

Meeting Notes from  
ACJC Barriers to Reentry  
**Subgroup on Title 28**

Friday, August 7, 12-1:30 PM

Brady Building, 1034 W. 4th Avenue, 5th floor conference room (AG's conference room)

Meeting Attendees: Nicole Tham, Alex Bryner, Jayson Whiteside, Kirsten Jedlicki, Amy Erickson, Fred Slone, Matt Widmer, Susanne DiPietro, Doreen Schenkenberger, Seneca Theno, Jordan Shilling, Mary Geddes

Jordan Shilling from Senator Coghill's office discussed some of the components of proposed [SB 91](#). Among other things, SB 91 proposes that:

- (new) A person can request a revocation for DUI or Refusal be rescinded if the parallel criminal case resulted in acquittal or dismissal w/o prejudice of these charges
- (amendment) The court may terminate a revocation period if EITHER the license or privilege was revoked for the statutory minimum period OR the person completes treatment, has no convictions, has successfully driven under a limited license for 3 years
- (new) Limited licenses for felony-related revoked licenses may be granted by court or by department if the person
  - has spent a successful 6 months in, or has completed, court-ordered treatment,
  - there is proof of insurance,
  - there is use of an IID during the limited license when required by the place of residence
  - the person participates in a 24/7 monitoring program for 120 days
  - has no prior limited licenses which were revoked
- (new) The DMV shall restore driver's license privilege if the person
  - has had the limited license for 3 years with no problems
  - the court revocation was terminated
  - there are no subsequent offenses,
  - completed court ordered treatment
  - proof of financial responsibility is provided
- (amendment makes explicit) If a defendant has successfully participating in court-ordered treatment, then the court may choose to reduce sentence including imprisonment, fines, length of license revocations arising from Title 28 offenses.

The DMV personnel present expressed the view that they had no problem with the proposal that acquittals or dismissals with prejudice could led to terminations of administrative revocation; as 7 other states do this. However, DMV noted that there are hadly any dismissals with prejudice, as most dismissals are made pursuant to CR 43(a) and provides the dismissal is without prejudice.

One question asked was whether we had any idea of how many lifetime license revocations have resulted from felony convictions. It was thought we needed to ask the court for that number.

Jayson Whiteside thought he could obtain get the number of DL revocations by DMV. It would be really good to also have the number of court ordered revocations. One goal is to compare court v. administrative revocation numbers given the Legislature's interest in determining if the processes are duplicative.

Everyone agreed that any reforms should advance public safety, however current restrictions on licenses don't necessarily get at the problem. It was asked, why haven't prior proposals passed? The concern expressed by some legislators has been that limited licenses somehow 'excuse' past misbehavior.

Seneca Theno asked if there would be a corresponding increase in funding for therapeutic courts attached to the bill. It was noted that the thereapeutic courts where in existence (ANC, BE, KN and JUN) are presently underutilized.

Matt Widmer noted the need for a DUI court in the Mat-Su. He expressed the view that its not fair to effectively limit the availability of limited licenses to people in communities that have a therapeutic court. He also noted that participation in the therapeutic court depends on Law's agreement. Sometimes their criteria are unreasonable: e.g. Law has precluded from participation anyone who had been in an accident which fails to make any meaningful distinction between an accident that is 'fender-bender' and one that results in a manslaughter. At this time it was noted that we didn't have a representative from the DOL present.

Susanne DiPietro, executive director of the Alaska Judicial Council, mentioned that the Council was in the process of evaluating one program to flag and divert DUI offenders. She also noted that adding the condition of treatment always slows things down in terms of program availability and length.

Seneca Theno, the Municipal Prosecutor, wondered if there could be other similar provisions for other groups of offenders , e.g. which could certify participation in treatment (rather than outright completion) and remaining offense free.

Fred Slone asked why there is such focus on the use of therapeutic courts. Susanne stated that the courts provide for continuous monitoring and that the programs are typically of 18 months duration. Matt stated that in looking on his iPad he found a slide show on the therapeutic courts which stated that had treated 192 drug or DUI offenders. Susanne said that it was important to distinguish between therapeutic courts generally and those specific to DUI's.<sup>1</sup>

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<sup>1</sup> FROM THE ALASKA COURT HOMEPAGE

**For Felonies Only:**

- Anchorage Wellness Court
  - [Felony Drug Court](#)
  - [Felony DUI Court](#)
- [Fairbanks Wellness Court](#)

**For Felonies & Misdemeanors:**

- [Anchorage Coordinated Resources Project \(Mental Health Court\)](#)
  - [An Evaluation of the Anchorage Mental Health Court \(Anchorage Coordinated Resources Project\)](#)
- [Anchorage Veterans Court \(PUB-121\)](#)
- [Bethel Therapeutic Court](#)
- [Juneau Therapeutic Court](#)
- [Ketchikan Therapeutic Court](#)
- [Palmer Coordinated Resources Project \(Mental Health Court\)](#)

With respect to the Anchorage Wellness Court, Seneca Theno said that they have an attorney who is assigned to the court. The city has a strong interest in getting offenders, particularly those who have engaged in violence, into the courts. However, with misdemeanors, they seemingly cannot provide enough incentives to interest most defense counsel given that the length of a therapeutic program is typically 18 months. .

There was mention of diversion programs and discussion as to whether diversion reduced recidivism. Fred Slone noted that WA provides for diversion on the first DUI offense, but if there is a second offense, the diversion will account for penalty purposes.

Seneca was also asked if the rates of recidivism among DUI offenders have changed since the IID was implemented. Susanne noted that, with Alaska's program, [the DOC determines if the proposed providers have met the approved manufacturer's certification requirements](#). But otherwise the IID provider is essentially on an honor system with the courts and with DMV.<sup>2</sup> We agreed that we weren't wholly unfamiliar with how the IID program works now. Does the LL get cancelled if you blow a high enough BA? The breath alcohol measuring device prevents a vehicle from starting if it measures a blood alcohol concentration (BAC) at .02 to .04 (typically). People agreed it shouldn't result in a revocation unless there was another issue such as a court-ordered restriction on any alcohol consumption. Mary will resume looking at other states' legislation her research on the Ignition Interlock Device and other vehicle related sanctions as alternatives to license revocation.

Jayson also (later) indicated that DMV should be able to retrieve the following information:

- The numbers of limited licenses
- The reporting of IID installations, violations and terminations (completions)

The group agreed to continue these discussion at our next meeting.

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- [An Evaluation of the Palmer Mental Health Court \(Palmer Coordinated Resources Project\)](#)

**For Misdemeanors Only:**

- [Anchorage Municipal Wellness Court](#)
- [Juneau Coordinated Resources Project \(Mental Health Court\)](#)

<sup>2</sup> The vendor (installer) is required to inspect the device itself every 90 days. The device makes a record of every time it is used. If there's an attempt to circumvent or tamper with the device, it will be recorded. The 90-day inspections provide for this record to be downloaded and retained. The vendor is required to keep copies of these records as well as a report on the inspection. The vendor must supply these records to the court, motor vehicles and/or the Department of Corrections, if asked.