

<b>CORRECTED COMPARISON OF HOUSE PASSED VERSION</b>	<b>TO SENATE PASSED VERSION HB 4, Prepared May 8, 2002</b>
<b>CS HB 4 (FIN) AM</b>	<b>SCS CS HB 4 (FIN)</b>
Section 1: Findings and Intent	Section 1: Findings and Intent. Subparagraphs (8) & (9), page 2, lines 5-9, added. Page 2, lines 10-23: new language concerning treatment process, therapeutic courts, and encouraging the State to follow the municipal impoundment and forfeiture procedures established in Anchorage and Fairbanks
Section 2: Changes “driving while intoxicated” to “driving while under the influence of an alcoholic beverage, inhalant, or controlled substance”, hereinafter referred to as “Changes DWI to DUI”.	Same
Section 3: Changes DWI to DUI	Same
Section 4: Changes presumptive term for manslaughter as a result of DUI from five to seven years.	Same
Section 5: Changes DWI to DUI	Same
	Section 6: New statute concerning ability of municipality to adopt ordinance(s) providing for impoundment or forfeiture of a motor vehicle, watercraft, or aircraft involved in commission of an offense under AS 28.35.030 (DUI), AS 28.35.032 (Refusal to Submit to Chemical Test), AS 28.15.291 (Driving while license revoked, suspended or cancelled), AS 28.22.041 (Administrative suspension of driver’s license), or AS 28.22.019 (FIN) Responsibility, motor vehicle insurance). Ordinance may include administrative costs and be more stringent than state law.
Section 6: Requires person registering vehicle to use applicant’s first, middle, and last name or business name. This is to make the driver’s license and motor vehicle registration databases the same in use of names.	Section 7: Same as Section 6 in Senate FIN version, except adds “full” between “applicant’s” and “first” so that a person’s full name must be utilized.

Section 7. Seizure of registration plates resulting from chemical sobriety tests and refusals to submit to test. Permits a law enforcement officer to seizer registration plates of a vehicle if a person's driver's license is also seized and the person was operating a motor vehicle registered to the person. Provides for issuance of a temporary registration permit. Provides that person whose registration plates are seizes has the right to appeal. Owner or co-owner of vehicle who was not operating the vehicle and was not charged may register the vehicle without the name of the offending person.	This seizure plan is deleted from the Senate FIN version.
Section 8: Changes DWI to DUI	Same
Section 9: Changes DWI to DUI	Same
Section 10: Changes DWI to DUI	Same
Section 11: Changes necessary for vehicle registration plate seizure plan.	Provisions deleted from Senate FIN version
Section 12: Changes necessary for vehicle registration plate seizure plan.	Provisions deleted from Senate FIN version.
Section 13: Changes necessary for vehicle registration plate seizure plan.	Provisions deleted from Senate FIN version.
Section 14: Changes DWI to DUI. Changes "reasonable grounds" to "probable cause" in order to bring statutes into compliance with <u>Leslie v. State</u> , 711 P.2d 575 (Alaska App.1986).	Section 11: Same as Section 14.
Section 15: Changes DWI to DUI.	Section 12: Same as Section 15.
Section 16: Amends statutes concerning revocation of driver's licenses to reflect new provisions in Section 33 and Section 47 of JUD version.	Section 13: Same except that Section references are now Section 31 and Section 43.

Section 17: Requires the Court to notify DMW within five working days of any conviction.	Section 14: Same as Section 17.
Section 18: Changes current statutes concerning granting of limited license privileges for the last 60 days during which a license is revoked. New language references that the person must have met the alcoholism screening, evaluation, referral and program requirements established by Department of Health and Social Services.	Section 15: Changes current statutes as in Section 18; however, language now states that a person must be enrolled in and in compliance with, or has successfully completed the screening, evaluation, referral and program requirements established by the Department of Health and Social Services. Because some people are still in a program at the time of the granting of limited license privileges, this language change is necessary to accommodate those individuals still in a program.
Sections 19, 30, 43: Provides that the court, prosecutor, defendant, and an agency involved in defendant's treatment must be provided with information and reports concerning the defendant's past and present assessment, treatment and progress. Such information is to be used in connection with the court proceedings and is confidential.	Section 16, 29, 40: Same as Sections 19, 30, & 43 in Senate FIN
Section 20: Amends fees for reinstatement of driver's license. New fee is \$200 if license has been revoked with past ten years for DUI or Refusal once; \$500 if revoked within past ten years two or more times.	Section 17: Same as Section 20.
Section 21: Indicates that the law stating that a person may not authorize or knowingly permit a motor vehicle to be driven by a person who is not licensed. Amendment in House version added that this did not apply to a victim of domestic violence.	Deleted in Senate version
	Section 18: Permits courts to order vehicle forfeiture in cases of driving while license canceled, suspended, revoked, or in violation of a limitation.
	Section 19: Requires maintenance of SR-22/proof of financial responsibility as follows: 5 years if not previously convicted; 10 years if previously convicted once; 20 years if previously convicted twice; lifetime if previously convicted three or more

