

# Sponsor Statement for CSHB 179 (FIN)

*“An Act relating to underage drinking and drug offenses; and providing for an effective date.”*

In 1994, the Legislature enacted the “Use It, Lose It” law ([AS 28.15.183](#)) for minors who are caught possessing or using alcohol. If a minor is caught using alcohol, his/her driver’s license would be administratively revoked for a period of time. It is important to note that the “Use It, Lose It” law only applies to minors who have been caught drinking or possessing alcohol. It does NOT apply in cases where a minor has been caught drinking AND DRIVING.

In December, in a case called [State v. Niedermeyer](#), the Alaska Supreme Court found that taking away a minor’s driver’s license, under “Use It, Lose It,” for possession or consumption of alcohol or a controlled substance, without giving them a trial, was in violation of a minor’s constitutional right to due process.

If a minor is caught using alcohol or drugs, they are sent a letter from the DMV stating that the DMV will not revoke their license until there has been a court conviction for the offense. At present, the district attorney’s office is not prosecuting minors caught for consumption of alcohol, because the court system is not prepared to handle jury trials for this type of case.

The effect of the *Niedermeyer* decision is that minors now go virtually unpunished for possessing or consuming alcohol. The maximum penalty that may currently be enforced on minors who are caught consuming or possessing alcohol is a \$100 fine.

This law will impose appropriate punishments on minors who use alcohol, and will be a deterrent to minors when they consider drinking. Statistics show that the earlier a person begins drinking, the more likely they are to have problems with alcohol later in life. By sending a message early to minors that their actions will not go unpunished, we hope to deter alcohol problems in the future.

This bill will establish a graduated system of punishment for minors who are caught consuming, possessing or controlling alcohol. On a minor’s first offense, he/she would be subject to a fine of between \$200-600, must attend alcohol information school, and will be placed on probation. On a minor’s second offense, the minor would be guilty of repeat minor consuming and would be subject to a fine of \$1000, at least 48 hours of community work service, a three-month license revocation, and probation. A minor’s third offense would cause them to be guilty of habitual minor consuming. This is a class B misdemeanor, which results in up to a \$1000 fine and 90 days in jail. In addition, the minor will lose his/her license for a period of six months, will be required to complete at least 96 hours of community work service, and will be placed on probation.

The committee urges your support of this bill.