of the report. These communities ranged in size from Anchorage, the principal urban center in Alaska with a population of over 250,000, to the small village of Nanwalek with a population of only 170. The communities were geographically diverse with locations ranging from far western Alaska, including a small island village in the Bering Straits, to the panhandle in Southeast Alaska. The communities were ethnically diverse with some primarily Alaska Native villages, others that were predominantly Caucasian, and still others that represent a diverse mix. Finally, some communities were on the state’s limited road system, such as Homer and Copper Center, while others are accessible only by plane or boat, such as Aniak and Toksook Bay.

To gain an insight into the problems associated with underage drinking in Alaska and efforts to address these problems, investigators interviewed 203 key informants from the 17 communities

as well as representatives of statewide organizations and agencies. Information sought included information relating to prevalence of underage drinking, consequences, efforts to address the problem and barriers to those efforts. Existing literature was examined both at the national and state level to document the prevalence and trends in underage drinking as well as existing strategies. Investigators found a variety of rigorously developed information at the national level regarding prevalence and strategies. There is, however, less information on strategies and prevalence in Alaska.

Finally, investigators gathered and analyzed statewide data relating to underage drinking from a number of sources:

1. Alaska Court System data for minor consuming alcohol (MCA) cases;
2. Alaska Trauma Registry data (accidents, suicide attempts, and injuries resulting in death, in which alcohol was involved);
3. Alaska Division of Alcoholism and Drug Abuse treatment data;
4. Alaska Department of Transportation motor vehicle accident data;
5. Alaska Division of Juvenile Justice case data; and
6. Alaska Division of Motor Vehicles driver's license revocation data.

C. Overview of Underage Drinking. It is helpful to define what is meant by an "underage drinking problem." There are differing views on whether the problem is the fact that youth are consuming alcohol or whether the problem is more appropriately defined as the negative consequences (accidents, suicides, etc.) of underage drinking. For purposes of this report, "underage drinking problem" is defined as the consumption of alcohol by persons under the age of 21.

At the national level, underage drinking is both prevalent and deadly. In the 1998 Household Survey of Drug Abuse conducted by the Substance Abuse and Mental Health Administration (SAMHSA), 30.6% of youth ages 12 to 20 report being current users of alcohol, while 15.2% report binge drinking and 6.9% report consistent heavy use. When this is generalized to the population, it means that 10.4 million youth in the United States were current alcohol users, 5.1 million were binge drinkers, and 2.3 million were consistent, heavy drinkers.¹ The 1999 survey showed little change.² When the age group is narrowed to high school students, the Youth Risk Behavior Survey (YRBS) found that 50% of students were current users.³ The consequences of this drinking include the deaths of 5,477 youth ages 15 to 20 who were killed in alcohol-related

¹ Substance Abuse and Mental Health Services Administration (SAMHSA), Summary of Findings from the 1998 National Household Survey of Drug Abuse, Rockville, MD, May 1998

² Substance Abuse and Mental Health Services Administration (SAMHSA), Summary of Findings from the 1999 National Household Survey of Drug Abuse, Rockville, MD, August 2000

³ U. S. Centers for Disease Control, "Adolescent and School Health," Internet Web Site www.cdc.gov/nccdphp/dash/pics99/natl.htm, Atlanta, GA, August 2000

automobile injuries with 21% of those coming in accidents caused by an underage drinking driver.⁴ Research shows that youth who begin to consume alcohol before the age of 15 are four times more likely to develop alcohol dependency (alcoholism) than people who wait until after the age of 21 to begin drinking.⁵ Finally, The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported nearly 19,600 arrests for driving under the influence of alcohol (DUI) of youth under the age of 18 in 1997.⁶ Nationally, the problem of underage drinking is addressed by a number of different agencies in diverse ways. OJJDP, through block grants, technical assistance, and discretionary programs helps states in enforcement, training, and prevention. SAMHSA provides funding to organizations and states for prevention and treatment for youth. The Department of Education, through Safe and Drug-Free Schools Programs funds a variety of efforts to eliminate the problem of underage drinking in schools.

In Alaska, the prevalence of underage drinking does not vary significantly from the national prevalence. The 1999, Alaska YRBS found that 50.9% of high school youth self-report as current users of alcohol while 33.4% report binge drinking in the month prior to the survey.⁷ When the age cohort is broadened to include youth ages 12 through 20, 12.3% report binge drinking with 5.7% dependent on alcohol or other drugs. This compares with national rates of dependence of 5.8%.⁸ The consequences of underage drinking in Alaska are reflected in an increase in the number of alcohol-related accidents among youth requiring hospitalization of 66.3% between 1991 and 1998. Over this period, Alaska averaged 30 suicide attempts annually among youth where alcohol was a factor.⁹ In 1998, there were 128 traffic accidents in which alcohol consumption by an underage driver contributed to the accident.¹⁰ Alaska has a diverse set of strategies in place to address the problem of underage drinking. The Alaska Division of Juvenile Justice, the Alcoholic Beverage Control (ABC) Board, State Troopers, and local law enforcement officials all contribute to enforcement of underage drinking laws. Underage drinking prevention efforts are supported through the Alaska Division of Alcoholism and Drug Abuse, Alaska Division of Juvenile Justice, and the Alaska Department of Education and Early Development. Community advocates, officials of the court system (judges, magistrates, prosecuting attorneys, etc.), and local law enforcement officials are searching for ways to effectively intervene with youth cited for underage drinking to ensure that they receive appropriate services in addition to being held accountable for their violations.

D. Relevant Statutes, Laws, and Ordinances. Underage drinking is addressed legally on three different levels. The Alaska Statutes are the primary vehicle for addressing the issue in Alaska. Locally, communities have a variety of ordinances that are used to reduce underage drinking

⁴ National Highway Traffic Safety Administration, Saving Teenage Lives: The Case for Graduated Driver Licensing. Washington, DC 1998

⁵ Grant, B. and Dawson, D., "Age at Onset of Alcohol Use and its Association with DSM-IV Alcohol Abuse and Dependence," Journal of Substance Abuse, 9:103-110, 1997

⁶ Snyder, H., Juvenile Arrests 1997. Washington, DC, U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1998

⁷ Alaska Department of Education and Early Development/Alaska Department of Health and Social Services, Alaska Youth Risk Behavior Survey 1999. Juneau, AK, 1999

⁸ Substance Abuse and Mental Health Services Administration (SAMHSA), Summary of Findings from the 1999 National Household Survey of Drug Abuse. Rockville, MD, August 2000

⁹ Alaska Trauma Registry, unpublished data, Juneau, AK, 2000

¹⁰ Alaska Department of Transportation, 1998 Alaska Traffic Accidents, Juneau, AK, October 1999

through a number of different methods. Nationally, the primary law that impacts underage drinking is the Juvenile Justice and Delinquency Protection Act of 1974 (Public Law 93-415), which prohibits incarceration of minors in adult facilities and for offenses that are status offenses (offenses involving activity that is illegal only because of the status (age in this case) of the individual).

The central state statute addressing underage drinking in Alaska is Alaska Statute (A.S.) 04.16.050, which prohibits possession or consumption of alcohol by a person younger than 21 years of age. Other sections of A.S. 04.16 address issues such as providing alcohol to minors, minors on licensed premises, and renting rooms for the purpose of consuming alcohol. Violations of most sections of A.S. 04.16 are considered class A misdemeanors except A.S. 04.16.050, which is classified as a violation. Alaska Statute 04.16.050 is also unique among these sections because violations are disposed of in district court rather than in the juvenile justice system. For violation of other sections of the statute, the cases are disposed of in the juvenile justice system for persons under the age of 18, while violations for those ages 18 through 20 are handled as misdemeanors in district court. Violations of A.S. 04.16.050, also referred to as Minor Consuming Alcohol (MCA) cases, carry a maximum sentence of \$300. There are no provisions in the statute for referral of repeat offenders for mandatory alcohol abuse or dependency assessment or treatment. Alaska Statute 04.16.050 underwent a significant change in 1995 as the jurisdiction was moved from the juvenile justice system to district court. Prior to that, MCA cases for persons under age 18 had been handled through the juvenile justice system and the superior court with the latitude to require assessments and treatment as indicated.

In addition to the provisions of A.S. 04.16, A.S. 28.15.183 provides the authority for administrative revocation of a minor's driver's license for an MCA violation. This is significant because there is no requirement that the MCA violation be related to driving in any way. The amount of time for which the license is revoked is graduated depending on the number of violations in the individual's history, with a maximum time of one year. Since revocations run consecutively, however, individuals can lose their driver's licenses for periods significantly longer than one year if they have multiple violations within a relatively short period of time.

The final area of state statutes that relates to underage drinking is Title 47, which addresses health and social services issues. This is a broad title that includes the description of the juvenile justice system, child welfare and safety issues, and provision of substance abuse services in Alaska.

Local ordinances that relate to underage drinking are in place in various communities. One of the most common of types of ordinances relates to zoning restrictions and use permits that can be revoked if the establishment serves alcohol to minors. A local ordinance in Anchorage allows licensed establishments to file suit against minors in small claims court for entering the establishment. While investigators noted the existence of these types of ordinances, they did not find widespread or consistent use of the ordinances to combat underage drinking.

A detailed discussion of the relevant statutes and related case law is contained in Section III of the report. Appendix D to the report contains the entire text of key statutes.

E. Law Enforcement. At the national level, there is a growing recognition that successful strategies all share some common features. The overarching philosophy that describes

successful strategies is that they are proactive. Such strategies seek to limit the number of youth who are consuming alcohol rather than merely citing and punishing the ones who do. Proactive strategies include registration of beer kegs, use of undercover officers in licensed establishments, making the driver's licenses and other forms of official identification distinctive for persons under the age of 21. Another feature of successful approaches is the use of comprehensive strategies. This approach includes the following areas of focus:

1. Policy oversight and coordination;
2. Strategic and tactical planning;
3. Reactive and proactive enforcement;
4. Prosecution;
5. Adjudication and diversion;
6. Supervision and treatment;
7. Public education; and
8. Feedback and evaluation.

Finally, successful strategies involve partnerships. Organizations at the state and local level must work together to address issues where each has expertise and/or resources. Examples of community partners include the police, local judges and magistrates, substance abuse providers, political leaders, religious leaders, and advocates. By using a diversity of community resources focused on a common goal, community values can be impacted.

Enforcement of underage drinking laws in Alaska is accomplished through several different approaches. Most effort is at the community level with local law enforcement officers. While there are a variety of laws that are relevant and for which enforcement is required, the overwhelming majority of effort regarding underage drinking is targeted toward citations for violation of A.S. 04.16.050 (MCA). Enforcement is a function of the Alaska State Troopers, local police departments, village public safety officers (VPSO) and village police officers (VPO). With some exceptions, enforcement of underage drinking laws is an area of law enforcement that competes with every other law enforcement issue in a community for time and resources. Other such issues are violent crime, burglary, criminal mischief, etc. When law enforcement officers encounter underage drinking, they typically cite the individual for violation of A.S. 04.16.050 and hold the individual until a parent can be contacted to pick him or her up. Police are not allowed to incarcerate youth for minor consuming in either an adult or a juvenile facility. Additionally, police officers and members of the community (emergency) services patrol can pick up a minor who is incapacitated by alcohol and provide protective custody for up to 12 hours. This protective custody may be in a detoxification facility, a medical facility, or a youth detention facility for persons younger than 18. For persons 18 or older, they can be taken to an adult correctional facility for protective custody.

