

MINUTES

Kansas DUI COMMISSION

July 1-2, 2009
Room 535-N—Statehouse

Members Present

Senator Thomas C. Owens, Chairperson
Representative Janice Pauls, Vice-Chairperson
Greg Benefiel, Assistant District Attorney, Douglas County
Pete Bodyk, Kansas Department of Transportation
Major Mark Bruce, Kansas Highway Patrol
Senator David Haley
Honorable Jennifer Jones, Municipal Judge, Sedgwick County
Wiley Kerr, Kansas Bureau of Investigation
Representative Lance Kinzer
Mary Ann Khoury, Victim Advocate
Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services
Sheriff Ken McGovern, Douglas County
Chris Mechler, Court Services Officer
Helen Pedigo, Executive Director, Kansas Sentencing Commission
Marcy Ralston, Kansas Department of Revenue, Division of Motor Vehicles
Honorable Peter V. Ruddick, 10th Judicial District
Dalyn Schmitt, Substance Abuse Professional
Les Sperling, President, KAAP
Jeremy Thomas, Parole Officer
Doug Wells, Attorney, Kansas Bar Association
Roger Werholtz, Secretary, Kansas Department of Corrections
Karen Wittman, Traffic Safety Resource Prosecutor, Office of the Attorney General

Member Absent

Police Chief Bob Story

Staff Present

Athena Andaya, Kansas Legislative Research Department
Jason Thompson, Office of the Revisor of Statutes (Tuesday)
Doug Taylor, Office of the Revisor of Statutes
Jill Wolters, Office of the Revisor of Statutes (Wednesday)
Karen Clowers, Committee Assistant

Others Attending

See attached list.

Wednesday, July 1 Morning Session

The meeting was called to order by Acting Chairperson Thomas C. "Tim" Owens at 10:00 a.m.

Chairperson Owens welcomed attendees, covered housekeeping items, and explained the reimbursement procedures.

Members of the Commission introduced themselves. Deb Stidham, Director of Addiction and Prevention Services, Kansas Department of Social and Rehabilitation Services, sat in for Secretary Don Jordan.

Representative Janice Pauls moved and Senator David Haley seconded the motion to nominate Senator Tim Owens as Chairperson of the Commission. Motion carried.

Chris Melcher moved and Senator David Haley seconded the motion to nominate Representative Janice Pauls as Vice-Chairperson of the Commission. Motion carried.

Athena Andaya, Kansas Legislative Research Department, reviewed Senate Substitute for HB 2096 which established the Commission and the charges of the Commission.

Chairperson Owens distributed a suggested list of subcommittees based on the charges to the Commission and membership based on various areas of expertise and interest (Attachment 1).

Following discussion, the term "record keeping" was removed from the Law Enforcement Subcommittee, because it was determined all of the subcommittees should discuss the topic. Mary Ann Khoury requested transfer from the Substance Abuse and Treatment Subcommittee to the Criminal Justice Subcommittee. There was no objection to these changes.

The Commission recessed for lunch.

Afternoon Session

The meeting reconvened at 12:03 p.m.

The Chairperson introduced J. Russell Jennings, Commissioner, Juvenile Justice Authority, and Chairperson, Kansas Substance Abuse Policy Board. Commissioner Jennings provided a review of the 2009 Kansas Substance Abuse Policy Board Report which was the impetus for the creation of the Kansas DUI Commission.

Jason Thompson, Office of the Revisor of Statutes, provided a briefing on current Kansas DUI Law (Attachment 2).

Athena Andaya, Kansas Legislative Research Department, provided the Commission with a review of other states' DUI laws (Attachments 3, 4, 5, 6, and 7).

Commission members requested copies of the statutes in states that have enacted laws regarding Alcohol Monitoring Systems (AMS), information as to whether AMS was used as part of a bond condition or conviction, and information regarding the specific accuracy of blood alcohol content. It also was indicated that the Commission might want to review the use of EtG (ethyl glucuronide) and EtS (ethyl sulfate) for monitoring.

The Commission then discussed specific problems with various aspects of current laws the Commission may want to address. These included:

- Recommended treatments;
- Ignition interlock devices and conflicting statutes;
- Establishment of the central repository of arrests and convictions;
- Closing loopholes in existing statutes such as the impoundment of vehicles;
- Recommendations for funding of programs;
- Availability of programs for rural communities; and
- Clarification, recommendations, or both, to statutes to include penalties for maiming.

Future dates for the Commission were scheduled. Meeting dates were set to be August 6 and 7, September 14 and 15, October 1 and 2, November 5 and 6, and December 7 and 8, 2009.

The meeting was adjourned at 3:11 p.m.

Thursday, July 2 Morning Session

The meeting was called to order by Chairperson Tim Owens at 10:00 a.m.

Doug Taylor, Office of the Revisor of Statutes, distributed copies of active bills referred to the Commission for their consideration. Bills included were HB 2263, HB 2315, SB 279, SB 280, and SB 289. Mr. Taylor provided a brief review of these bills (Attachment 8).

Following Mr. Taylor's presentation, the Commission broke into subcommittees for discussion on their assigned topics.

To make the best use of the time allotted, the Chairperson suggested the subcommittees focus on four questions:

- What is the policy question to be decided;
- What are the options available;
- What are the professional recommendations; and
- What will be the budget impact?

Afternoon Session

The Commission reconvened at 1:30 p.m.

Each subcommittee provided a brief review of its discussions.

Karen Wittman reported the Law Enforcement Subcommittee indicated that the Kansas Bureau of Investigation database does not have the reporting capabilities necessary for Courts to use to enhance punishments. Discussion then proceeded to what could be done with the Division of Motor Vehicles on how the State might deal with sanctions that have been imposed by the Courts. There was discussion regarding interlock devices and ways to eliminate current conflicts between the State and the Courts, and improved monitoring of vehicles whether owned, leased, or operated by the offender. The Subcommittee observed there appeared to be too many Courts with different approaches to the problem and talked about ways to improve their effectiveness. The Subcommittee would like information on driver sanctions in other states and how they are monitored; how do other states track repeat offenders; and how many allow DUI's to be handled by municipalities.