	times.
	Section 20: Requires that driver shall have proof of motor vehicle liability insurance in immediate possession when driving and present upon demand. If charged with violating this section, person charged may not be convicted if person produces in court or to arresting or citing officer proof that insurance previously issued was valid at time of person's arrest or citation. Permits municipalities to adopt an ordinance requiring a person to display a decal on motor vehicle indicating compliance with this section and may provide penalty for violating ordinance. "Proof" is defined.
Section 22: Changes DWI to DUI. Changes "intoxicating liquor" to "alcoholic beverage"	Section 21: Same as Section 22.
Section 23: Changes DWI to DUI. Changes "reasonable grounds" to "probable cause"	Section 22: Same as Section 23.
Section 24: Changes "reasonable grounds" to "probable cause"	Section 23: Same as Section 24.
Section 25: Changes DWI to DUI. Changes "intoxicating liquor" to "alcoholic beverage"	Section 24: Same as Section 25.
Section 26: Changes "intoxicating liquor" to "an alcoholic beverage"	Section 25: Same as Section 26.
Section 27: Changes DWI to DUI.	Section 26: Same as Section 27.
Section 28: Changes DWI to DUI. Adds "an alcoholic beverage" and "inhalant" to items that may cause a charge of DUI. Changes .10 to .08.	Section 27: .10 to .08 was contained in HB 132 last year so this provision is not included in FIN version. Adds reference to new provision contained in Section 33, page 22, lines 15-23.
Section 29: Changes DWI to DUI. Adds reference to new provisions contained in Section 35, page 22, lines 10-15. Increases minimum fines for misdemeanor DUI charges. Second misdemeanor DUI charge minimum sentence increased to 30 day,	Section 28: Changes DWI to DUI. Adds reference to new provisions contained in Section 33, page 21, line 21 through page 22, line 8. Increases minimum fines. Adds watercraft to aircraft and motor vehicle for DUI charges. Deletes references to

<p>10 days of which may be served through community service. Provides that court may order vehicle forfeiture or impoundment on second offense; third or subsequent offense, court may order forfeiture. Adds watercraft to aircraft and motor vehicle for DUI charges.</p>	<p>impoundment or forfeiture. Adds language that court may order person, while incarcerated or as condition of probation or parole, to take a drug or combination of drugs intended to prevent the consumption of an alcohol beverage.</p>
<p>Section 30: See Section 19 explanation.</p>	<p>Section 29: See Section 16 explanation.</p>
<p>Section 31: Requirements treatment to occur as much as possible while a person is incarcerated. Allows recovery of up to \$10,000 in treatment costs from the convicted person. States that does not apply to treatment costs incurred by a person if the cost was incurred as a result of treatment not required under this subsection.</p>	<p>These provisions were eliminated in the Senate FIN version.</p>
<p>Section 32: Establishes that imprisonment required under misdemeanor DUI charges may be served at community residential center or private residence approved by Commissioner of Department of Corrections. Service at private residence must include electronic monitoring. Increases cost of imprisonment reimbursement amount from \$1,000 to \$2,000.</p>	<p>Section 30: Same as Section 32</p>
<p>Section 33: Felony DUI. Increased “lookback” provisions from five to 10 years. Increases minimum fine for felony DUI from \$5,000 to \$10,000. Increases minimum mandatory imprisonment for DUI. Requires permanent revocation of driver’s license, subject to restoration under Section 35, page 21, lines 24-29. Adds watercraft to list of vehicles that may be forfeited. Requires revocation of vehicle registration for any vehicle owned or co-owned by person convicted. DMV to reissue registration and omit name of person convicted.</p>	<p>Section 31: Felony DUI. Lookback provisions were adopted last year in HB 132. Minimum sentences not increased in Senate FIN version. Adds ability of court to order, while incarcerated or as condition of probation or parole, that person take drug or combination of drugs intended to prevent alcohol consumption. Revocation of drivers’ license provisions and registration provisions same. Requires mandatory forfeiture of vehicles, and adds watercraft to list.</p>
<p>Section 34: Defines inhalants. Amends definition of previously convicted to eliminate 10 year clause. Changes DWI to DUI</p>	<p>Section 32. Defines inhalants. Amendment of “previously convicted” and associated language was handled in HB 132 last year.</p>
<p>Section 35: Subsection (p) describes procedure DMV should use</p>	<p>Section 33: Subsection (p) is same. Subsection (q) replaced with</p>