In addition to the efforts of law enforcement with regard to MCA cases, the ABC Board, in partnership with five different police departments, using a grant from the Division of Juvenile Justice, enforces laws relating to underage drinking through monitoring of licensed establishments. This is usually done through the use of "sting" operations in which a minor, under police supervision, attempts to purchase alcohol at a licensed establishment. In Anchorage, for example, youth successfully purchased from package stores about 35% of the time and, in a single weekend operation, were able to purchase alcohol in nine of 10 restaurants where attempts were made. Compliance was found to be much higher in bars. The five police departments operating in partnership with the ABC Board also use the grant funds to field additional, youth-specific patrols during periods when drinking parties are likely to occur such as on weekends and holidays such as New Year's Eve and the Fourth of July. Local police also collaborate with the state troopers. For communities on the road system, local and state law enforcement collaborate to acquire information on drinking parties and intervene. The Anchorage Police Department also purchased portable breath testers that allow patrol officers to test the alcohol level of subjects on site.

The ability of local law enforcement officials to respond to underage drinking and the extent to which they respond varies by type of community. Large urban centers such as Anchorage have well-staffed police forces with a variety of resources while some villages, such as Nanwalek, have no law enforcement presence at all beyond the state troopers who periodically fly in to provide services. The larger communities, however, also have greater populations to serve and a broader range of problems confronting them. According to the MCA data from the Alaska Court System, the rate of underage drinking law enforcement is not correlated to the population size of communities. Additionally, law enforcement officials who were interviewed consistently emphasized the role of community norms and values regarding alcohol as a driving force in underage drinking. While these norms and values do not necessarily preclude officials from enforcing underage drinking laws, they do describe the level of acceptance of underage drinking within the community. Key informants, particularly in rural areas, indicated that community support for enforcement of underage drinking laws as well as prevention efforts are driven in large part by tragic events. When a death or other catastrophic event occurs involving underage drinking, support increases temporarily but usually subsides. Another perception of law enforcement officials, which mirrors sentiment observed nationally, is that the disposition of the cases by the judicial system reflects a lack of seriousness with which underage drinking is viewed. In Alaska, the statute that prohibits underage drinking, A.S. 04.16.050, provides for a maximum penalty of only \$300 and no provisions for any other intervention such as mandatory screening or treatment.

Despite these barriers and perceptions, the number of MCA cases processed by the Alaska Court System increased 139.0% from 1995 to 1999 and the imposition of fines was generally a graduated approach with minimum fines awarded for first offenses and increased fines for subsequent offenses. Investigators did not find any consistent evidence of heightened law enforcement activity related to underage drinking between 1995 and 1999, however, the number of MCA court cases increased significantly each year. Numerous national and state surveys of students indicate that trends in alcohol consumption rates by minors were relatively flat through the 1990s. When examining some of the adverse consequences of underage drinking, such as

motor vehicle accidents involving underage drinking drivers and alcohol-related injuries, investigators found mixed trends, with some rising over the period and others falling. Because of the inconsistency of indicators, both qualitative and quantitative, investigators are unable to draw definitive conclusions regarding the primary driving forces behind the steady increase in MCA court cases. Because the system for MCA case disposition changed in 1995, some increase over the first two years could be expected as the system adapted to the change and law enforcement officials became more familiar with procedures. The increase, however, continued over the next three years indicating drivers other than system acclimation.

F. The Alaska Court System. The Alaska Court System is significant to the issue of underage drinking because, since 1995, MCA cases have been under the jurisdiction of district court. MCA cases are processed in accordance with local court procedures; however, the prevailing trend noted by investigators is that citations are written by law enforcement officers for offenders. Initial hearings on these citations are typically held in traffic court before a magistrate. Some communities, such as Juneau, have special judicial procedures for MCA cases, but the process is similar. At the initial hearing, the clerk reads the citation and the individual charged has an opportunity to either contest or not contest the charges. If the individual contests the charges, another hearing is scheduled in which the citing police officer presents the case to the judge. At this stage, the individual can either plead guilty or not guilty. If they plead not guilty, then the case goes to trial and a district attorney or municipal prosecuting attorney presents the case. Court data indicates that cases are disposed of with a finding of guilty or not guilty (indicating that a trial was held) about 3.7% of the time, which is consistent with information provided by key informants.

Cases involving youth and alcohol other than MCA cases are disposed of in different ways depending on the age of the offender. Youth ages 17 and younger are referred to the Alaska Division of Juvenile Justice and cases are disposed of through the juvenile justice system. Cases involving youth ages 18 through 20 are disposed of as class A misdemeanors in district court.

There have been several attempts by communities to dispose of MCA cases using alternative methods such as diversion programs. The idea behind such programs is to use other forums, such as youth courts or community councils to work with the offender, provide assessment and/or treatment and education, and community work service rather than having the case referred to court. This approach is more prevalent in small villages than in larger communities. Often the remoteness of the village is more conducive to a community council process where the individual faces immediate consequences involving people with whom he or she is familiar than disposition by a distant court. Beyond the use of these village councils, alternative approaches have been inconsistent and the statutory authority for such disposition is questionable.

Key informants within the judicial system echoed some of the same concerns as law enforcement officials. The statute relating to MCA cases, A.S. 04.16.050, limits the options open to a judge or magistrate with regard to disposition. The rigidity of the statute prevents proactive interventions such as assessments for alcohol abuse or dependency as a part of the case disposition. It caps the possible consequences at a fine of \$300. Although a separate statute, A.S. 28.15.183, allows for administrative revocation of driver's license for an MCA violation, the reality in rural areas is that other forms of transportation, such as snowmobiles, boats, and

four-wheelers, are often more prevalent and do not require a license. This limits the impact of the revocation in these areas.

In examining the court system response to underage drinking, investigators found that court cases for MCA have increased 139.0% between 1995 and 1999 with a total of 20,538 cases over that period of time. Even when converted to a rate per 100,000 population (which takes into account population increases), the increase over the relevant period was 131.5%. When examined on an annual basis, the rate jumped sharply between 1995 and 1996, which is not unusual given that the change in statute occurred in 1995. The rate dropped slightly in 1997 but increased over the next two years (1998 and 1999) by 24.4% and 15.7% respectively.

G. Substance Abuse Treatment Resources for Youth. One of the tools for addressing underage drinking is substance abuse treatment. In Alaska, substance abuse treatment is coordinated by the Alaska Division of Alcoholism and Drug Abuse and provided by private non-profit, private for-profit, and municipal treatment programs. The various programs offer a continuum of services in various locations.

1. Assessment. For individuals who appear to have a problem with alcohol that might be well served through treatment services, a comprehensive assessment is performed to determine (1) the extent of their problem, and (2) needed treatment services.

2. Alcohol Information School. While not formally a component of treatment, Alcohol Information School (AIS) is typically the first level of intervention in alcohol abuse (other than population-based prevention). It typically provides between eight and 20 hours of education and information on the effects of alcohol and other drugs.

3. Outpatient Treatment. Outpatient treatment services include one-to-one counseling, group counseling, and education. It is the least restrictive of the true treatment options. Treatment in outpatient programs, while designed to meet the needs of individuals, tends to last between three and six months.

4. Intensive Outpatient Treatment. Intensive outpatient treatment is a variation of outpatient treatment characterized by more frequent and longer sessions. Intensive outpatient treatment has much of the same activities as regular outpatient but the individual might receive services three to five times per week.

5. Day Treatment. Day treatment is a relatively rare program component in which individuals sleep at home but attend treatment activities all day every day. It is more common in large, urban areas where there is a high demand for rigorous treatment by individuals who have homes and supportive family or friends.

6. Residential Treatment. Residential treatment is provided to those individuals who are unable to progress in a less structured setting. It provides a form of "wrap-around" services in which virtually all of the individuals' daily affairs and activities are aggressively managed. The treatment services include individual and group counseling, case management,

education, recreation or activity therapy, nutritional assessment and monitoring, and medical care.

7. Detoxification. Detoxification is the process of managing the patient's withdrawal from alcohol or other drugs. This process, which typically lasts two to seven days, involves monitoring of the patient, particularly the vital signs, and administration of withdrawal management medication as indicated. The most common setting for detoxification is in a medical setting, however, social detoxification and even outpatient detoxification have been used with some success. Aside from assuring patient safety, another typical goal of the detoxification component of care is to conduct a thorough assessment of client needs and make a referral to an appropriate level of treatment.

8. Transitional Housing. Transitional housing is a housing service that provides a structured living environment appropriate for individuals in early recovery. One form of transitional housing is the "halfway house" common in many substance abuse programs. Transitional housing is typically sober housing with varying levels of built-in support such as ongoing case management, in-house 12-step meetings, and organized activities. Typical stays in transitional housing range from one month to more than a year, depending on community resources and patient needs.

9. Continuing Care. Also called "aftercare," continuing care is the component of care that provides the final transition from treatment to recovery. Continuing care provides a gradually decreasing level of intensity ranging from a once-a-week meeting to monthly check-in sessions. Outcome studies completed in Alaska over the past decade clearly indicate that ongoing participation in continuing care is one of the best indicators of treatment success.¹¹

Services for youth are more limited than for the general adult population. In considering adult and youth programs, however, it is important to note that, with regard to treatment, persons ages 18 and older are considered adults and receive services through adult programs. Youth treatment programs serve persons ages 17 and younger. Youth treatment programs differ from adult programs in a number of ways. First, staff are specifically trained to work with the special problems of youth. Second, program curricula and materials are specifically tailored to address problems from a youth perspective rather than using adult material. Finally, the course of treatment differs in that a significant amount of effort and energy in youth programs is targeted toward engaging the youths and helping them to recognize the problem and the need for change. In many rural areas, the only treatment services available to youth are outpatient services in adult programs where treatment plans are individualized to meet specific needs of the youth, but the general course of treatment is based on an adult model.

There are a wide variety of barriers to youth receiving needed treatment services. The first, and most obvious, is that many communities do not have substance abuse programs designed specifically for youth. The availability of residential beds for youth is another key barrier with the publicized waiting list for one of the three publicly funded programs averaging between three and six months. There is an adult assessment and referral system for individuals convicted of

¹¹ Division of Alcoholism and Drug Abuse, Chemical Dependency Treatment Outcome Study, Juneau, AK, December 1998

alcohol-related offenses, the Alcohol Safety Action Program (ASAP). There is no such program for youth despite the fact that MCA cases have been consistently increasing through the 1990s. Other barriers such as community norms and values, family use of alcohol, and transportation costs also serve to reduce the availability of treatment services to youth.

The following table provides a summary of treatment resources specifically designed and targeted to youth. A complete description of all treatment programs available in Alaska is provided in Section VI of the report.