Les Sperling reported the Substance Abuse and Treatment Subcommittee reviewed the Substance Abuse Policy Board Report and stated the goal will be to bring consistency to the assessment and treatment of all DUI offenders. An immediate recommendation would be to require all alcohol and drug safety action providers to be licensed. This will raise the standard of care to a consistent and uniform level of intervention and treatment programs. The Subcommittee will present to the full Commission at the next meeting a summary of state statutes and treatments currently available, the best practices, and ways to incorporate them in Kansas including screening practices.

Roger Werholtz summarized the Subcommittee on Criminal Justice session which began with a discussion of anticipated outcomes of the Commission, specifically what will prevent people from driving while under the influence and how to prevent repetition of that action. In addition to fair and effective consequences to these actions, there is a need for education on how to change people's behavior, ensure that responses to these issues are positive, and promote the desired outcome. The Subcommittee would like to look at the policy and treatments used in Kansas and other states, compare sentencing guidelines, look at models of other states with respect to Court assignments, and determine ways to remove the geographic disparity within the state.

Chairperson Owens thanked the Subcommittees for their work and outlined the anticipated agenda for the next meeting of the Commission.

The next meeting is scheduled for August 6, 2009.

The meeting was adjourned at 2:00 p.m.

Prepared by Karen Clowers
Edited by Athena Andaya

Approved by Commission on:

August 6, 2009

(Date)

DUI Commission
Guest List

July 1, 2009

<u>Name</u>	<u>Representing</u>
Bob Keller	Jaco Sheriff's Office
Ethan Patterson	Little Co. Relations
Richard Samanigo	Kennedy & Associates
Kevin Barone	Ks. Ignition Interlock Assoc.
Shari Albrecht	Ks. Dept. Health & Environment
Phil Bradley	KLBA, KUFWA, CBSKS
Whitney Dameron	KS Bar Assn / DISCUS
Lena Bean	Community KAAP member - PARS
Mark Boranycak	Anheuser Busch In Bev

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

DUI COMMISSION COMMITTEE GUEST LIST

DATE: July 2, 2009

NAME	REPRESENTING
JEAN MILLER	CAPITOL STRATEGIES
Phil Bradley	KUBA - KUFWA - CBGKS
Ethan Patterson	Stuart Little - Little Govt,
Deb Stidham	SRS
Tim Carpenter	GT.
Spencer Duncan	Capitol Connection LLC
MATT STRAUSS	Kansas Ignition Interlock Assoc.
Chris Noble	KICASAP
Richard Samaniego	Kenney & Assoc.
Kevin Brown	KIIA.

**KANSAS DUI COMMISSION
SUBCOMMITTEE MEMBERSHIP LIST**

Revised June 29, 2009

Law Enforcement/Recordkeeping

Robert Blecha, Director, KBI
Pete Bodyk, KDOT
Major Mark Bruce, KHP
Sheriff Ken McGovern
Marcy Ralston, KDOR
Police Chief Bob Story
Karen Wittman, KSTSRP

Criminal Justice

Greg Benefiel, ADA, Douglas County
Hon. Jennifer Jones
Helen Pedigo, Executive Director, KSC
Hon. Peter V. Ruddick
Doug Wells, Attorney
Secretary Roger Werholtz, KDOC

Substance Abuse and Treatment

Secretary Don Jordan, SRS
Mary Ann Khoury
Chris Mechler
Dalyn Schmitt
Les Sperling
Jeremy Thomas

Legislative

Senator David Haley
Representative Lance Kinzer
Senator Thomas C. "Tim" Owens
Representative Janice Pauls

Office of Revisor of Statutes
300 S.W. 10th Avenue
Suite 010-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296-2321 FAX (785) 296-6668

MEMORANDUM

To: Members of the Kansas DUI Commission
From: Jason Thompson, Assistant Revisor of Statutes (JT)
Date: July 1, 2009
Subject: Current Kansas DUI Law

This memorandum provides a brief overview of current Kansas statutes concerning driving under the influence of alcohol or drugs. Most of the DUI statutes are found in Article 10 of Chapter 8 of the Kansas Statutes Annotated.

- K.S.A. 8-1001, the implied consent statute: "Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent, subject to the provisions of this act, to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs." Dictates the grounds required for such a test request, the administration of such tests, the duty to provide certain notices, the driver's license consequences of test failure or refusal, and the availability of test results.
- K.S.A. 8-1002 governs law enforcement officer certification of test results, sets forth content and service requirements for the notice of suspension issued to a person who fails or refuses a test, and directs the division of vehicles to review certifications to determine whether driver's license suspension is required.
- K.S.A. 8-1003, repealed July 1, 1977.
- K.S.A. 8-1004 entitles the person being tested to a reasonable opportunity to have an additional test by a physician of the person's own choosing.
- K.S.A. 8-1005 establishes admissibility of test results in prosecutions and the weight to be given such evidence.

- K.S.A. 8-1006 states that 8-1005 does not limit admissibility of any other competent evidence and that testing samples do not have to be preserved for or furnished to the person for independent testing.
- K.S.A. 8-1007, standard severability statute (1955 act).
- K.S.A. 8-1008 governs community-based alcohol and drug safety action programs. Such programs are certified by the chief judge of the judicial district or the Secretary of SRS. Programs required to conduct certain presentence alcohol and drug evaluations, and supervise and monitor certain persons required to complete an alcohol and drug safety action program or an alcohol and drug abuse treatment program.
- K.S.A. 8-1009 states that the prosecuting attorney determines whether a person will be allowed to enter into a diversion agreement.
- K.S.A. 8-1010, another standard severability statute (1982 act).
- K.S.A. 8-1011 exempts any law enforcement officer, and the state or any political subdivision of the state that employs the law enforcement officer, from any civil or criminal liability for the care and custody of the vehicle that was being operated by or was in the physical control of the person arrested or in custody if the law enforcement officer acts in good faith and exercises due care.
- K.S.A. 8-1012 implied consent for preliminary breath tests: "Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath" Dictates the grounds required for such a test request, the duty to provide certain notices, and the consequences of test failure or refusal. States that such test results are not admissible in a civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001.
- K.S.A. 8-1013 defines the following terms that apply to K.S.A. 8-1001 through 8-1018: alcohol concentration; alcohol or drug-related conviction; division; ignition interlock device; occurrence; other competent evidence;

samples; test failure or fails a test; test refusal or refuses a test; and law enforcement officer.

