



State:

Alaska

Statute/Law:

Sec. 28.35.030. *Operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance.*

Per Se Law?:

No

Statute/Law Language:

(a) A person commits the crime of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance if the person operates or drives a motor vehicle or operates an aircraft or a watercraft.

(1) While under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance, singly or in combination; or

(2) and if, as determined by a chemical test taken within four hours after the alleged operating or driving, there is 0.08 percent or more by weight of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or if there is 0.08 grams or more of alcohol per 210 liters of the person's breath.

Penalties Following Conviction:

(b) Except as provided under (n) of this section, driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a class A misdemeanor. Upon conviction,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 12 months during the period of probation, and impose a fine of not less than \$1,500 if the person has not been previously convicted;

(B) not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 24 months during the period of probation, and impose a fine of not less than \$3,000 if the person has been previously convicted once;





(C) not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 36 months during the period of probation, and impose a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (n) of this section;

(D) not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and impose a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (n) of this section;

(E) not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and impose a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (n) of this section;

(F) not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and impose a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to punishment under (n) of this section

*Please refer to state website (provided below) for more than 4 previous convictions

Discretionary Court-Ordered Penalties:

The court can impose 160 hours of community service for 2nd offense; discretionary for subsequent offenses; Restitution may be ordered; Incarceration, EMS, Police, Fire Dept. costs may be assessed. If the court determines that the person has successfully completed a court-ordered treatment program, the court may suspend up to 75 percent of the mandatory minimum sentence required and up to 50 percent of the minimum fines required.

Commented [SM1]: Can't find this in the current code.

For more information:

[http://www.legis.state.ak.us/basis/folioiproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/stattx08/query=\[jump!3A!27as2835030!27\]/doc/{@12895}](http://www.legis.state.ak.us/basis/folioiproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/stattx08/query=[jump!3A!27as2835030!27]/doc/{@12895})

Current as of August 2016