Youth Residential Program	Adult Residential Programs that also Serve Youth	Youth Outpatient Programs
<p>Southeast Alaska Regional Health Consortium (SEARHC) (Raven's Way) – Outdoor, adventure-based program, 11 treatment slots, 5 week length of stay (Sitka)</p> <p>Volunteers of America (Adolescent Residential Center for Help (ARCH)) – 12 beds, four-month length of stay. (Anchorage)</p> <p>Fairbanks Native Association (Graf Rheeneerhaajii – The Healing Place) – 12 beds, three to four-month length of stay. (Fairbanks)</p>	<p>Southcentral Foundation (Dena A. Coy) (No fixed number of youth beds) – serves pregnant women and women with small children. (Anchorage)</p> <p>Arc of Anchorage (Bryn Mawr) (No fixed number of youth beds) – serves clients who have developmental disabilities, mental health disorders, and substance abuse disorders (must have all three). (Anchorage)</p>	<p>Starting Point (Anchorage)</p> <p>Gateway Center for Human Services (Ketchikan)</p> <p>Salvation Army Booth Memorial (Anchorage)</p> <p>Volunteers of America – Assist Intensive Outpatient (Anchorage)</p> <p>Breakthrough (Anchorage)</p> <p>Mat-Su Council on Alcoholism and Drug Abuse (Wasilla)</p> <p>Ralph Perdue Center (Fairbanks)</p> <p>The Unloading Zone (Fairbanks)</p> <p>Life Givers (Fairbanks)</p> <p>Graf-Rheeneerhaajii (Fairbanks)</p> <p>Jake's Place (Dillingham)</p> <p>Sitka Prevention and Treatment Services (Sitka)</p> <p>Kuskokwim Native Association Outpatient (Aniak)</p>

Table 1 – Substance Abuse Treatment Resources for Adolescents in Alaska; Source – Key Informant Interviews

H. Prevention, Education, and Advocacy. Underage drinking is an issue that is receiving considerable attention in the areas of prevention, education and advocacy. Substance abuse prevention in Alaska, of which underage drinking prevention is a sub-set, is targeted primarily toward youth. The Division of Alcoholism and Drug Abuse is administering a \$9 million, three-year prevention grant that provides funding to communities throughout Alaska. These grants are combined with other Division prevention grants that are ongoing to provide an extensive prevention effort. The Division of Juvenile Justice also provides some funding through prevention grants for communities to address underage drinking.

Substance abuse prevention has, in the past decade, begun to emerge as a scientifically based discipline. Most prevention effort is ultimately driven by SAMHSA, Center for Substance Abuse Prevention (CSAP), through grants to individual states and organizations. Some prominent prevention principles worth noting include:

1. Best Practices/Promising Practices. Best practices are those practices considered to be proven by research. Promising practices are those that initially appear to meet the criteria for best practices but need additional research and evaluation. Many of the SAMHSA/CSAP grant opportunities are now limited to organizations that will implement existing best practices. There is limited support for organizations to "re-invent the wheel."

2. Risk and Protective Factors. Risk factors are those conditions that exist in the environment that have been proven to increase the probability that youth will engage in high risk behavior or otherwise experience problems associated with high risk behavior. Protective factors, by contrast, are those factors in the environment that build resiliency among youth and help to prevent the destructive behavior. SAMHSA and the Alaska Division of Alcoholism and Drug Abuse have adopted risk and protective factors as a means of assessing need and measuring progress.

3. Developmental Assets Model. This model, developed by the Search Institute of Minneapolis and adapted for use in Alaska by the Association of Alaska School Board and the Alaska Department of Health and Social Services, concentrates on assessing and taking advantage of assets present in youth to help prevent high-risk behavior. This model has proven effective in front-line service delivery but has had limited use in the strategic planning process.

4. CSAP Strategies. CSAP categorizes the various approaches to prevention into discrete strategies. These strategies include environmental strategies, education and information, alternative activities, etc. The most effective approach to prevention has been found to include multiple strategies delivered consistently.¹²

Since prevention is, by its very nature, population-based, results usually take years to manifest themselves. This makes evaluation a long-term process. The Division of Alcoholism and Drug Abuse has integrated a rigorous evaluation process coordinated by the Institute for Circumpolar Health Studies into their prevention program. This effort will provide a sound research base for future prevention planning.

¹² Western Region Center for the Application of Prevention Technology (WESTCAP), "Best and Promising Practices," Reno, NV, 1999

The education system is concerned with underage drinking primarily as it relates to consumption of alcohol in the education setting. Although alcohol and other substance abuse issues are integrated into the health education curricula within the schools, the primary focus is on alcohol or other substances in the schools. The primary effort of the education system is through the Safe and Drug-Free Schools program, with funding originating from the U. S. Department of Education and administered by the Alaska Department of Education and Early Development. Activities funded through the Safe and Drug-Free Schools program include prevention content for health classes, student assistance counselors, local prevention programs, and collaboration with community prevention efforts. The Association of Alaska School Boards is also active in substance abuse prevention statewide through provision of training and technical assistance.

Advocacy refers to efforts to change community norms and values - in this case, regarding underage drinking. This is accomplished through targeted information dissemination, efforts to impact policy, and monitoring of activities of law enforcement and the court. Examples of highly successful advocacy efforts include Mothers Against Drunk Driving and Alaskans for Drug-Free Youth. On a local level, grassroots organizations that create partnerships in communities to focus attention on the problem of underage drinking are best represented by the efforts of Choices for Teens, Inc., in Homer. Advocacy activities in Homer are characterized by a network of organizations; each with its own mission and objectives, focusing coordinated and appropriate efforts on underage drinking. Advocacy efforts, like prevention, show results over long periods of time.

A detailed discussion of Alaska prevention, education, and advocacy programs and efforts, including a summary by community, is provided in Section VII of the report.

I. Data Trends and Resources. A significant portion of this inquiry was devoted to gathering data relating to underage drinking. A complete description of methodology, results, and validity is included in Section VIII of the report.

1. Alaska Court System Data. The Alaska Court System provided the data for all MCA cases from 1995 through June 30, 2000. From this data, investigators were able to describe the trends in numbers of cases, characteristics of offenders, and disposition of cases.

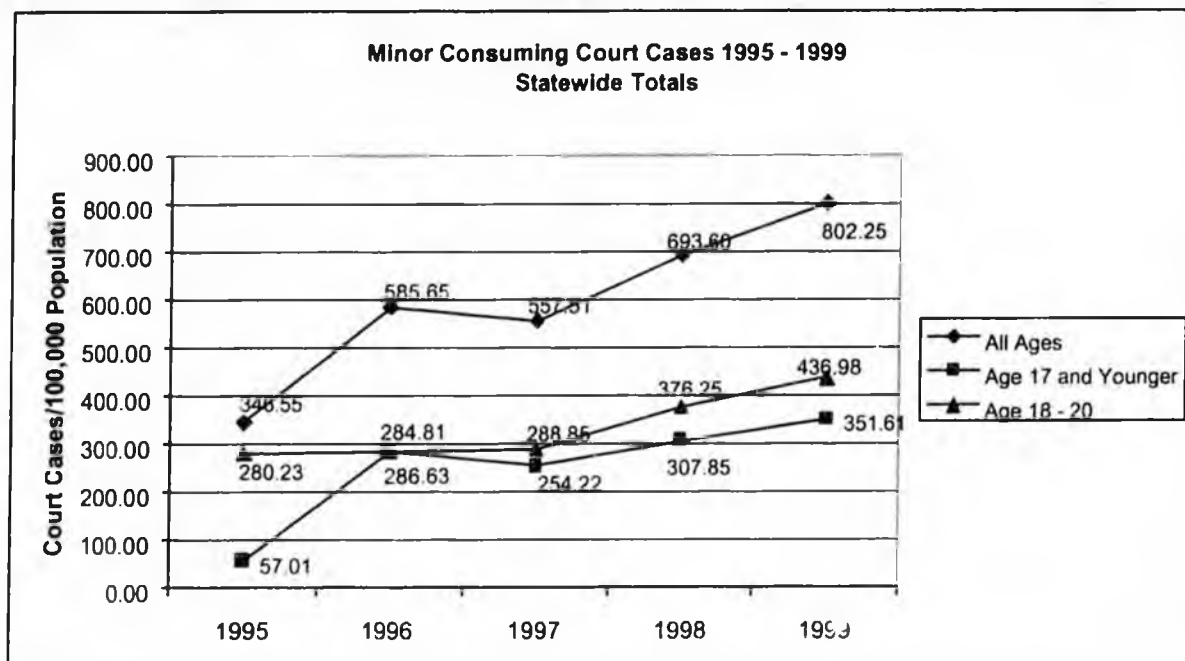


Figure 1 – Minor Consuming Cases 1995 – 1999; Data Source: Case Data – Alaska Court System; Population Data – Alaska Department of Labor and Workforce Development

In the above chart, the cases for all ages (20 and younger) are plotted in addition to the two age sub-groups (17 and younger, 18 through 20) as rates per 100,000 population. The age sub-groups are important because, in comparing pre-1995 MCA data, the pre-1995 data source was the Alaska Division of Juvenile Justice (previously Division of Family and Youth Services (DFYS)) and includes only those youth ages 17 and younger.

The following table provides raw numbers for district court cases as well as the Division of Family and Youth Services data for cases prior to 1995.

Data Description	1993	1994	1995	1996	1997	1998	1999	2000
Court Data – All Ages			2085	3553	3397	4300	4983	2220
Court Data – ≤ 17 YOA			376	1787	1614	1937	2219	1037
Court Data – 18-20 YOA			1709	1766	1783	2363	2764	1183
DFYS Data – ≤ 17 YOA	856	924	1111	432				

Table 2 – District Court and DFYS MCA Case Data; Data Source: Court Data – Alaska Court System; DFYS Data – Alaska Division of Juvenile Justice

The most relevant comparison in the above raw data is the court data for ages 17 and younger with the Division of Family and Youth Services data. The chart below shows the minor consuming case trend for youth 17 and younger for both Division of Family and Youth Services and the court system. While the time periods are too short to draw conclusions, the overall trend line seems to be continuous with the court case increases reflecting an upward trend that is noticed in the Division of Family and Youth Services data, particularly in the years 1994 and 1995.