- K.S.A. 8-1014 states the administrative driving privilege penalties for test refusal, test failure or alcohol or drug-related conviction.

(NOTE: High BAC = .15 or higher)

REFUSAL FAILURE FAILURE - High BAC

	Suspend	Restrict	Suspend	Restrict	Suspend	Restrict
first	1 year	1 year	30 days	330 days	1 year	1 year
second	2 years	0	1 year	1 year	1 year	2 years
third	3 years	0	1 year	1 year	1 year	3 years
fourth	10years	0	1 year	1 year	1 year	4 years
fifth +	permanent		permanent		permanent	

- K.S.A. 8-1015 dictates the authorized restrictions that the division may impose for first time failure (8-1014(b)(1) - 330 day restriction).
 Subsection (a): (1) In going to or returning from the person's place of employment or schooling; (2) in the course of the person's employment; (3) during a medical emergency; (4) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go to attend an alcohol and drug safety action program as provided in K.S.A. 8-1008.
 Subsection (b): driving only a motor vehicle equipped with an ignition interlock device.
- K.S.A. 8-1016 governs ignition interlock device approval by the division, and adoption of rules and regulations.
- K.S.A. 8-1017 prohibits circumvention of ignition interlock devices and makes violation a class A, nonperson misdemeanor, with additional penalty of 2 year driver's license suspension.
- K.S.A. 8-1018, repealed January 1, 1991.
- K.S.A. 8-1019 establishes victim impact statement and restitution

requirements for offenses arising out of the operation or attempted operation of a motor vehicle while under the influence of alcohol or drugs, or both,

- K.S.A. 8-1020 establishes administrative hearing requirements and procedure concerning notice of suspension.
- K.S.A. 8-1021 governs disposition of vehicles impounded for violation of K.S.A. 8-1567 or 8-1022, if owner fails to pay fees or take repossession.
- K.S.A. 8-1022 makes it unlawful for the owner of a motor vehicle to allow a person to drive such vehicle when such owner knows or reasonably should have known such person was driving in violation of K.S.A. 8-1014. Violation is an unclassified misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, and court may order impoundment.
- K.S.A. 8-1023 states that: the testing and method of testing consented to under K.S.A. 8-1001 shall not be considered to have been conducted for any medical care or treatment purpose; information concerning the test are required to be provided to the requesting law enforcement officer; all costs shall be charged to and paid by the county where the alleged offense was committed, then county may be reimbursed such costs upon the costs being paid by the defendant as court costs assessed; and the collection and delivery of the sample and required information to the law enforcement officer pursuant to K.S.A. 8-1001, shall not be subject to the physician-patient privilege or any other law that prohibits the transfer, release or disclosure of the sample or of the required information.
- K.S.A. 8-1024 states that no person who participates in good faith in the obtaining, withdrawal, collection or testing of blood, breath, urine or other bodily substance at the direction of a law enforcement officer pursuant to K.S.A. 8-1001 shall incur any civil, administrative or criminal liability as a result of such participation, regardless of whether or not the patient resisted or objected to the administration of the procedure or test.

The criminal penalties for DUI are found in other articles of Chapter 8 and in Chapter 21 of the Kansas Statutes Annotated.

• K.S.A. 8-1567, effective July 1, 2009:

(a) and (b) Define the crime of driving under the influence of alcohol or drugs (.08 or more; degree that renders person incapable; habitual).

(c) Not a defense that person is entitled to use the drug.

(d) 1st conviction = class B, nonperson misdemeanor; not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$500 nor more than \$1,000; must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole; enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008.

(e) 2nd conviction = class A, nonperson misdemeanor; not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$1,500; must serve at least five consecutive days' imprisonment before probation, suspension or reduction of sentence or parole or is otherwise released; five days' imprisonment may be served in a work release program only after served 48 consecutive hours' imprisonment; court may place under a house arrest program pursuant to K.S.A. 21-4603b to serve the remainder of the minimum sentence only after served 48 consecutive hours' imprisonment; as a condition of release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008.

(f) (1) 3rd conviction = nonperson felony; not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 nor more than \$2,500; not eligible for release on probation, suspension or reduction of sentence or parole until served at least 90 days' imprisonment; 90 days' imprisonment may be served in a work release program only after served 48 consecutive hours' imprisonment; court may place under a house arrest program pursuant to K.S.A. 21-4603b to serve the remainder of the minimum sentence only after served 48

consecutive hours' imprisonment.

(2) court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704; shall also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008.

(g) (1) 4th and subsequent conviction = nonperson felony; not less than 90 days nor more than one year's imprisonment and fined \$2,500; not eligible for release on probation, suspension or reduction of sentence or parole until served at least 90 days' imprisonment; 90 days' imprisonment may be served in a work release program only after served 72 consecutive hours' imprisonment.

(2) court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704; after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced; during such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drug abuse, including, but not limited to, an approved aftercare plan or mental health counseling, as determined by the secretary and satisfy conditions imposed by the Kansas parole board.

(h) Any person convicted of violation who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment; judge may order the person on house arrest, work release or other conditional release.

(i) Court may establish the terms and time for payment of any fines, fees, assessments and costs imposed.

(j) In lieu of payment of a fine imposed, court may order that the person perform community service; person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service.

(k) Court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(l) 2nd or subsequent conviction, court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded or immobilized for a period of two years; convicted person shall pay all costs associated with the installation, maintenance and removal of the ignition interlock device and all towing, impoundment and storage fees or other immobilization costs.

(m) [New] Prior to filing complaint, prosecutors shall check records from division of vehicles and from KBI central repository.

(n) Court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division; prior to sentencing, court shall check records from division of vehicles.

(o) Definition of "conviction" and how to calculate number of convictions.

(p) Division of vehicles, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014.

(q) Cities and counties may also enact prohibitions of same conduct.

(r) [New] City attorneys shall check records from division and from KBI central repository. If ordinance violation would constitute a felony, shall refer violation to county or district attorney for prosecution.

