

Drunk Driving - The Work Continues

By Representative Norman Rokeberg, (R) House District 11

During the 2001 legislative session, amendments to Alaska's drunk driving statutes were implemented. I was pleased to see enacted: lowering the legal blood alcohol limit from .10 to .08, lowering the blood alcohol limit for impairment from .05 to .04, and phasing in of a ten-year look back provision (before Sept 1st a third DUI offense in five years was a felony; this new provision lengthens that period to ten years). Additionally, laws were passed concerning therapeutic courts, bootlegging, minors who consume alcohol, and establishing July 3rd of each year as Drunk Driving Remembrance Day.

What was left on the table in my omnibus drunk driving legislation [House Bill 4] were some important further tools to address Alaska's problems with habitual drunk drivers. House Bill 4 is currently before the Senate Finance Committee. One of the first things I want to accomplish when I return to Juneau is to see this bill passes the Senate and makes it way to the Governor for consideration.

The additional tools contained in House Bill 4 are:

- Increased fines and sentences

Description:	Current Minimum Fine/Sentence	Proposed Minimum Fine/Sentence
Misdemeanor:		
1 st	\$250/72 hours	\$1,500/72 hours
2 nd	\$500/20 days	\$3,000/30 days*
3 rd	\$1,000/60 days	\$4,000/60 days
4 th	\$2,000/120 days	\$5,000/120 days
5 th	\$3,000/240 days	\$6,000/240 days
6 th +	\$4,000/360 days	\$7,000/360 days
Felony: (Class C)		
1 st	\$5,000/120 days	\$10,000/180 days
2 nd	\$5,000/240 days	\$10,000/360 days
3 rd	\$5,000/360 days	\$10,000/440 days

* or 20 days plus 10 days community service at court's discretion

- Discretionary vehicle forfeiture or immobilization on 2nd misdemeanor offense, with offender paying for costs (some local governments, such as MOA, have a mandatory program in place, but there is not a statewide program)
- Changing "driving while intoxicated" to "driving under the influence"
- Discretionary vehicle forfeiture on 3rd misdemeanor and all felonies (again some local governments have a mandatory program in place)

- Increases presumptive sentence for first felony manslaughter caused by DUI from 5 years to 7 years
- Raising reimbursement fees for reinstatement of driver's licenses due to DUI and/or refusal to submit to test charges
- Providing for permanent driver's license revocation for the habitual offenders. License may be reinstated after ten years if certain conditions are met
- Establishing a system of license plate confiscation similar to that currently used for driver's licenses of offenders (temporary one issued, rights to hearing and appeal). Co-owners, lien holders and owners of "borrowed" vehicles protected
- Raising reimbursement cap for incarceration costs from \$1,000 to \$2,000
- Raising reimbursement cap for treatment costs reimbursed to state to \$10,000
- Permitting courts to suspend up to 50% of fine and portion of any mandatory minimum sentence if offender successfully completes a therapeutic court program
- Adding "inhalants" to those substances that can cause one to be charged under the driving under the influence or impaired laws
- Permitting court to require drug treatment as part of any jail sentence, during probation or parole.

The overall goals are to separate the offender from vehicles, get some help for offenders, and return productive, sober persons to society.

If you have any questions, comments or concerns, please do not hesitate to contact me: I may be reached at my Anchorage office at 716 West Fourth Avenue, Suite 350, Anchorage, telephone: 269-0117; fax: 269-0119. My e-mail is:

Representative_Norman_Rokeberg@legis.state.ak.us