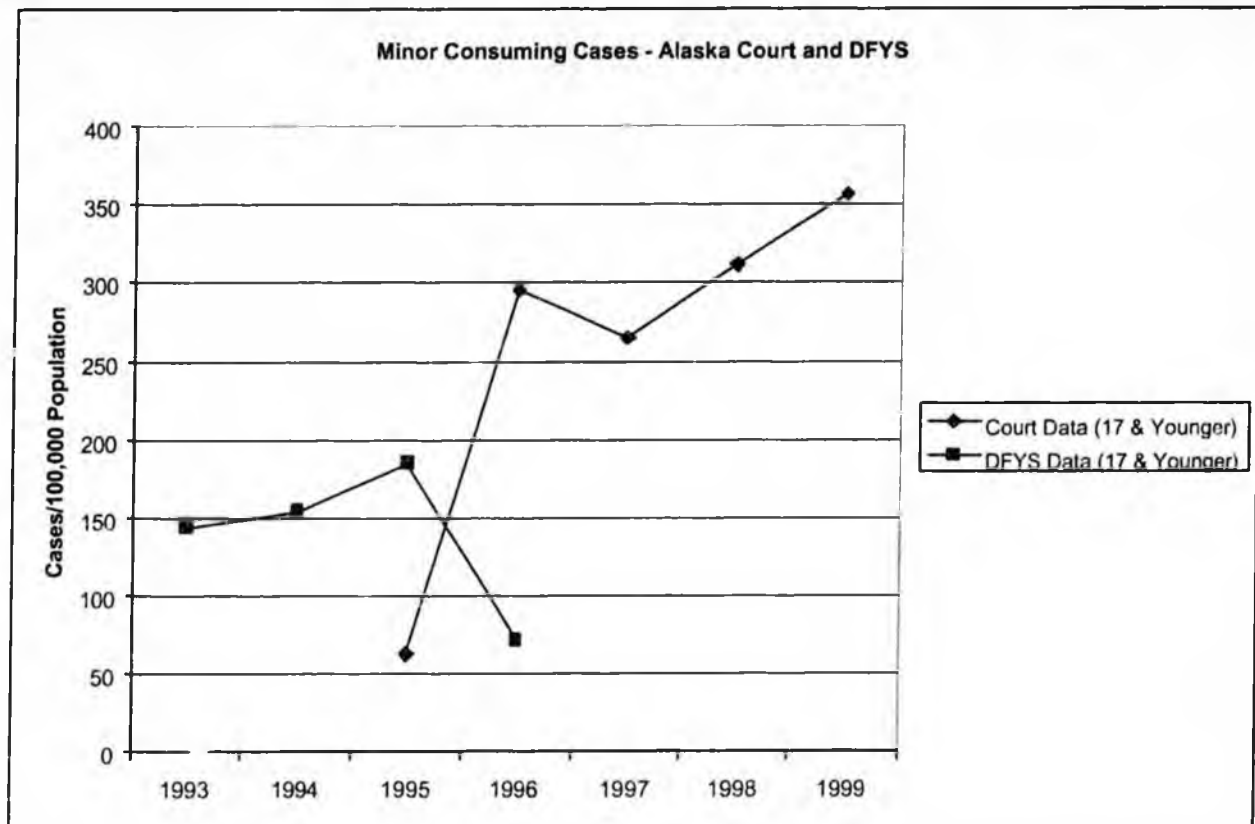


Figure 2 – Minor Consuming Cases – Alaska Court and DFYS; Data Source: Court Case Data – Alaska Court System; DFYS Case Data – Alaska Division of Juvenile Justice; Population Data – Alaska Department of Labor and Workforce Development

There were 31 communities with courts for which data was provided. The following chart shows the rate of court cases (1995 – 1999) for each of the communities as well as the statewide rate. Computing rates based on population was accomplished by considering the location of the court with regard to communities served. In most cases, the investigators found that the location of the courts closely corresponded with census areas and sub-regions.

In examining the rates for the courts in different communities, it is clear that some dispose of minor consuming cases at a far greater rate than others. Since this inquiry focused only on a core of 17 communities, there was no systematic inquiry into the practices and utilization of each individual court. The courts with the highest rates of MCA cases are in rural hub communities (Kotzebue, Ketchikan, Homer, and Bethel have the highest rates). Other hub communities, such as Sitka and Kenai, have substantially lower rates. Of the urban areas, Anchorage has a low rate of cases while Fairbanks and Juneau have relatively moderate rates.

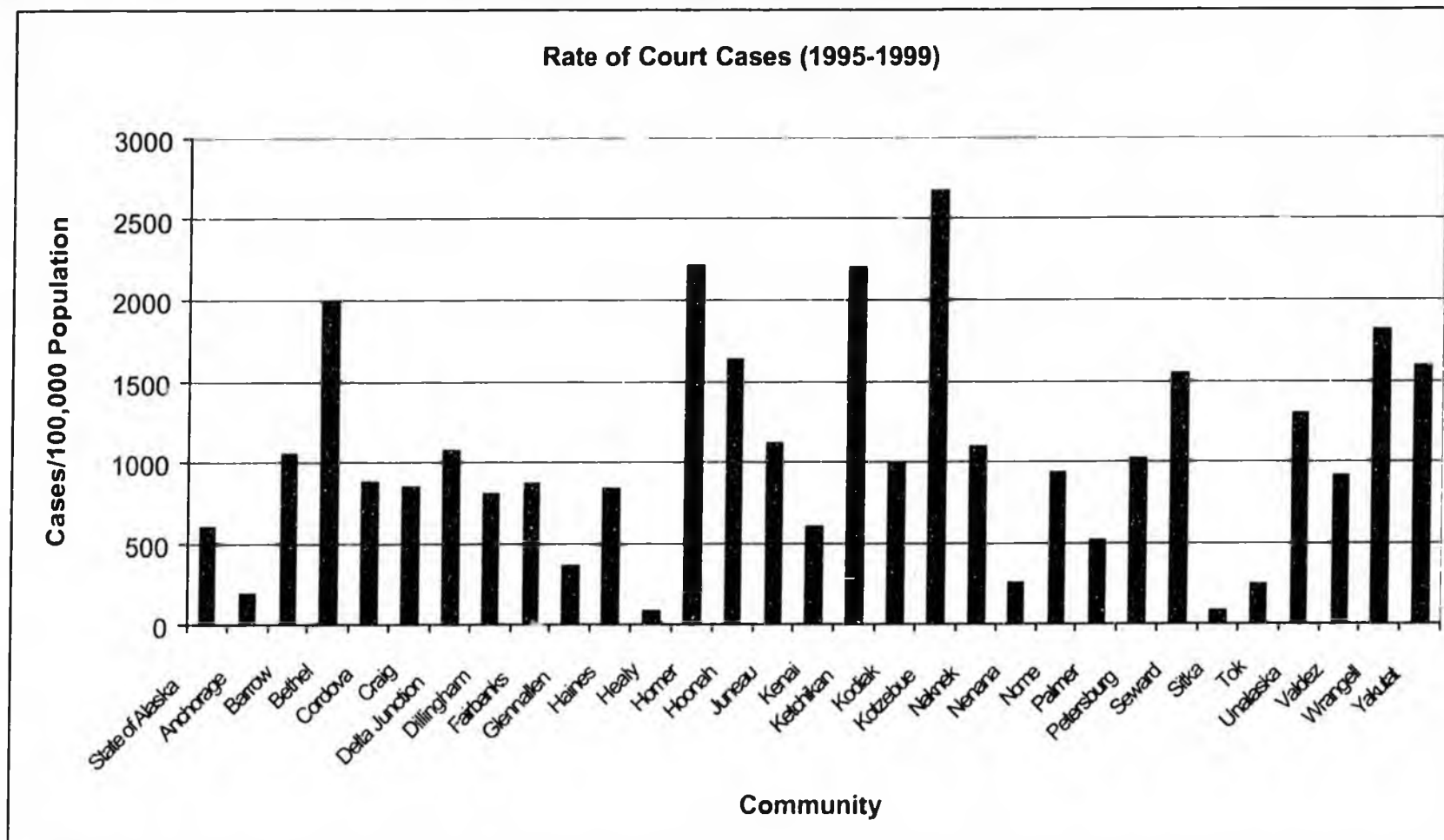


Figure 3 – Rate of Court Cases by Community (1995 – 1999); Data Source: Court Case Data – Alaska Court System; Population Data – Alaska Department of Labor and Workforce Development

The mean age of offenders during the period was 18.1 with a standard deviation of 1.85 years. Individuals also varied in the number of offenses they had on their records. Of the 12,902 unduplicated individuals with MCA cases, 72.1% had only one offense. The maximum number of offenses for any one individual was 20. In examining disposition trends, the predominant case dispositions are:

a. *No Contest (52%);*

b. *Dismissed (18%).* Case dismissed based either on the merits of the case or on an agreement between the parties to resolve outside the court system (i.e., community work service, writing essays, other conditions);

c. *Pled Guilty (12.6%);*

d. *Default Judgment (6.8%).* Where the offender does not show up for the hearing or otherwise contact the court to arrange for rescheduling and the maximum fine is typically awarded; and

e. *Other dispositions.* Other dispositions include Found Guilty, Found Not Guilty, Case Transferred, etc., all of which occurred at much lower frequencies.

During the period 1995 through 1999, the case disposition trends reflected a decrease in the number of dismissals and an increase in the number of default judgments. The average fine imposed increased over the period from \$81.46 in 1995 to \$180.47 in 2000 with repeat offenders receiving higher fines.

2. Alcohol-Related Injuries. Data on alcohol related injuries requiring hospitalization was obtained from the Alaska Trauma Registry. It represents all injuries recorded in emergency rooms or trauma centers where the patient was admitted to the hospital. There has been a slow, but steady increase in the alcohol-related injuries to youth recorded between 1991 and 1998, as indicated in the following graph.

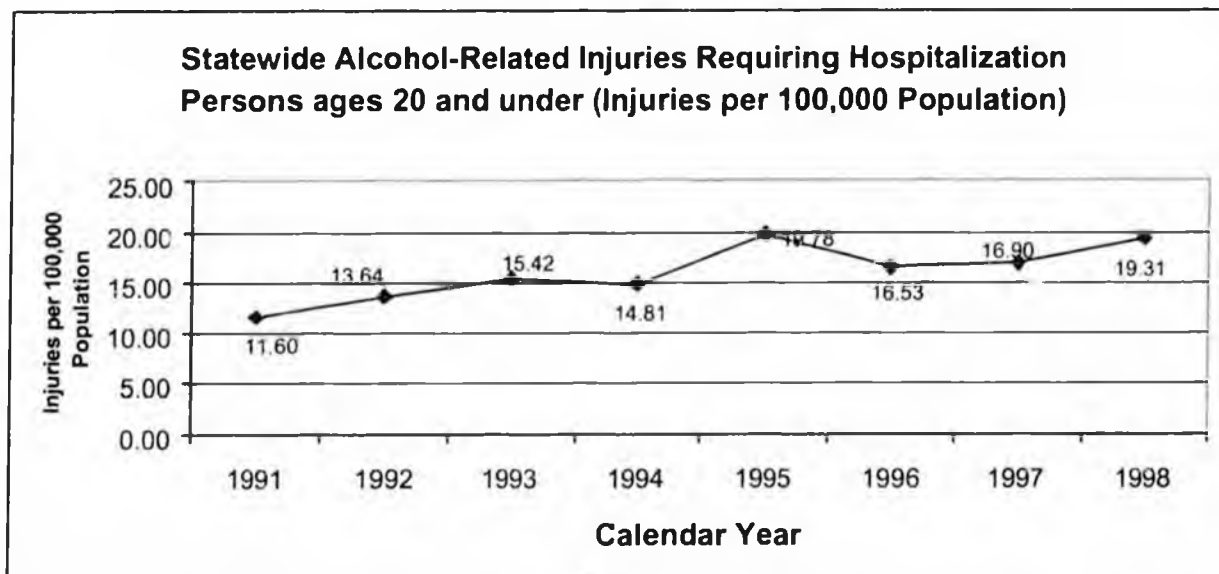


Figure 4 – Statewide Alcohol-Related Injuries Requiring Hospitalization (Ages 20 and Younger); Data Source: Injuries Data – Alaska Trauma Registry; Population Data – Alaska Department of Labor and Workforce Development

3. Alaska Department of Transportation – Highway Traffic Accident Data. The Alaska Department of Transportation keeps detailed records on highway accidents in Alaska. Within this data set are data on the number of accidents in which the driver had been consuming alcohol, as well as the age of the driver.