(s) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person to avoid the mandatory penalties. For the purpose of this subsection,

entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq. shall not constitute plea bargaining.

(t) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative; state, city or county may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(u) 4th or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person's license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year.

(v) Defines the following terms: alcohol concentration; imprisonment; and drug.

(w) Fines and distribution of moneys.

(x) Upon every conviction of a violation of this section, the court shall order such person to submit to a pre-sentence alcohol and drug abuse evaluation pursuant to K.S.A. 8-1008. Such pre-sentence evaluation shall be made available, and shall be considered by the sentencing court.

- K.S.A. 8-1567, changes effective July 1, 2010:

- (1) Current penalty for 4th and subsequent becomes penalty for 3rd
(90 days-1 year imprisonment, \$2,500 fine, 1 year postrelease treatment).
- (2) New penalties for 4th and subsequent
(180 days-1 year imprisonment, \$2,500 fine, no postrelease treatment).
- (3) 3rd or subsequent conviction, judge may revoke license plate or temporary registration certificate for 1 year (currently 4th).

- K.S.A. 8-2,144, commercial motor vehicle drivers:

- (a) Defines the crime of driving under the influence of alcohol or drugs
(.04 or more; violation of 8-1567, or comparable ordinance or resolution).
- (b) 1st conviction = class B, nonperson misdemeanor; not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$500 nor more than \$1,000; must serve at least 48 consecutive hours' imprisonment or 100

hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole; court shall also order that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008.

(c) 2nd conviction = class A, nonperson misdemeanor; not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$1,500; must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released; five days' imprisonment may be served in a work release program only after served 48 consecutive hours' imprisonment; court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b to serve the remainder of the minimum sentence only after served 48 consecutive hours' imprisonment. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008

(d) 3rd conviction = nonperson felony; not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 nor more than \$2,500; shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment; also required to enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008; 90 days' imprisonment may be served in a work release program only after served 48 consecutive hours' imprisonment ; court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b to serve the remainder of the minimum sentence only after served 48 consecutive hours' imprisonment.

(e) The court shall report every conviction of a violation of this section to the division. Prior to sentencing, the court shall check records from the division.

(f) The division, upon receiving a report of conviction, shall disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142.

(g) Defines alcohol concentration.

[NOTE: Commercial motor vehicle driver administrative provisions are found in K.S.A. 8-2,136 through 8-2,138 and K.S.A. 8-2,145].

- K.S.A. 21-3442 defines the crime of involuntary manslaughter while driving under the influence of alcohol or drugs as "the unintentional killing of a human being committed in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567 and amendments thereto." It is a severity level 4, person felony (sentencing range: presumptive imprisonment; criminal history I, 38-43 months; criminal history A, 154-172 months).

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

010-West-Statehouse, 300 SW 10th Ave.
Topeka, Kansas 66612-1504
(785) 296-3181 ♦ FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

July 1, 2009

To: Members of the Kansas DUI Commission
From: Athena Andaya, Principal Analyst
Re: Other States' DUI Laws

The Kansas DUI Commission was created with the passage of 2009 Senate Sub. for HB 2096. One of the Commission's charges is to review driving under the influence statutes in other states. The purpose of this memorandum is to provide general information on legislation other states have tried to reduce the incidences of drunk driving and to make public highways safer for their citizenry. (Attachment 1 is pending legislation nationwide collected by the Century Council).

For this purpose, lawmakers have considered legislation such as DUI courts modeled after the drug courts, videotaping at the incident site and at the site of the breath test conducted by law enforcement officers, increased penalties for high blood alcohol concentration (BAC) levels, and ignition interlocks. Other bills deal with special license plates, alcohol monitoring and drunk driving with minors in the vehicle.

DUI Courts

A DUI court is a court docket dedicated to reducing recidivism and substance abuse among nonviolent adult and juvenile offenders by using the coercive power of the criminal justice system in order to increase the likelihood of successful rehabilitation through early, continuous, and intensive judicially supervised treatment, mandatory periodic drug testing, and the use of graduated sanctions and other rehabilitative services. DUI courts recognize that a significant part of the drunk driving problem is a result of alcohol abuse and alcoholism. DUI courts operate primarily within the post-conviction model.

According to the National Center for DWI Courts, these specialized courts follow the Ten Key Components of Drug Courts and the Ten Guiding Principles of DWI Courts as established by the National Association of Drug Court Professionals and the National Drug Court Institute. The Ten Key Components of Drug Courts are:

- Drug courts integrate alcohol and other drug treatment services with justice system case processing;
- Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights;
- Eligible participants are identified early and promptly placed in the drug court program;

- Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
- Abstinence is monitored by frequent alcohol and other drug testing;
- A coordinated strategy governs drug court responses to participants' compliance;
- Ongoing judicial interaction with each drug court participant is essential;
- Monitoring and evaluation measure the achievement of program goals and gauge effectiveness;
- Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations; and
- Forging partnerships among drug courts, public agencies, and community-based organizations generate local support and enhance drug court effectiveness.

The Ten Guiding Principles of DWI Courts are:

- Determine the target population;
- Perform a clinical assessment;
- Develop the treatment plan;
- Supervise the offender;
- Forge agency, organization, and community partnerships;
- Take a judicial leadership role;
- Develop case management strategies;
- Address transportation issues;
- Evaluate the program; and
- Ensure a sustainable program.

According to the National Center for DWI Courts, as of December 31, 2008, there were 144 designated DWI courts, and 382 "hybrid" drug courts for a total of 526 DWI courts in the country. DWI courts have been established in Arizona, California, Indiana, Michigan, New Mexico, North Carolina, Oklahoma, and Virginia.

The executive summary of the final report on Michigan DWI Courts Outcome Evaluation is attached for your perusal (Attachment 2). The full report may be accessed at:
http://council.legislature.mi.gov/files/sdtcac/mi_ DUI_outcome_eval_final_report_0308.pdf .

Videotaping at Incident Site and Breath Test Site

South Carolina Section 56-5-2953 commands the arresting officer to videotape the individual during a DWI arrest. (Attachment 3). Subsection (A) of the statute outlines the requirements for videotaping at the incident site and at the breath test site. Subsection (B) of the statute provides exceptions that excuse compliance with the statute.

