



LAWS OF ALASKA

1995

Source
SCS CSHB 21(FIN)

Chapter No.
9

AN ACT

Relating to revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; relating to revocation of a driver's license for illegal possession or use of a firearm by a person at least 13 but not yet 18 years of age; relating to treatment programs required for issuance or reissuance of a driver's license; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: April 26, 1995
Actual Effective Date: July 1, 1995

AN ACT

1 Relating to revocation of a driver's license for illegal possession or use of a controlled
2 substance or illegal possession or consumption of alcohol by a person at least 13 but not yet
3 21 years of age; relating to revocation of a driver's license for illegal possession or use of a
4 firearm by a person at least 13 but not yet 18 years of age; relating to treatment programs
5 required for issuance or reissuance of a driver's license; and providing for an effective date.

6

7 * **Section 1.** AS 28.15.183(a) is amended to read:

8 (a) If a peace officer has probable cause to believe [AND BASED ON
9 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
10 yet 21 years of age has possessed or used a controlled substance in violation of
11 AS 11.71 or a municipal ordinance with substantially similar elements, or
12 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
13 ordinance with substantially similar elements, and the peace officer has cited the
14 person or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the

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1 municipal ordinance with substantially similar elements, the peace officer shall read
2 a notice and deliver a copy to the person. The notice must advise that

3 (1) the department intends to revoke the person's driver's license or
4 permit, privilege to drive, or privilege to obtain a license or permit;

5 (2) the person has the right to administrative review of the revocation;

6 (3) if the person has a driver's license or permit, the notice itself is a
7 temporary driver's license or permit that expires seven days after it is delivered to the
8 person;

9 (4) revocation of the person's driver's license or permit, privilege to
10 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
11 of the notice to the person unless the person, within seven days, requests an
12 administrative review.

13 * Sec. 2. AS 28.15.183(c) is amended to read:

14 (c) Unless the person has requested an administrative review, the department
15 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
16 obtain a license or permit, effective seven days after delivery to the person of the
17 notice required under (a) of this section, upon receipt of a sworn report of a peace
18 officer

19 (1) that the officer had probable cause to believe [AND BASED ON
20 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
21 21 years of age and has possessed or used a controlled substance in violation of
22 AS 11.71 or a municipal ordinance with substantially similar elements, or
23 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
24 ordinance with substantially similar elements;

25 (2) that the peace officer has cited the person or arrested the person for

26 (A) a violation of AS 11.71 or AS 04.16.050; or

27 (B) possession or use of a controlled substance or alcohol in
28 violation of a municipal ordinance with substantially similar elements;

29 (3) that notice under (a) of this section was provided to the person; and

30 (4) describing the circumstances surrounding the violation of the
31 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions

1 of AS 04.16.050, or the municipal ordinance with substantially similar elements.

2 * Sec. 3. AS 28.15.183(g) is amended to read:

3 (g) Except as provided under (h) of this section, the department may not issue
4 a new license or reissue a license to a person whose driver's license, permit, or
5 privilege to drive has been revoked under this section unless the person is enrolled in
6 and is in compliance with, or has successfully completed

7 (1) an alcoholism education or [AND] rehabilitation treatment program,
8 if the revocation resulted from possession or consumption of alcohol in violation of
9 AS 04.16.050 or a municipal ordinance with substantially similar elements; or

10 (2) a drug education or rehabilitation treatment program, if the
11 revocation resulted from possession or use of a controlled substance in violation of
12 AS 11.71 or a municipal ordinance with substantially similar elements.

13 * Sec. 4. AS 28.15.184(g) is amended to read:

14 (g) The hearing for review of a revocation by the department under
15 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
16 of age but not yet 21 years of age and whether the person possessed or used a
17 controlled substance in violation of AS 11.71 or a municipal ordinance with
18 substantially similar elements, or possessed or consumed alcohol in violation of
19 AS 04.16.050 or a municipal ordinance with substantially similar elements.

20 * Sec. 5. AS 28.15.185(a) is amended to read:

21 (a) A person who is at least 13 years of age but not older than 17 years of age
22 who is convicted or who is adjudicated by a juvenile court of (1) misconduct
23 involving a controlled substance under AS 11.71 or a municipal ordinance with
24 substantially similar elements; (2) possession or consumption of alcohol under
25 AS 04.16.050 or a municipal ordinance with substantially similar elements; or (3)
26 an offense involving the illegal use or possession of a firearm that is punishable
27 under AS 11 or a municipal ordinance with substantially similar elements is
28 subject to revocation of the person's driver's license, privilege to drive, or privilege
29 to obtain a license under (b) of this section.

30 * Sec. 6. AS 28.15.185(c) is amended to read:

31 (c) Upon conviction or adjudication of an offense listed in (a) of this section,

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1 the court may, upon petition of the person, review the revocation and may restore the
2 driver's license, except a court may not restore the driver's license until

3 (1) at least one-half of the period of revocation imposed under this
4 section has expired; and

5 (2) the person has taken and successfully completed a state approved
6 program of drug education or rehabilitation if convicted or adjudicated of
7 misconduct involving a controlled substance under AS 11.71 or a municipal
8 ordinance with substantially similar elements, or alcohol education or rehabilitation
9 if convicted or adjudicated of possession or consumption of alcohol under
10 AS 04.16.050 or a municipal ordinance with substantially similar elements; this
11 paragraph does not apply to a person who resides in an area that does not offer a state
12 approved drug or alcohol education or rehabilitation program or a person that the
13 court determines does not need alcohol or drug education or rehabilitation.

14 * **Sec. 7. APPLICABILITY.** This Act applies to violations of AS 04.16.050, AS 11, or
15 a municipal ordinance that occur on or after the effective date of this Act.

16 * **Sec. 8.** This Act takes effect July 1, 1995.