The rate of traffic accidents involving underage drinking drivers decreased through 1994 and has varied up and down since then. Statewide, the rate has decreased from nearly 32 per 100,000 population in 1990 to just over 19 per 100,000 population in 1998, a decrease of 40.6%. This trend is consistent with national trends that show the rates of traffic accidents involving underage drinking drivers decreasing.¹³

Like the data from the Alaska Trauma Registry, this data is impacted both by the number of accidents that occur and the assessment of the on-site law enforcement officer handling the case. The data can also be impacted for minor, single-vehicle accidents by the failure of the driver to immediately contact law enforcement officials after the accident allowing time for the alcohol to clear from the driver's body. The following graph represents the number of traffic accidents involving underage drinking drivers per 100,000 population statewide from 1990 through 1998.

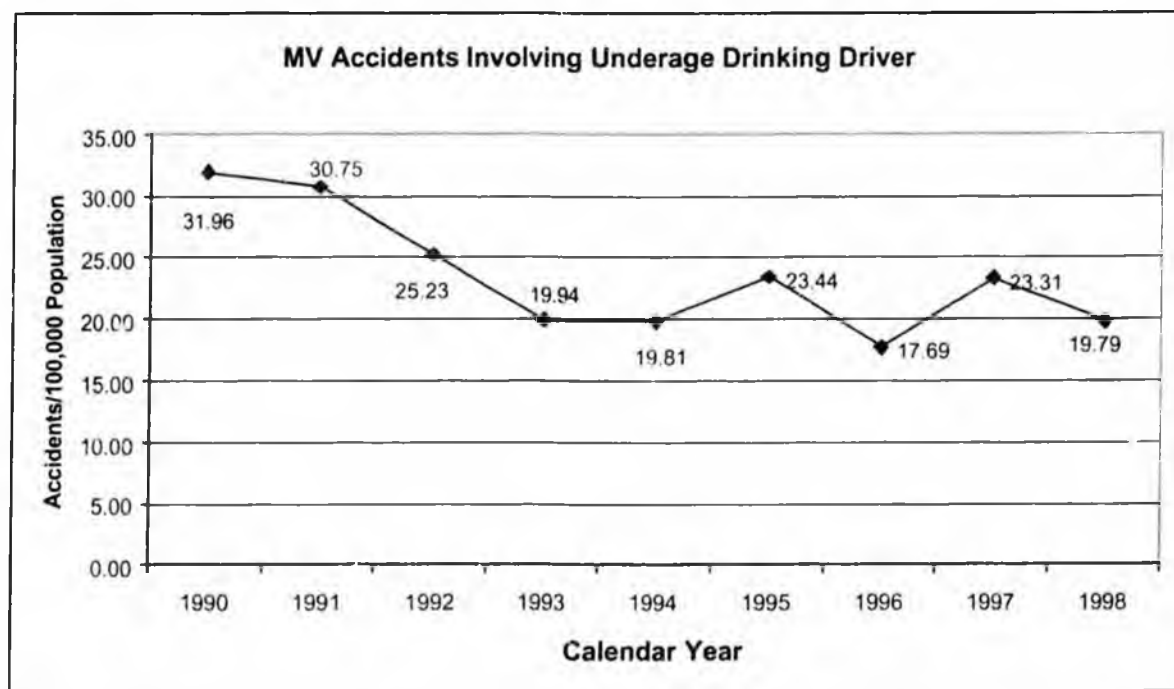


Figure 5 – MV Accidents Involving Underage Drinking Drivers: Data Source – MV Accident Data – Alaska Department of Transportation; Population Data – Alaska Department of Labor and Workforce Development

¹³ National Highway Traffic Safety Administration/National Institute on Alcohol Abuse and Alcoholism, Sentencing and Dispositions of Youth DUI and Other Alcohol Offenses: A Guide for Judges and Prosecutors. Washington, D.C., 2000

Alcohol-related traffic accidents represent a major adverse consequence associated with underage drinking. The rate of accidents involving underage drinking drivers decreased consistently between 1990 and 1993 with a less significant decrease in 1994. The rates were mixed between 1994 and 1998 varying up and down, but varying little between 1994 and 1998. The trend for accidents involving drinking drivers of all ages (39.5% decrease) was similar to that for underage drinking drivers (38.1% decrease). The investigators could find no conclusive information supporting an explanation for the trends. National studies have suggested that similar declines on a national level occurring between 1976 and 1987 are, at least partially, a result of the increase in legal drinking age across the country to 21.¹⁴

4. Alaska Division of Alcoholism and Drug Abuse – Substance Abuse Treatment Utilization The Division of Alcoholism and Drug Abuse funds and coordinates an extensive substance abuse treatment system serving Alaskans. As a part of their management of this system, they collect data from each funded program that provides information on client characteristics as well as service information. The graph below presents the rate of utilization for youth 17 years of age and younger and for youth 18 to 20 years old. The following table in this sub-section presents the raw numbers of individuals served in each component of care during the period 1992-1998. The nature of this latter analysis prevents using unduplicated clients since individuals may receive treatment in more than one component of care. Since 1992 there has been a slow but steady increase in clients 18 to 20 years old with a more marked increase in those under 18 years of age, both in raw numbers and as a rate per 100,000 population. The treatment capacity of the adolescent residential treatment facilities has remained static through the 1990s.

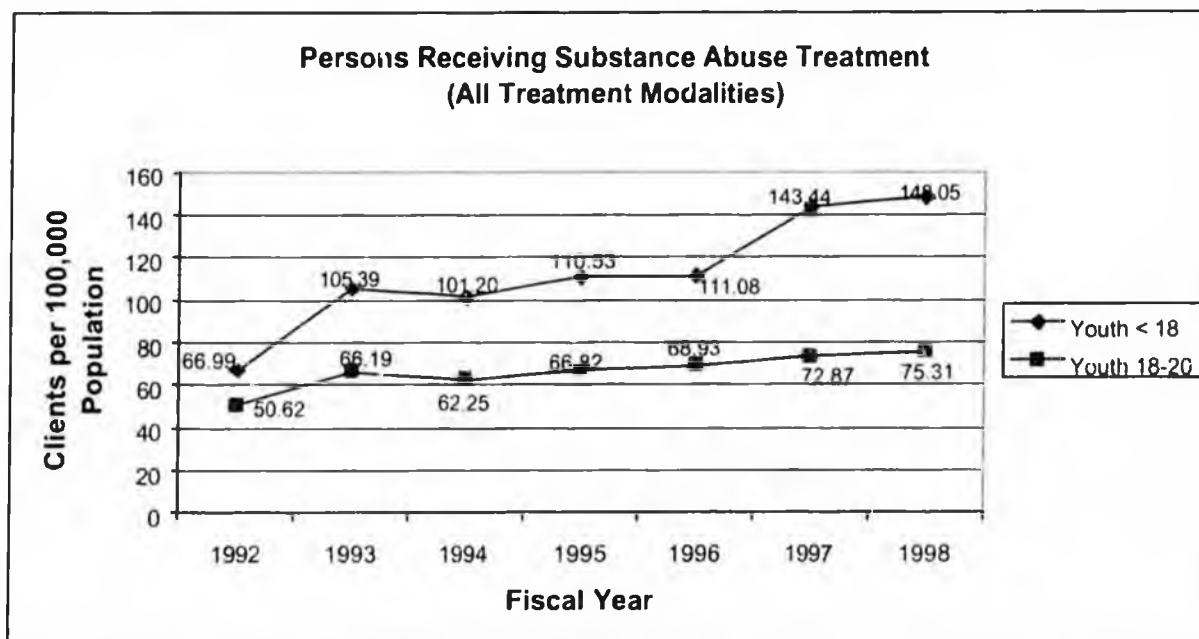


Figure 6 – Youth Receiving Substance Abuse Treatment (includes only programs funded through the division grant process or by direct Budget Request Unit (BRU)); Data Source: Treatment Data – Alaska Division of Alcoholism and Drug Abuse; Population Data – Alaska Department of Labor and Workforce Development

¹⁴ O'Malley, J.L. and Wagenaar, A.C., "Effects of minimum drinking age laws on alcohol use, related behaviors, and traffic crash involvement among American youth: 1976 – 1987." *Journal of Alcohol Studies*, 52 (5): 478-491, 1991

**Substance Abuse Treatment to Adolescents by Component
1992 – 1998
(Actual Numbers – Duplicated Clients)**

Year	Detox	Inpatient (Hospital)*	Short Term Residential*	Long Term Residential**	Outpatient	Intensive Outpatient	Continuing Care
1992	19/57	1/3	12/17	92/85	199/121	70/58	34/25
1993	37/40	1/0	28/24	188/108	245/168	147/101	69/23
1994	27/61	2/10	6/34	153/101	243/136	113/106	134/32
1995	18/63	3/17	10/30	164/101	306/161	80/114	158/46
1996	11/55	1/8	14/25	160/101	345/173	93/106	110/47
1997	13/56	2/12	7/25	150/109	385/176	218/139	179/53
1998	20/54	5/10	3/16	159/101	422/193	288/138	149/51

Table 3 – Substance Abuse Treatment to Adolescents by Component; Data Source: Alaska Division of Alcoholism and Drug Abuse

Number Reporting Format: Ages 17 & Younger / Ages 18 – 20

Notes: * Inpatient (Hospital) and Short-Term Residential length of stay 10 – 30 days.

** Long-Term Residential length of stay – greater than 30 days

?? Increases in long-term residential adolescent treatment data are supported by key informant interviews indicating average lengths of stay between three and six months. Increased intensive outpatient services of 311% can be partially attributed to an increase in programs offering that service, as well as third party payors who favor treatment settings less restrictive than residential.

?? Continuing care utilization increased by over 300% for youth ages 17 and younger and by just over 100% for youth ages 18 through 20. Increases in utilization of continuing care reflects the importance attached to continuing care by the Division of Alcoholism and Drug Abuse and the addictions field in general.

J. Conclusions. Based on national and state surveys, alcohol consumption by youth in Alaska is comparable to consumption by youth nationally. When considering trends in consumption of alcohol by youth, there are mixed indicators that preclude the development of conclusions. The 1998 and 1999 National Household Surveys on Substance Abuse sponsored by SAMHSA concluded that the trend in consumption of alcohol by youth during the 1990s was relatively flat.¹⁵ This is supported somewhat by trends in per capita alcohol consumption in Alaska and nationally through the 1990s¹⁶ as well as by the rate of motor vehicle accidents in Alaska and nationally involving underage drinking drivers. Countering this, however, is the Alaska Court System and Alaska Division of Juvenile Justice data that shows a marked and consistent increase in MCA cases beginning in the early 1990s and continuing through 1999. There is no evidence to indicate any marked increase or focus in law enforcement that might explain this increase. Additionally, there has been an increase between 1991 and 1998 in the number of alcohol-related injuries among youth.

There are a variety of adverse consequences that occur as a result of underage drinking. The specific consequences identified and quantified in this inquiry were alcohol-related injuries requiring hospitalization among youth, including those resulting from suicide attempts and those resulting in death and traffic accidents involving underage drinking drivers. Other adverse consequences for which data was not gathered in this report include school performance, criminal activity, and overall health. In addition to consequences that can be quantified through data collection, there are other, more subjective consequences such as the deterioration of families, alienation of friends, and general disenfranchisement from society.