The videotaping at the incident site must:

- Begin not later than the activation of the officer's blue lights and conclude after the arrest of the person for a violation of Section 56-5-2930, 56-5-2933, or a probable cause determination that the person violated Section 56-5-2945; and
- Show the person being advised of his Miranda rights if the tests are administered.

The videotaping at the breath site must:

- Include the reading of Miranda rights, the entire breath test procedure, the person being informed that he is being videotaped, and that he has the right to refuse the test;
- Include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and
- Include the person's conduct during the required twenty-minute pre-test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to videotape this waiting period. However, if the arresting officer administers the breath test, the person's conduct during the twenty-minute pre-test waiting period must be videotaped.

The videotapes of the incident site and of the breath test site are admissible pursuant to the South Carolina Rules of Evidence in a criminal, administrative, or civil proceeding by any party to the action. Failure of the arresting officer to produce the video recording is not alone a ground for dismissal if the arresting officer submits a sworn affidavit certifying that the video recording equipment was in an inoperable condition or it was physically impossible to produce the video because of exigent circumstances.

Increased Penalties for High Blood Alcohol Concentration

The passage of the federal law known as the Transportation Equity Act for the 21st Century (TEA-21) in 1998 provided \$500 million for incentive grants for FYs 1998-2003 to states that have enacted and are enforcing a law providing that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a *per se* offense of driving while intoxicated. According to the Insurance Institute for Highway Safety, all 50 states and the District of Columbia have *per se* laws defining it as a crime to drive with a blood alcohol concentration (BAC) at or above a proscribed level, 0.08 percent (Attachment 4). Kansas adopted 0.08 percent in 1993.

Subsequently, a majority of states provide increased penalties for high blood alcohol concentration as at least 0.15 percent. The penalties range from increased imprisonment, increased license suspension period or prohibition on a grant of a restricted license, requirement of an ignition interlock device, required alcohol education or counseling, a prohibition against taking a *nolo contendere* plea (Georgia), impoundment of the offender's vehicle, or increased fine.

Alabama, Maryland, Michigan, Mississippi, Montana, New Jersey, Oregon, Vermont, West Virginia, and Wyoming do not have increased penalties for high blood alcohol concentration.

Ignition Interlock

An ignition interlock device is a small electronic handheld device wired into a vehicle's ignition system. The device requires the driver to take and pass a test that screens for breath alcohol. If a certain preset amount of alcohol is detected by the ignition interlock device, the device disables the car's ignition system rendering the car inoperable. Once the vehicle is in motion, the driver is required to provide additional breath samples at random intervals (Random Rolling Retest) to deter drinking after completing a sober start.

According to the National Conference of State Legislatures, as of July 2008, the following states had statutes authorizing ignition interlocks as a penalty under circumstances provided in the specific statute: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin Wyoming, and the District of Columbia.

Special License Plates

Generally, laws of this type require the convicted DUI offender to surrender license plates to vehicles registered to the offender. If, however, a member of the offender's household possesses a valid license and is dependant on the use of the vehicle for necessities of life, a special license plate may be issued. The special license plate would bear identifiable series of numbers or letters to law enforcement that an owner of the vehicle has been convicted of DUI.

The National Conference of State Legislatures reports the following states have or had such laws:

- Georgia: Plates bearing a special series of numbers or letters may be issued in limited circumstances. (Georgia Code §40-2-136);
- Iowa: Repealed in 1995. If a member of the household has a valid license, they were permitted to apply for special license plates, which contained a "Z" in the series of numbers. (Iowa Code §321J.4A);
- Minnesota: Special plates may be issued if a family member of the offender has a valid license. The plates would bear a special series of numbers. (Minnesota Statutes §§168.041 & 168.042);
- Ohio: Plates on vehicles impounded for drunk driving are different from regular state plates, in red and yellow colors. Use of the plates became mandatory in 2004. (Ohio statutes §§4507.02(F)(2) and 4503.231);
- Oregon: Pilot program ended 12/31/94. A special sticker was placed on vehicle license plates at the time of the offense to indicate that the operator of the vehicle was charged or convicted on drunk driving charges. (Oregon Code following §809.110).

Alcohol Monitoring

One of the more recent advances in alcohol testing is continuous transdermal alcohol monitoring, which means that alcohol is measured "through the skin." Transdermal testing is noninvasive and measures the concentration of alcohol present in the insensible perspiration that is constantly produced and given off by the skin. If an offender has been drinking, it shows up in the level of ethanol vapor present in this insensible perspiration. While transdermal testing cannot determine exact blood alcohol concentration (BAC) levels, it can qualitatively determine whether a person drank a little, a moderate, or a large quantity of alcohol (transdermal alcohol content or TAC).

SCRAM® (Secure Continuous Remote Alcohol Monitor) is a tool that helps courts and agencies continuously monitor alcohol offenders for alcohol consumption. It consists of three components: the ankle bracelet to collect samples and data from the offender, the modem to receive the data, and SCRAMNET, the web-based application managed by Alcohol Monitoring Systems to collect, analyze, and maintain offender data in a secure, central location. This allows authorities to recognize, in a timely manner, when offender has consumed alcohol.

According to Alcohol Monitoring Systems (AMS), SCRAM® is in 46 states in 2009. <http://www.alcoholmonitoring.com/index/about/about-ams>. To date, six states have passed continuous alcohol monitoring (CAM) related legislation (AZ, DE, NC, NE, OH, and SD). In 2007, 13 states considered CAM bills. AMS offers the following support to state legislatures considering CAM legislation:

- Model language;
- Statutory review;
- State-specific proposals;
- Strategic support;
- SCRAM usage guidelines;
- Strong relationships with allied professionals and associations;
- Participation in key meetings; and
- Expert testimony on how the SCRAM device works and why it is effective.

