

**Penalties for Driving While Intoxicated
and Refusal to Take a Breath Test
AS 28.35.030 and AS 28.35.032 - Class A Misdemeanor**

	Fines		Imprisonment		Driver's License Revocation	Possible Loss of Motor Vehicle
	Minimum	Maximum	Minimum	Maximum	Minimum	
1st Offense	250	5,000	72 hours	1 year	90 days	No
2nd Offense*	500	5,000	20 days	1 year	1 year	No
3rd Offense*	1,000	5,000	30 days	1 year	10 years	Yes

- * For purposes of 2nd or 3rd offenses, prior convictions for either D.W.I. or refusal will be considered. Prior convictions in Alaska as well as anywhere else in the United States will be considered as long as the conviction occurred within the previous 10 years. A conviction for both D.W.I. and refusal arising out of the same incident will be considered a single prior conviction.

Driving While Intoxicated means operating a motor vehicle with a breath alcohol content of .10 or higher, or operating a motor vehicle when the driver's ability is **impaired** by alcohol or a depressant, hallucinogenic, stimulant or narcotic drug.

If you are driving while intoxicated and you cause an accident which results in injury or death to another, you may be charged with assault in the first, second, or third degree, negligent homicide, manslaughter, or second degree murder. These offenses are all felonies and may result in lengthy prison terms.

This information has been prepared in the public interest by the Criminal Division of the Department of Law. It is intended to inform residents of Alaska of the significant features of the D.W.I. law. Funding has been provided by the Alaska Legislative Council, Senator Bill Ray, Chairman, the State Office of Alcoholism and Drug Abuse and the Alaska Highway Safety Planning Agency. Additional assistance was provided by the Alaska Court System.



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