In the data collected for this inquiry, the rate of alcohol-related hospitalizations for youth increased from 1991 through 1998 by 66.5%. The trend for injuries attributable to suicide attempts was mixed with a 43.3% increase between 1993 and 1996 followed by a 14.7% decrease from 1996 to 1998. The trend in deaths resulting from alcohol-related accidents among youth is clouded by the small numbers of even occurring, with 24 occurring between 1991 and 1998. Motor vehicle accidents involving underage drinking drivers decreased by 38.1% between 1990 and 1998. The decrease in the rate for underage drinking drivers is comparable to the decrease in accidents involving drinking drivers of all ages, 39.5% between 1990 and 1998.

Efforts to address underage drinking in Alaska are ongoing in various domains.

1. Statutory Effort. The primary statutory action involving underage drinking over the past ten years has been the transfer of jurisdiction over MCA cases from the juvenile justice system to district court in 1995. There have been some adjustments since that time, primarily dealing with revocation of drivers' licenses and the length of time for which they can be revoked. In examining data from the period 1991 through 1998 and 1999, the number of MCA cases has increased steadily through the period. When examining the trends for youth ages 17 and younger for both the juvenile justice system prior to 1995 and the Alaska Court System after that, there appears to be a consistent increase that began in 1993 and continued across the two jurisdictions.

¹⁵ Substance Abuse and Mental Health Services Administration (SAMHSA). Summary of Findings: 1999 National Household Survey on Substance Abuse. Rockville, MD, August 2000

¹⁶ Advisory Board on Alcoholism and Drug Abuse, Results within our Reach: Plan for Delivery of Substance Abuse Services 1999 - 2003. Juneau, AK, January 1999

When examining adverse consequences, there were no major shifts in numbers/rates that corresponded with the change in jurisdiction. While law enforcement, judges and magistrates may believe the new statute to be ineffective or limiting, the investigators found no evidence that the change in statute itself was the sole contributor to the increase in arrests indicated by the increased number of MCA cases. Neither can we say that the statutory change caused any identifiable change in adverse consequences.

2. Law Enforcement Effort. Investigators found no evidence of heightened law enforcement effort or focus with regard to underage drinking between 1993 and 1999, with the exception of a consistent increase in MCA cases. Key informants indicated that law enforcement pursued reactive strategies in most communities with underage drinking violations competing with every other law enforcement issue. An exception to this observation is the coordinated effort taking place in five communities in Alaska, coordinated by the ABC Board, using Enforcement of Underage Drinking Laws (EUDL) grant funds from the Division of Juvenile Justice. This effort is taking the form of intensified scrutiny of licensed establishments using supervised youth attempting to make purchases and the concentration on identifying and intervening in large drinking parties.

3. Court System Effort. The Alaska Court System has experienced a consistent increase in MCA cases from 1995 through 1999. The major trends observed within these cases are that the fines have increased steadily by 121% during the period and that the disposition of cases has changed, with fewer cases being dismissed and more cases having default judgments (where the offender does not show up for court). The vast majority of offenders (72.1%) are one-time offenders, however, 54.7% of the total cases are attributable to individuals with multiple cases (27.9% of unduplicated individuals). Judges and magistrates are using graduated increases in fines to deal with repeat offenders. Because there are no conclusions on whether prevalence of underage drinking is increasing or decreasing, investigators are unable to draw conclusions about the impact of court efforts on the underage drinking problem.

4. Substance Abuse Treatment Effort. Utilization of substance abuse treatment services by youth has increased through the 1990s most significantly in the outpatient, intensive outpatient, and continuing care modalities. There was a marked increase in utilization of long-term residential services between 1992 and 1993; however, the utilization rates for that modality have remained somewhat static over the remainder of the period. The increase in utilization of intensive outpatient services is most likely connected to the emergence of this modality in the 1990s as a step between regular outpatient and residential. The increase in continuing care utilization reflects, at least in part, the growing emphasis placed on this service by the Division of Alcoholism and Drug Abuse and the addictions field in general. Another complicating factor in analyzing the treatment data, particularly for residential care, is that the state's limited public residential programs tend to operate at capacity all the time. This does not allow investigators to use treatment utilization data as a gauge of the need for residential treatment. Key informants indicate that there is a waiting list of between three and six months for youth residential treatment. There are, however, two proposed residential treatment expansion projects in the development process that, if approved, will help to alleviate this backlog.

5. Prevention, Education, and Advocacy Efforts. There is considerable prevention activity in Alaska, however, results from these types of efforts manifest themselves on a population basis over long periods of time, and many of these efforts have only recently been implemented. The investigators, therefore, draw no conclusions regarding their effectiveness at reducing underage drinking. The Division of Alcoholism and Drug Abuse has, as a part of its current emphasis on prevention, developed a comprehensive prevention evaluation component being conducted by the Institute for Circumpolar Health Studies. If successful, this evaluation effort should provide valuable information on the efficacy of various approaches to dealing with substance abuse by youth and play a vital role in future program planning.

Key informants in this project suggested that community norms and values play a key role in underage drinking trends. This reflects current thinking among substance abuse prevention professionals nationally as well as many of the best practices in prevention adopted by SAMHSA. Given the importance attached to environmental strategies, and the role that key informants believe that community norms and values play in underage drinking in communities, advocacy and environmental prevention efforts may have great potential to impact the problem.

The data systems described in this report all collect data to serve the unique needs of the respective organizations. There are, in addition, other emerging data sources that could prove valuable in the future. One such data set will be maintained by the Department of Education and Early Development and will contain data on school suspensions and expulsions due to alcohol or drug use. Another database worth exploring is maintained by the Alaska Bureau of Vital Statistics. That database contains information on deaths that could prove useful if a method could be devised to clearly identify which of those deaths were attributable to alcohol. There is currently information in the database that relates to some instances of alcohol-related deaths, but it is inconsistent and does not cover the range of possibilities where alcohol can contribute to a death. While these two data sources provide additional insight into adverse consequences of underage drinking, one of the major gaps in data/information relates to actual prevalence of underage drinking. A data collection effort that could prove useful if successfully implemented is the YRBS. As previously noted, identifying prevalence of underage drinking is an important task and YRBS, which surveys students, could be one of the most reliable tools. The state will need to address barriers to participation to gain a response rate sufficient to generalize the samples to the population statewide.

The promise of such diverse and robust databases is that they can provide glimpses of the problem from different perspectives. With each different perspective comes a greater understanding of the breadth and depth of the problem. The difficulty with these databases is that they are all proprietary and accessible only through special effort by the maintaining organization, they are designed in terms of structure and format to meet the needs of the maintaining organization and are, most often, not well-suited to integration without a great deal of intervention. Using all of this potential data together in an integrated effort to describe the problem and/or progress in addressing the problem will require that it be gathered and analyzed, preferably by a central organization requiring an ongoing dedication of resources.

Finally, the failure to intervene in underage drinking represents a lost opportunity to address future problems. Magistrates, judges, prosecutors, and law enforcement officials agree that

alcohol is involved in most violent crimes against persons and property crimes committed by young adults. While it cannot be said with certainty that every one of these young adult offenders began drinking as a teen, youth with multiple MCA violations seem to be good candidates for future alcohol-related problems. Future studies that examine court data, Division of Juvenile Justice data, and public safety data could well provide more solid evidence of correlation between underage drinking and young adults who commit more serious crimes under the influence of alcohol.

K. Recommendations.

1. Increased law enforcement efforts have been made possible through the ABC Board and new funding. Evaluation of these efforts in coming years will be an important source of information that should be reviewed.
2. Case disposition for MCA's under existing statute disallows assessments or other treatment interventions. This was cause for concern for law enforcement, court personnel and treatment providers. Statutes should be reviewed for possible changes and/or improvements to allow for a broader range of sentencing alternatives.
3. One treatment component lacking in Alaska is that of assessment and referral for youth similar to the adult Alcohol Safety Action Program (ASAP). This may be an area worth further exploration, given the increase in the number of MCA cases shown by the court system data.
4. Alaska has recently undertaken a number of prevention efforts, many of which are research-based. The state may wish to consider a statewide approach to prevention strategies and funding for such. Additionally, the existing evaluation effort funded by Division of Alcoholism and Drug Abuse through the Institute for Circumpolar Health Studies holds promise as a potential source of policy information in this arena.
5. Environmental prevention strategies may play an important role in the state's efforts to address underage drinking, given the emphasis placed by key informants on community norms and values. This area deserves further exploration.
6. The YRBS survey represents a potentially data rich resource for prevalence information within Alaska. Efforts should be continued to ensure that this source of information is obtained in a manner that will ensure valid data.
7. Given the complexity and diversity of data on this issue, the state may wish to consider the feasibility of having a centralized entity collect information on the issue of underage drinking.

HB

126



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

Rep. Jay Ramras
Chairman
Room, 118
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Rep. Ralph Samuels
Room 204
(907) 465-2095

Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: Tuesday, March 13, 2007

To: Representative John Cogill
Chairman House Rules Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Judiciary Referral File
CSHB126(JUD)

Attached please find the following documents:

- CSHB126(JUD) 25-LS0453\O
- Leg. legal fax re: JUD amendments
- House Judiciary Committee Report
- Sponsor Statement
- Sectional Analysis
- Fiscal Notes
 - 1) DMV - 0 fiscal note
 - 2) DOT - 0 fiscal note
 - 3) DOT - Amended 0 fiscal note
- CSHB126(JUD) 25-LS0453\L
- Leg. legal fax re: amendments
- HB126 25-LS0453\C
- House State Affairs Committee Report
- Letters of support
- Table of noncompliance
- Motor Carrier Safety Improvement Act of 1999
- AS 11.81.900

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras
Chairman
(907) 465-3004
Fax: (907) 465-2070
Representative_Jay_Ramras@legis.state.ak.us

1292 Sadler Way, Suite 324
Fairbanks, AK 99701



Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Jerry Luckhaupt

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: March 12, 2007

Re: House Judiciary Final for CSHB126(JUD) – 25-LS0453\L

Jerry –

Please draft a final for CSHB126(JUD) with the following minor amendments:

P.1, L.9 – After “access” please insert, “criminal justice”

P. 12, L.5 – After “knowingly” insert “as defined in AS 11.81.900”

Thank you

ALASKA STATE LEGISLATURE

Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

Interim:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
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Chair
Transportation

Vice Chair
Fisheries

Member
Economic Development,
Trade and Tourism,
State Affairs

REPRESENTATIVE KYLE JOHANSEN
DISTRICT ONE

SPONSOR STATEMENT HB 126

"An act relating to driver's licenses and permits, commercial driver's licenses, and other motor vehicle laws; relating to the driver's license compact; and providing for and effective date."

The intent of HB 126 is to reduce the number and severity of commercial motor vehicle related fatalities and injuries. To achieve these ends, HB 126 updates existing motor vehicle statutes and adds new motor vehicle statutes to meet current and upcoming federal regulations for commercial driver's licenses. This legislation incorporates into Alaska law key provisions of the federal Motor Carrier Safety Improvement Act aimed at improving the overall effectiveness of the commercial driver's license program.