Drunk Driving with Minors in the Vehicle

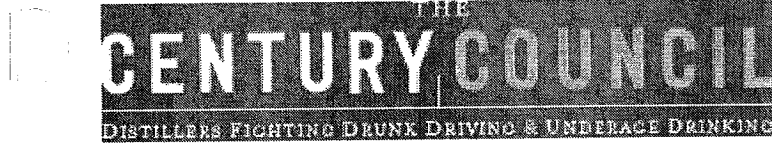
The approach 21 states, including Kansas, have taken is to increase the penalties for drunk driving if a child is in the vehicle. From significantly higher fines and longer mandatory jail sentences to longer license suspensions and felony convictions, drunk drivers who endanger children often find themselves facing double the penalties of a standard drunk driving offense. Under the laws passed in most of these states, the child need not suffer physical harm for the stiffer penalties to apply.

At least four states have adopted laws making it a separate offense to have a child in the vehicle while the driver is under the influence of alcohol or controlled substances. In establishing separate offenses, Arizona, Georgia, Idaho and Ohio have followed the trend of creating aggravated drunk driving offenses where there are special circumstances, such as a particularly high level of intoxication or endangering a child.

Although enhancing penalties or creating separate drunk driving offenses are the more common approaches, two states have used existing child abuse and neglect statutes to cover drunk driving with a child in the vehicle. In Colorado, a person is guilty of child abuse if they knowingly or recklessly commit an act that injures or kills a child. Colorado case law has supported that the child

abuse statute applies, regardless of whether the child is in the car being driven by the drunk driver or is a passenger in another vehicle involved in a collision with the drunk driver. Iowa has a similar law that an adult can be charged with child neglect for recklessly exposing a child to danger by driving while intoxicated with a child in the vehicle. As in Colorado, the Iowa statute has been tested and supported in the courts.

Source: National Conference of State Legislatures



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Pending Legislation - Drunk Driving

-Select-

The State Legislative tracking serves as a comprehensive resource for those interested in legislative issues related to hardcore drunk driving. One of the goals of this section is to provide policymakers with up-to-date information about what is happening in legislatures across the country on the issue of hardcore drunk driving.

Pending drunk driving legislation - by state

AK S 194 AUTHOR: Meyer [R]
 TITLE: Civil Damages for Alcohol Violations
 INTRODUCED: 04/17/2009
 DISPOSITION: Pending Carryover
 LOCATION: Senate State Affairs Committee
 SUMMARY:
 Relates to civil damages for certain alcohol violations.
 PRIVATE FILE: Master

AL H 32 AUTHOR: Dunn [D]
 TITLE: Motor Vehicles and Driving Under the Influence
 INTRODUCED: 02/03/2009
 LAST AMEND: 02/19/2009
 DISPOSITION: Failed Adjourned
 LOCATION: SENATE
 SUMMARY:
 Relates to motor vehicles and driving under the influence; increases the penalties for violations by requiring a person

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ATTACHMENT 1

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authorized to drive a motor vehicle after a conviction of driving under the influence to have installed and operating an ignition interlock device for certain periods of time; provides for the installation and certification of ignition interlock devices; imposes certain duties on the Department of Forensic Sciences.

PRIVATE FILE: Master

AL H 159 AUTHOR: McClendon [R]

TITLE: Fleeing or Eluding Police

INTRODUCED: 02/03/2009

DISPOSITION: Failed Adjourned

LOCATION: House Judiciary Committee

SUMMARY:

Relates to fleeing or attempting to elude a police officer; makes it a Class C felony to elude a police officer when certain aggravating factors are present.

PRIVATE FILE: Master

AL H 260 AUTHOR: Keahey [D]

TITLE: Driving Under the Influence

INTRODUCED: 02/03/2009

DISPOSITION: Failed Adjourned

LOCATION: HOUSE

SUMMARY:

Relates to driving under the influence; defines the crime and provide penalties; requires a person who is initially convicted of the offense of driving under the influence of alcohol or drugs to attend a single session conducted by a victim's impact program.

PRIVATE FILE: Master

AL H 291 AUTHOR: Hurst [D]

TITLE: Driver Licenses

INTRODUCED: 02/03/2009

LAST AMEND: 02/19/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Provides for the suspension of the driver's license of an individual for drug or alcohol related violations; provides further for the suspension when the individual is ordered to enter an in patient drug or alcohol rehabilitation facility or voluntarily enters a facility approved by the court; provides that an individual would be credited for the time actually spent in a facility if the individual is released by the facility because the treatment is complete.

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PRIVATE FILE: Master

AL S 10 AUTHOR: Glover [R]
TITLE: Crimes and Offenses
INTRODUCED: 02/03/2009
LAST AMEND: 05/07/2009
DISPOSITION: Failed Adjourned
LOCATION: HOUSE
SUMMARY:

Relates to driving under the influence; defines prior convictions for purposes of second or subsequent offenses; increases the mandatory minimum imprisonment for 4th or subsequent offenses; increases penalties for offenders with .15% alcohol; imposes fines and requires certain periods to conform.

PRIVATE FILE: Master

AL S 277 AUTHOR: Ross [D]
TITLE: Driving Under the Influence
INTRODUCED: 02/05/2009
DISPOSITION: Failed Adjourned
LOCATION: SENATE
SUMMARY:

Relates to motor vehicles and driving under the influence; increases the penalties for violations by requiring a person authorized to drive a motor vehicle after a conviction of driving under the influence to have installed and operating an ignition interlock device for certain periods of time; provides for the installation and certification of ignition interlock devices; imposes certain duties on the Department of Forensic Sciences.

PRIVATE FILE: Master

AL S 475 AUTHOR: Smitherman [D]
TITLE: Records Expungement
INTRODUCED: 03/05/2009
DISPOSITION: Failed Adjourned
LOCATION: SENATE
SUMMARY:

Authorizes a person to petition the court having jurisdiction over the matter to have the record of his or her criminal offense or traffic violation or municipal ordinance violation expunged in certain instances; provides procedures, fees, and penalties.

PRIVATE FILE: Master



AR H 1227 AUTHOR: Nix [D]

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TITLE: Blood Alcohol Level and DUI Repeat Offenders

INTRODUCED: 01/26/2009

DISPOSITION: Failed Adjourned

LOCATION: House Judiciary Committee

SUMMARY:

Lowers the blood alcohol level threshold for repeat DWI offenders if a person is driving while intoxicated on a license suspended because of a prior DWI conviction.