<p>when considering a request for restoration of driver's license. Subsection (q) indicates that a second DUI conviction mandates that vehicle registration plates be surrendered. Subsection (r) indicates the court may suspend a portion of mandatory minimum sentence if a person successfully completes a therapeutic court program. Provides that court may suspend up to 50% of minimum fine. Subsection (s) gives the Director of DMV status to accomplish criminal justice information searches necessary to be accomplished for driver's license restoration.</p>	<p>the ability of the court to suspend up to 75% of the mandatory minimum sentence and up to 50% of the minimum fines if a person successfully completes a court-ordered treatment program. Defines court-ordered treatment and indicates parameters of same. Subsection (r) is same as subsection (s) concerning DMV Director's ability to access criminal justice information.</p>
<p>Section 36: Amends statute to reference new definition set forth in Section 34. Changes DWI to DUI.</p>	<p>Section 34: Same as Section 36.</p>
<p>Section 37: Changes "reasonable grounds" to "probable cause".</p>	<p>Section 35. Same as Section 37.</p>
<p>Section 38 and Section 50: Requires clear notification of a person's right to an independent test. Comply with <u>Gunderson v. MOA</u>, 769 P. 2d 435 (Ct. App. 1989). Changes "reasonable grounds" to "probable cause".</p>	<p>Section 36 and Section 46. Same as Sections 38 and 50.</p>
<p>Section 39: Amends statutes to state that nothing in this section shall be constructed to restrict searches or seizures under a warrant issued by a judicial officer.</p>	<p>Contained in HB 132 from last year. Eliminated from Senate FIN version.</p>
<p>Section 40: Changes DWI to DUI.</p>	<p>Section 37: Same as Section 40.</p>
<p>Section 41: Changes DWI to DUI</p>	<p>Section 38: Same as Section 41.</p>
<p>Section 42: Adds reference to Section 48, page 30, lines 19-24. Amends misdemeanor statutes concerning refusal to submit to chemical test. Increases minimum fines. Increases second misdemeanor to 30 days minimum sentence with ability of 10 days community service. Adds watercraft. Contains provisions concerning discretionary immobilization or forfeiture if previously convicted. Contains provisions concerning discretionary forfeiture after two or more convictions.</p>	<p>Section 39: Adds reference to Section 44. Amends misdemeanor fines. Deletes increased sentence for second conviction. Adds watercraft. Deletes reference to immobilization, forfeiture provisions.. Adds provision that court may order a person, while incarcerated or as condition of probation or parole, to take a drug or combination of drugs intended to prevent consumption of alcohol.</p>