This bill will bring Alaska into compliance of the regulations set forth by the Federal Motor Carrier Safety Administration. Further noncompliance subjects Alaska to the withholding of up to five percent of federal-aid highway funds in the first year and up to ten percent of federal-aid highway funds in the second and subsequent years. The reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$10.4 million in federal fiscal year (FFY) 2008 and \$17.4 million in FFY 2009. If similar amounts to FFY 2009 are assumed, a total of \$80 million over a 5 year period would be lost if Alaska remains noncompliant. These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

This bill would exempt from the state's driver's license requirements certain military drivers operating commercial vehicles for military purposes and other drivers in cases of emergencies requiring additional assistance. Also, a nonresident holding a valid CDL issued by another jurisdiction whose permanent residence is maintained in that jurisdiction will not need to be issued a State of Alaska CDL.

SECTIONAL ANALYSIS

HOUSE BILL NO. 126

"An Act relating to driver's licenses and permits, commercial driver's licenses, and other motor vehicle laws; relating to the driver's license compact; and providing for an effective date."

Introduced: February 12, 2007

Section 1: Language to support the prior authorization under AS 28.35.030(q) and AS 28.35.032(s) for DOA/DMV to review criminal history; prior DUI/Refusals for proper application of revocation, suspension, cancellation and disqualification timeframes. Current records are not complete. 383.51

Section 2: Amends requirements so more current addresses may be used as reflected on citations, police reports, judgments or crash reports for notification of CDL drivers. 383.141

Section 3: Expands military exemption language to include more service members as required by FMCSA. 383.3 (c)

Adds exemption to allow non-CDL holder to operate snow removal equipment in case of emergency (this is good for the rural communities). 383.3(d)(3)

Allows a non-resident to operate a CMV using their home state license. FMCSA allows one CDL issued from the state where you are domiciled (permanent residence). 383.212

Section 4: Adds cancel and withdrawal language to comply with 384.201, 384.210

Section 5: Adds disqual language but may still be eligible for base privilege 384.212, 383.5

Section 6: Removes 1 year expiration of school bus license (no longer needed due to removal of tuberculin requirement in 05) which will allow the state to add a school bus license as an endorsement to a CDL as required by FMCSA 383.93, 383.123, 384.201

Section 7: Alaska allows CDL instruction permit holders to renew a CDL instruction permit as many times as requested effectively allowing a driver to operate a CDL along side a licensed CDL driver forever without taking the CDL skills test. DMV chose 1 renewal which equals 4 years total of driving on an instruction permit. Instruction permits will be issued specifically for each type of CDL (IC, IB, IA) so each upgrade allows 4 years of practice time.

Sections 8: Clarifies "legal" name and requires applicant to provide past driving history 384.206(2)(ii)

Section 9: "May" to "Shall" and maintaining disqual info 384.225, 384.207

Section 10: "May" to "Shall" and update record in 10 days 384.225, 384.207

- Section 11:** "May" to "Shall" and provide record in 10 days 384.225, 384.207
- Section 12:** "Shall" send convictions to other states.
- Section 13:** Change from one-month/three months to 30 days/90 days for consistency and equitable/equal time frames of suspension.
- Section 14:** Add disqualifications
- Section 15:** Clearly define 19 yoa to operate intrastate. Add domicile per Fed. Reg.
- Section 16:** Add administrative actions and 2 new federal offenses
- Section 17:** Gives admin authority after court conviction to take disqual.
- Section 18:** Gives admin authority after court conviction to take disqual Change "substance" to "material" to comply with FMCSA
- Section 19:** Gives admin authority after court conviction to take disqual.
- Section 20:** Surrender of license if admin. Action
- Section 21:** Increases penalties to match federal requirements.
- Section 22:** Gives admin authority after court conviction to take disqual
- Section 23:** Gives USDOT authority to declare a driver an imminent hazard and creates civil penalties for employers.
- Section 24:** Adds disqualification info
- Section 25:** Adds 3 new serious offenses as required by FMCSA
- Section 26:** Adds new definitions
- Section 27:** Removes definition that has been added in AS 28.05.065
- Section 28:** Same amendment and logic as Section 2
- Section 29:** Updates compact with federal changes
- Section 30:** adds definition
- Section 31:** repeals language no longer applicable

FISCAL NOTE

**STATE OF ALASKA
2007 LEGISLATIVE SESSION**

Fiscal Note Number: HB126-DOA-DMV-2-13-07
 Bill Version: HB 126
 () Publish Date: _____

Revision Date/Time (Note if correction):
 "An Act relating to driver's licenses and permits,
 commercial driver's licenses,..."

Dept. Affected: Administration

Title: _____
 Sponsor: Rep. Johansen
 Requester: (H) STA

RDU: Division of Motor Vehicles
 Component: Motor Vehicles
 Component No.: 2348

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

Estimate of any current year (FY2007) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director
 Division: Motor Vehicles
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Department of Administration

Phone 269-5559
 Date/Time 2/13/07 10:00 AM
 Date 2/13/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB 126-DOT-PLN-03-09-07
 Bill Version: HB 126
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Commercial Drivers Licenses RDU Planning
 Component Program Development
 Sponsor Johansen
 Requester House STA Component No. 365

Expenditures/Revenues (Thousands of Dollars)

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

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky
 Division: Commissioner's Office
 Approved by: Nancy Slagle, Director Admin Service
 Agency: Department of Transportation and Public Facilities

Phone 465-4772
 Date/Time 3/9/07 12:00 AM
 Date 3/9/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB 126-DOT-PLN-02-14-07
 Bill Version: HB 126
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Commercial Drivers Licenses RDU Planning
 Component Program Development
 Sponsor Johansen
 Requester House STA Component No. 365

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999.

Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008).

These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

Prepared by: Mary Siroky Phone 465-4772
 Division Commissioner's Office Date/Time 2/14/07 12:00 AM
 Approved by: John MacKinnon Date 2/14/2007
 Agency Department of Transportation and Public Facilities

25-LS0453L
Luckhaupt
2/23/07

CS FOR HOUSE BILL NO. 126(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE JOHANSEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driver's licenses and permits, commercial driver's licenses, and
2 other motor vehicle laws; relating to the driver's license compact; and providing for an
3 effective date."

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

5 * Section 1. AS 28.05 is amended by adding a new section to read:

6 **Sec. 28.05.065. Access to criminal justice information.** (a) For purposes of
7 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an
8 employee of the department assigned to perform functions under those chapters may
9 access information about an adult or minor charged with or convicted of an offense.

10 (b) For purposes of obtaining access to criminal justice information
11 maintained by the Department of Public Safety under AS 12.62, the unit assigned
12 motor vehicle functions in the Department of Administration is a criminal justice
13 agency conducting a criminal justice activity.

14 (c) In this section,

1 (1) "criminal justice activity" has the meaning given in AS 12.62.900;

2 (2) "criminal justice agency" has the meaning given in AS 12.62.900.

3 * **Sec. 2.** AS 28.05.071 is amended to read:

4 **Sec. 28.05.071. Change of name or address.** A person who has applied for or
5 been issued a certificate, registration, title, license, permit, or other form under this
6 title, and who changes the person's name or moves from the address shown on the
7 records or forms of the Department of Administration or the Department of Public
8 Safety, shall notify the appropriate department [IN WRITING] of the change in name
9 or address within 30 days

10 (1) on a form or in a format specified by the appropriate
11 department; and

12 (2) in a manner prescribed in regulations adopted by the
13 appropriate department.

14 * **Sec. 3.** AS 28.15.021 is amended to read:

15 **Sec. 28.15.021. Persons exempt from driver licensing.** The following
16 persons are exempt from driver licensing under this chapter:

17 (1) an employee of the United States government while operating a
18 motor vehicle owned by or leased to the United States government and being operated
19 on official business, unless the employee is required by the United States government
20 or an agency of that government to have a state driver's license;

21 (2) a nonresident who is at least 16 years of age and who has a valid
22 driver's license issued by another jurisdiction; however, an Alaska driver's license
23 must be obtained by the end of a 90-day period after entry into the state;

24 (3) a member of the armed forces of the United States who has a valid
25 driver's license issued by another jurisdiction when the permanent residence of the
26 member is maintained in that jurisdiction;

27 (4) a person when driving an implement of husbandry, as defined by
28 regulation, that is only temporarily driven or moved on a highway;

29 (5) a person when driving or operating an off-highway vehicle,
30 watercraft, aircraft, or other vehicle not designed for highway use as specified by the
31 department by regulation;

1 (6) a person who is at least 16 years of age with a valid driver's license
2 from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an
3 Alaska driver's license for driving a motor-driven cycle must be obtained by the end of
4 a 90-day period after entering the state;

5 (7) a person when operating an electric personal motor vehicle;

6 (8) certain drivers in the United States military service who are
7 operating commercial motor vehicles for military purposes; in this paragraph,
8 "certain drivers in the United States military service"

9 (A) means

10 (i) a member of the United States active duty
11 military, including active duty United States Coast Guard;

12 (ii) a member of the United States military reserves;

13 (iii) a member of the Alaska National Guard or the
14 national guard of another state on active duty in this state,
15 including a member on part-time Alaska National Guard training;
16 and

17 (iv) an individual who serves as an Alaska National
18 Guard military technician; in this sub-subparagraph, "Alaska
19 National Guard military technician" means an individual who is
20 not a member of the military, but is required to wear a military
21 uniform;

22 (B) does not include an individual who serves as a United
23 States Military Reserve technician;

24 (9) drivers employed by a municipality or established village, as
25 that term is defined in AS 04.21.080, with a population of 3,000 or less operating
26 snow removal equipment in this state within the boundaries of the municipality
27 or established village if

28 (A) the employee who is properly licensed in this state and
29 ordinarily operates the equipment is unavailable; or

30 (B) the municipality or established village determines that
31 an emergency exists that requires additional assistance;

1 **(10) a nonresident who holds a valid commercial driver's license**
2 **issued by another jurisdiction when the permanent residence of the commercial**
3 **driver is maintained in that jurisdiction.**

4 * Sec. 4. AS 28.15.031(b) is amended to read:

5 (b) The department may not issue an original or duplicate driver's license to,
6 nor renew or reinstate the driver's license of, a person

7 (1) whose license is suspended, [OR] revoked, **canceled, or**
8 **withdrawn in this or any other jurisdiction** except as otherwise provided in this
9 chapter;

10 (2) who fails to appear in court for the adjudication of a certain
11 vehicle, driver, or traffic offense when the person's appearance is required by statute,
12 regulation, or court rule;

13 (3) who is an habitual user of alcohol or another drug to such a degree
14 that the person is incapable of safely driving a motor vehicle;

15 (4) when the department, based upon medical evidence, has
16 determined that because of the person's physical or mental disability the person is not
17 able to drive a motor vehicle safely;

18 (5) who is unable to understand official traffic control devices as
19 displayed in this state or who does not have a fair knowledge of traffic laws and
20 regulations, as demonstrated by an examination;

21 (6) who has knowingly made a false statement in the person's
22 application for a license or has committed fraud in connection with the person's
23 application for, or in obtaining or attempting to obtain, a license, or who has not
24 applied under oath on the form provided for the purpose of obtaining or attempting to
25 obtain a license or permit; or

26 (7) who is required under AS 28.20 to furnish proof of financial
27 responsibility and who has not done so.