PRIVATE FILE: Master

AR H 1238 AUTHOR: Garner [R]

TITLE: Trauma System Trust Fund

INTRODUCED: 01/27/2009

LAST AMEND: 02/03/2009

DISPOSITION: Failed Adjourned

LOCATION: House Public Health, Welfare and Labor Committee

SUMMARY:

Creates and fund the trauma system trust fund.

PRIVATE FILE: Master

AR H 1459 AUTHOR: Nix [D]

TITLE: Repeat Driving While Intoxicated Offenders

INTRODUCED: 02/13/2009

LAST AMEND: 04/07/2009

DISPOSITION: Failed Adjourned

LOCATION: SENATE

SUMMARY:

Increases the look back period for repeat DWI offenders from five years to ten years.

PRIVATE FILE: Master

AR H 1612 AUTHOR: Barnett [R]

TITLE: Federal Highway Funds

INTRODUCED: 02/25/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends state code to comply with federal law in order to qualify for receipt of federal highway funds; exempts from drivers license requirements a person in the service of the Coast Guard, National Guard, or military reserve or a person serving as a

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National Guard military technician; relates to the issuance of temporary permits, transportation of hazardous materials, commercial drivers' licenses and employer's drug and alcohol testing programs required under the Federal Motor Carrier Safety Regulations.

PRIVATE FILE: Master

AR H 1640 AUTHOR: Hawkins [D]

TITLE: DWI and Ignition Interlock

INTRODUCED: 02/25/2009

LAST AMEND: 03/30/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Provides that persons arrested for a first offense DWI are not entitled to a restricted permit but are allowed an ignition interlock restricted license; increases suspension time for a first offense DWI; reduces ineligibility time for an ignition interlock restricted license for certain DWI offenses.

PRIVATE FILE: Master

AR H 1799 AUTHOR: Harrelson [D]

TITLE: Ignition Interlock Devices

INTRODUCED: 03/02/2009

LAST AMEND: 03/20/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Concerns DWI ignition interlock devices and related restricted driver's licenses.

PRIVATE FILE: Master

AR H 1853 AUTHOR: Williams [D]

TITLE: Criminal Penalties

INTRODUCED: 03/03/2009

LAST AMEND: 03/13/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Concerns the payment and collection of fines, costs and restitution; repeals a provision concerning penalties for defaulting on the payment of a fine; makes various amendments to provisions concerning procedure, bail, sentencing, and penalties.

PRIVATE FILE: Master

9-16

AR H 2047 AUTHOR: King [R]
TITLE: Forfeiture of Vehicle and DUI
INTRODUCED: 03/09/2009
DISPOSITION: Failed Adjourned
LOCATION: Withdrawn
SUMMARY:

Provides for the forfeiture of a person's vehicle after a second or subsequent conviction for driving while intoxicated or for driving a motor vehicle on a suspended license due to driving while intoxicated.

PRIVATE FILE: Master

AR H 2048 AUTHOR: King [R]
TITLE: Sentences for Repeat DUI Offenders
INTRODUCED: 03/09/2009
DISPOSITION: Failed Adjourned
LOCATION: Withdrawn
SUMMARY:

Increases the sentences for repeat DWI offenders; provides for the forfeiture of a person's vehicle after a second or subsequent conviction for driving while intoxicated or for driving a motor vehicle on a suspended license due to driving while intoxicated.

PRIVATE FILE: Master

AR H 2082 AUTHOR: Reynolds [D]
TITLE: DUI Convicted
INTRODUCED: 03/09/2009
LAST AMEND: 03/18/2009
DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Requires persons convicted of driving while intoxicated to attend a victim impact panel sponsored by an organization that provides state wide services to victims of drunk driving; provides the organization may charge a program fee and shall provide proof of attendance and completion to the person required to attend.

PRIVATE FILE: Master

AR S 38 AUTHOR: Faris [D]
TITLE: Personal Watercraft Operation
INTRODUCED: 01/12/2009
LAST AMEND: 03/18/2009

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DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Increases the minimum age for operation of a personal watercraft; applies the alcohol and drug testing requirements used for motor vehicles to operation of boats and personal watercraft; requires parental consent for receipt of a boater education certificate; amends the examination requirements for a boater education certificate.

PRIVATE FILE: Master

AR S 217 AUTHOR: Altes [R]

TITLE: DWI Act

INTRODUCED: 01/26/2009

LAST AMEND: 02/24/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the statute requiring a chemical test of the blood, breath, or urine of the driver involved in an accident in which death has occurred or is likely to occur; provides that the presence of certain controlled substances in a person's body is a violation of the omnibus DWI act or the underage DUI law.

PRIVATE FILE: Master

AR S 346 AUTHOR: Wyatt [D]

TITLE: DWI Omnibus

INTRODUCED: 02/11/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the omnibus DWI act; provides that a person arrested for operating or being in actual physical control of a motor vehicle while intoxicated by a controlled substance or a person who refuses to submit to a chemical test is ineligible for an ignition interlock restricted driving permit.

PRIVATE FILE: Master

AR S 410 AUTHOR: Madison [D]

TITLE: Code Corrections

INTRODUCED: 02/18/2009

LAST AMEND: 03/19/2009

DISPOSITION: Enacted

LOCATION: Chaptered

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SUMMARY:

Relates to criminal offenses and penalties, domestic abuse, curtilage, contraband, burglary, child sexual abuse by school employees or juvenile corrections personnel, protection of minors from tobacco products, arrest or search of minors, unlawful burning, destruction or removal of a cemetery marker, alcohol education and alcoholism treatment, gambling and gaming devices prohibition and recognition of other states' concealed weapons licenses.

PRIVATE FILE: Master

AR S 543 AUTHOR: Johnson D [D]

TITLE: Chemical Tests and Intoxication

INTRODUCED: 02/26/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Relates to one or more chemical tests given for the offense of driving while intoxicated; for other purposes; provides that the cost of extra tests shall be borne by the person being tested, unless the person is found not guilty.