Section 43: See description in Section 16.	Section 40: See description in Section 19.
	Section 41: Removes reference to “for operating or driving while intoxicated” as the statutory citations are sufficient.
Section 44: Changes DWI to DUI.	
Section 45: Mandates treatment to occur as much as possible while a person is incarcerated. Requires repayment to state of up to \$10,000 for any treatment costs. Subsection does not apply to voluntary treatment programs entered into and not required under this subsection.	Provisions deleted in Senate FIN version.
Section 46: Increases reimbursement of cost of imprisonment from \$1,000 to \$2,000.	Section 42: Indicates that imprisonment for misdemeanor charges may be served at community residential center or private residence approved by the Commissioner. Service at private residence must include electronic monitoring. Increases reimbursement of cost of imprisonment from \$1,000 to \$2,000.
Section 47. Amends “lookback” from five years to phased-in 10 year. Refers to Section 48, page 30, lines 19-22 provisions. Increases minimum fine for felony refusal from \$5,000 to \$10,000. Increases mandatory minimum sentences for felony refusal. Requires permanent revocation of driver’s license, subject to restoration privileges set forth in Section 48, page 30, lines 2-6. Adds watercraft. Mandates revocation of vehicle registration for person convicted under this subsection. Permits reregistration of vehicle by co-owner.	Section 43. “Lookback” amendment eliminated as it passed last year in HB 132. Increases felony refusal minimum fine from \$5,000 to \$10,000. Eliminates increased sentences. Requires permanent revocation of driver’s license, subject to restoration privileges set forth in Section 44. Indicates that court may order person, while incarcerated or as condition of probation or parole, take a drug or combination of drugs intended to prevent alcohol consumption. Mandates motor vehicle, aircraft or watercraft forfeiture in felony cases. Mandates revocation of vehicle registration for person convicted under this subsection. Permits reregistration of vehicle by co-owner.
Section 48: Subsection (r) sets forth procedures for review of driver’s license revocation and restoration. Subsection (s) mandates that a previously convicted person must surrender registration plates for any vehicle registered or co-registered in the person’s name. Subsection (t) permits the court to suspend a portion of the mandatory minimum sentence if the person has	Section 44: Subsection (r) same as Section 48. Subsection (s) indicates that court may, if a person has successfully completed a court-ordered treatment program, suspend up to 75% of the mandatory minimum sentence and up to 50% of the minimum fine. This does not apply to a person who has already participated in a court-ordered treatment program two or more times. Defines

successfully completed a therapeutic court program, and up to 50% of the fine.	“court-ordered treatment”.
Section 49: Changes DWI to DUI. Reduces impairment from .05 to .04. Reduces BAC from .10 to .05.	Section 45: Changes DWI to DUI. Changes “intoxicating liquor” to “an alcoholic beverage”. Provisions concerning impairment and BAC level were passed in HB 132 last year.
Section 50: See Section 38.	Section 46: See Section 36.
Section 51: Changes DWI to DUI	Section 47: Same as Section 51.
Sections 52 and 53: Adds watercraft to forfeiture statutes. Changes DWI to DUI. Describes disposal options for forfeited vehicles.	Section 48: Repeals and reenacts forfeiture provisions. Adds watercraft. Describes methods of disposal under forfeiture. Requires surrender of vehicle registration and certificate of title, convicted person to pay all administrative costs,
	Section 49: Amends remission of forfeiture statutes to include watercraft. Sets forth hearing procedure for forfeiture of vehicle and process by which a person claiming an ownership or security interest may regain vehicle.
Section 54: Municipal forfeiture and impoundment. Permits local governments to charge an administrative fee.	See Section 6.
Section 55: Definition of “alcohol safety action program”.	Section 50: Same as Section 55.
Section 56: Changes DWI to DUI.	Section 51: Same as Section 56
Section 57: Adds to duties of Department of Health & Social Services in developing an alcohol safety action program.	Section 52: Same as Section 57 in, with exception of changing subsection number to “(21)”.
Section 58: Adds “standards for alcohol safety action program” to the program of the Division of Alcoholism and Drug Abuse.	Section 53: Same as Section 58.
Section 59: Requires Division to inspect approved public and private alcohol safety action programs and maintain a list of approve programs. Requires programs to file information with	Section 54: Same as Section 59.

Division.	
	Section 55: Repeals 28.35.038. Former municipal impoundment and forfeiture statute that is replaced by Section 6.
	Section 56: Establishes a Pilot Drunk Driving Program in the Department of Corrections. Ends program on June 30, 2007. Requires report to Legislature.
Section 60: Applicability Section.	Section 57: Applicability Section.
Section 61: Effective date: July 1, 2001	Section 58: Effective date: July 1, 2002.