28 * Sec. 5. AS 28.15.031 is amended by adding new subsections to read:

29 (c) The department may not issue an original or duplicate commercial driver's
30 license to, nor renew or reinstate the commercial driver's license of, a person who is
31 disqualified from operating commercial motor vehicles in this or any other jurisdiction

1 or is not domiciled in this state.

2 (d) In this section, "disqualified" has the meaning given in AS 28.33.190.

3 * Sec. 6. AS 28.15.046(f) is amended to read:

4 (f) Costs of conducting the background check required under (b)(4) of this
5 section shall be paid by the applicant. [A LICENSE ISSUED UNDER THIS
6 SECTION EXPIRES ON SEPTEMBER 1 OF THE YEAR FOLLOWING
7 ISSUANCE.] Application for renewal may be made by submitting to the department
8 the results of a current physical examination and paying the required fee.

9 * Sec. 7. AS 28.15.051(a) is amended to read:

10 (a) Except as provided in (b) of this section, a person who is at least 14 years
11 of age may apply to the department for an instruction permit. The department may,
12 after the applicant has successfully passed all parts of the examination under
13 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.
14 The permit allows a person, while having the permit in the person's immediate
15 possession, to drive a specified type or class of motor vehicle on a highway or
16 vehicular way or area for a period not to exceed two years. The permittee shall be
17 accompanied by a person at least 21 years of age who has been licensed at least one
18 year to drive the type or class of vehicle being used, who is capable of exercising
19 control over the vehicle and who occupies a seat beside the driver, or who
20 accompanies and immediately supervises the driver when the permittee drives a
21 motorcycle. An instruction permit may be renewed one time. Once a license is issued
22 to drive a specified type or class of motor vehicle, a driver is not eligible to obtain
23 an instructional permit for that specified type or class of motor vehicle.

24 * Sec. 8. AS 28.15.061(b) is amended to read:

25 (b) An application under (a) of this section must

26 (1) contain the applicant's full legal name, date and place of birth, sex,
27 and mailing and residence addresses;

28 (2) state whether the applicant has been previously licensed in the past
29 10 years as a driver and, if so, when and by what jurisdiction;

30 (3) state whether any previous driver's license issued to the applicant
31 has ever been suspended or revoked or whether an application for a driver's license has

1 ever been refused and, if so, the date of and reason for the suspension, revocation, or
2 refusal;

3 (4) contain the applicant's social security number; the requirement of
4 this paragraph only applies to an applicant who has been issued a social security
5 number; and

6 (5) contain other information that the department may reasonably
7 require to determine the applicant's identity, competency, and eligibility.

8 * Sec. 9. AS 28.15.151(a) is amended to read:

9 (a) The department shall [MAY] maintain a file of

10 (1) every driver's license application, license or permit, and duplicate
11 driver's license issued by it;

12 (2) every license that has been suspended, revoked, canceled, limited,
13 restricted, or denied, and the reasons for those actions; [AND]

14 (3) all accident reports required to be forwarded to the department
15 under this title; and

16 (4) every disqualification of an individual from operating a
17 commercial motor vehicle.

18 * Sec. 10. AS 28.15.151(b) is amended to read:

19 (b) The department shall [MAY] also maintain and update within 10 days
20 after receipt by the department, a file of all accident reports, abstracts of court
21 records of convictions of vehicle, driver, and traffic offenses, and other information
22 that [WHICH] the department considers necessary to carry out the purposes of this
23 chapter.

24 * Sec. 11. AS 28.15.151(c) is amended to read:

25 (c) The department shall, upon request, subject to the applicable provisions of
26 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,
27 state, or federal administrative or judicial agency with a certified abstract of the
28 driving record of a driver within 10 days after receipt of the request by the
29 department; and (2) a parent, foster parent, or guardian of a driver who is under 18
30 years of age and not an emancipated minor an abstract of the driving record of that
31 driver; the department may refuse to release the driver's address to the parent, foster

1 parent, or guardian if the department determines that the release of the driver's address
2 poses a threat to the health or safety of the driver. The abstract must include a listing
3 of accidents in which the driver has been determined by the department or a court of
4 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic
5 offenses, any actions taken upon the driver's license, and information relating to
6 financial responsibility.

7 * **Sec. 12.** AS 28.15.171(b) is amended to read:

8 (b) The department shall [MAY], upon receiving the record of a conviction of
9 a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this
10 state, or upon suspending or revoking the person's driving privilege, forward a copy of
11 the record or suspension or revocation to the motor vehicle administrator for the
12 jurisdiction in which the person convicted is licensed.

13 * **Sec. 13.** AS 28.15.211(a) is amended to read:

14 (a) Except for a point system suspension or revocation under AS 28.15.221 -
15 28.15.241 and unless provided otherwise by law, and unless the suspension or
16 revocation was for a cause that has been removed, a person whose driver's license,
17 privilege to drive, or privilege to obtain a license has been suspended or revoked may
18 not apply for a new license, and the person's driving privilege may not be restored,
19 until the expiration of

20 (1) 30 days [ONE MONTH] from the date on which the license,
21 privilege to drive, or privilege to obtain a license was suspended or revoked for a first
22 conviction of the particular offense from which the suspension or revocation resulted;

23 (2) 90 days [THREE MONTHS] from the date on which the license,
24 privilege to drive, or privilege to obtain a license was suspended or revoked for a
25 second conviction within 12 consecutive months of the same offense from which the
26 suspension or revocation resulted;

27 (3) one year from the date on which the license, privilege to drive, or
28 privilege to obtain a license was suspended or revoked for a third or subsequent
29 conviction within 12 consecutive months of the same offense from which the
30 suspension or revocation resulted.

31 * **Sec. 14.** AS 28.15.211(b) is amended to read:

1 (b) A limitation, suspension, or revocation of a driver's license, privilege to
 2 drive, or privilege to obtain a license or a disqualification imposed by a court or the
 3 department takes effect on the date of final judgment, except that if another court or
 4 department limitation, suspension, disqualification, or revocation is in effect on the
 5 date of final judgment, the effective date of the last imposed limitation, suspension,
 6 disqualification, or revocation is at the end of the last day of the previous limitation,
 7 suspension, disqualification, or revocation unless the court or department specifies
 8 otherwise.

9 * Sec. 15. AS 28.33.100(a) is amended to read:

10 (a) A person may not drive a commercial motor vehicle until the person
 11 applies for and is issued a license for that purpose under AS 28.15.041. The
 12 department may not issue a license to drive a commercial motor vehicle unless the
 13 applicant

14 (1) is at least 19 years of age, to operate in intrastate commerce, or
 15 at least 21 years of age, to operate in interstate commerce:

16 (2) has held a valid driver's license at least one year before the date of
 17 application or meets the experience qualifications established by the department;

18 (3) has successfully completed all required driving tests and written
 19 and physical examinations;

20 (4) either does not have a driver's license issued by another jurisdiction
 21 or surrenders all driver's licenses issued by other jurisdictions; and

22 (5) is domiciled in this state.

23 * Sec. 16. AS 28.33.140(a) is amended to read:

24 (a) In addition to any [THE] court action or administrative action in this or
 25 any other jurisdiction [PROVIDED IN AS 28.15.181], conviction of a person who
 26 holds or is required to have a commercial driver's license of any of the following
 27 offenses is grounds for immediate disqualification from driving a commercial motor
 28 vehicle for the periods set out in this section:

29 (1) operating a commercial motor vehicle while under the influence of
 30 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

31 (2) refusal to submit to a chemical test in violation of AS 28.35.032;

1 (3) operating a motor vehicle while under the influence of an alcoholic
2 beverage, inhalant, or controlled substance in violation of AS 28.35.030;

3 (4) leaving the scene of an accident in violation of AS 28.35.060, or
4 failing to file, or providing false information in, an accident report in violation of
5 AS 28.35.110;

6 (5) a felony under state or federal law that was facilitated because the
7 person used a [COMMERCIAL] motor vehicle;

8 (6) a serious traffic violation;

9 (7) driving after being placed out of service in violation of regulations
10 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]

11 (8) operating a commercial motor vehicle in violation of a federal or
12 state statute or regulation, or a local law or ordinance, relating to railroad-highway
13 grade crossings;

14 (9) operating a commercial motor vehicle while the driver's
15 commercial motor vehicle license is suspended, revoked, or canceled, or the
16 driver is disqualified;

17 (10) causing a fatality through the negligent operation, or
18 operation in violation of a felony criminal law, of a commercial motor vehicle.

19 * Sec. 17. AS 28.33.140(c) is amended to read:

20 (c) Upon a conviction by a court of [A COURT CONVICTING] a person of
21 an offense described in (a)(6) of this section, the department shall disqualify that
22 person from driving a commercial motor vehicle for not less than 60 days if the person
23 has been previously convicted once, and 120 days if the person has been previously
24 convicted more than once. The disqualification period under this subsection is in
25 addition to any other previously imposed period of disqualification. As used in
26 this subsection, "previously convicted" means having been convicted in this or another
27 jurisdiction, within three years preceding the date of the present offense, of an offense
28 described in (a)(6) of this section, or of another law or ordinance with substantially
29 similar elements, arising out of a separate incident.

30 * Sec. 18. AS 28.33.140(d) is amended to read:

31 (d) Upon conviction by a court of [A COURT CONVICTING] a person of

1 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall
2 disqualify that person from driving a commercial motor vehicle for not less than one
3 year for a first offense, except that, if the offense was

4 (1) facilitated by a commercial motor vehicle transporting a hazardous
5 material [SUBSTANCE] that required that placards be placed on the vehicle under 49
6 U.S.C. 5101 - 5127, the period of disqualification is not less than three years;

7 (2) a felony offense that involved the manufacture, distribution, or
8 dispensing, or possession with intent to manufacture, distribute, or dispense, a
9 controlled substance, the disqualification is for life and the license may not be
10 reinstated under (g) of this section.

11 * **Sec. 19.** AS 28.33.140(e) is amended to read:

12 (e) Upon conviction by a court of [A COURT CONVICTING] a person of
13 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall
14 disqualify that person from driving a commercial motor vehicle for life if the person
15 has been previously convicted. As used in this subsection, "previously convicted"
16 means having been convicted in this or another jurisdiction of an offense described in
17 (a)(1) - (5), (9), or (10) of this section, or of another law or ordinance with
18 substantially similar elements.

19 * **Sec. 20.** AS 28.33.140(i) is amended to read:

20 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a
21 person from driving a commercial motor vehicle shall require the surrender of the
22 license, and shall immediately forward the license to the department with the record of
23 conviction and notification of the effective date of the disqualification. If the
24 disqualification occurs by administrative action as described in (a) of this section,
25 the person disqualified from driving shall surrender the license to the
26 department.

27 * **Sec. 21.** AS 28.33.140(j) is amended to read:

28 (j) Upon conviction by a court of [A COURT CONVICTING] a person of an
29 offense described in (a)(7) of this section, the department shall disqualify that person
30 from driving a commercial motor vehicle for the following periods: (1) if the person
31 has not been previously convicted of violating an out-of-service order, not less than