PRIVATE FILE: Master

AR S 811 AUTHOR: Key [R]

TITLE: Alcoholic Beverages

INTRODUCED: 03/05/2009

DISPOSITION: Failed Adjourned

LOCATION: Senate Judiciary Committee

SUMMARY:

Provides enhanced penalties for furnishing an alcoholic beverage to a person under 21 years of age if a motor vehicle accident is proximately caused by the consumption of the alcoholic beverage; provides that alcoholic beverages in the body of a minor shall be deemed to be in his or her possession.

PRIVATE FILE: Master

AR S 995 AUTHOR: Faris [D]

TITLE: Firearm Possession

INTRODUCED: 03/09/2009

LAST AMEND: 03/17/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends existing law which prohibits an individual convicted of a felony from possessing a firearm; exempts a person whose case was dismissed and expunged; authorizes a drug court judge to order expungement and dismissal of a case upon the

defendants successful completion of a drug court program and receipt of aftercare and a prosecuting attorney's recommendation; provides that conviction of burglary, breaking and entering, and certain DWI offenses are not eligible.
PRIVATE FILE: Master

AZ S 1119 AUTHOR: Gray L [R]
TITLE: Restricted Driver Licenses
INTRODUCED: 01/15/2009
DISPOSITION: Pending
LOCATION: Senate Consent
SUMMARY:
Concerns restricted driver licenses; relates to driving under the influence.
PRIVATE FILE: Master

AZ S 1274 AUTHOR: Gray L [R]
TITLE: Ignition Interlock Device
INTRODUCED: 01/28/2009
DISPOSITION: Pending
LOCATION: Senate Public Safety and Human Services Committee
SUMMARY:
Concerns ignition interlock device; relates to time period.
PRIVATE FILE: Master

AZ S 1420 AUTHOR: Verschoor [R]
TITLE: Driving Under the Influence
INTRODUCED: 02/02/2009
DISPOSITION: Pending
LOCATION: Senate Committee of the Whole
SUMMARY:
Concerns DUI; relates to juvenile adjudication and juvenile detention; provides that a judge may suspend specified days of the sentence if the juvenile completes alcohol or other drug screening; relates to tribal courts, other jurisdictions and out of state offenses.
PRIVATE FILE: Master

CA A 91 AUTHOR: Feuer [D]
COAUTHOR(S): Cox [R], Jones [D], Nava [D], Saldana [D], Lieu [D], DeSaulnier [D], Torlakson [D], Huffman [D], Miller [R], Jeffries [R], Solorio [D], Buchanan [D], Gilmore [R], Hill [D], Lowenthal B [D]
TITLE: Vehicles: DUI: Ignition Interlock Device

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INTRODUCED: 01/06/2009

LAST AMEND: 06/01/2009

DISPOSITION: Pending

LOCATION: SENATE

SUMMARY:

Requires the Department of Motor Vehicles to establish a pilot program in specified counties that requires, as a condition of being issued a restricted driver's license, a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for a violation of driving under the influence of alcohol, a person to install an ignition interlock device on all vehicles they own or operate and to participate in an alcohol and drug assessment program. Provides for a related fee.

PRIVATE FILE: Master

CA A 614 AUTHOR: Miller [R]

TITLE: Driving Under the Influence: Refusal to Submit to Tests

INTRODUCED: 02/25/2009

DISPOSITION: Pending

LOCATION: Assembly Public Safety Committee

SUMMARY:

Imposes punishment for a refusal to submit to a chemical test for a first violation, or for one or more violations or driving under influence offenses occurring within 10 years, as the punishment for driving under influence committed under similar circumstances.

PRIVATE FILE: Master

CA A 808 AUTHOR: Fuentes [D]

TITLE: Driving Under the Influence: Hearing

INTRODUCED: 02/26/2009

DISPOSITION: Pending

LOCATION: Assembly Transportation Committee

SUMMARY:

Extends the period within which the Department of Motor Vehicles is required to notify a person convicted of driving under the influence that he or she has a specified time period to contest a driver's license suspension or revocation.

PRIVATE FILE: Master

CA A 888 AUTHOR: Price [D]

TITLE: Alcoholic Beverages: Open Containers: School Grounds

INTRODUCED: 02/26/2009

LAST AMEND: 06/10/2009

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DISPOSITION: Pending
COMMITTEE: Senate Governmental Organization Committee
HEARING: 06/23/2009 9:30 am

SUMMARY:
Prohibits, as an infraction, the possession of an alcoholic beverage container, or consumption of an alcoholic beverage, on a public street, alley, or sidewalk within a specified number of feet of the property line of a public or private school.
PRIVATE FILE: Master

CA A 1004 AUTHOR: Portantino [D]
TITLE: Local Government: Emergency Response
INTRODUCED: 02/27/2009
LAST AMEND: 05/04/2009
DISPOSITION: Pending
FILE: A 7

LOCATION: Assembly Inactive File
SUMMARY:
Relates to existing law giving a public agency the authority to charge for specified incidences requiring emergency response, including those requiring emergency response due to the negligent operation of a motor vehicle, boat or vessel while an operator is under the influence of alcohol or any drug. Prohibits a public agency from making residency a determining factor in determining liability for purposes of seeking reimbursement for the expenses of any emergency response.
PRIVATE FILE: Master

CA A 1275 AUTHOR: Anderson [R]
TITLE: Driving Under the Influence: Undocumented Drivers
INTRODUCED: 02/27/2009
DISPOSITION: Pending
LOCATION: Assembly Public Safety Committee

SUMMARY:
Relates to driving under the influence. Requires an arresting authority to report to the United States Immigration and Customs Enforcement if a person is arrested for driving while under the influence of an alcoholic beverage or drug, or the combined influence of both, or caused bodily injuries to another as a result of driving under the influence, and the person fails to provide the arresting authority with appropriate documentation demonstrating his or her legal presence in the United States.
PRIVATE FILE: Master

CA S 598 AUTHOR: Huff [R]
COAUTHOR(S): Benoit [R], Hancock [D], Leno [D]

D

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TITLE: Driving Under the Influence
INTRODUCED: 02/27/2009
LAST AMEND: 05/05/2009
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

Requires the Department of Motor Vehicles to advise a person convicted of driving under the influence that he or she may apply for a restricted driver's license following a specified license suspension period and completion of a driving under the influence program. Provides a prolonged period of suspension for subsequent convictions. Requires the payment of a sufficient fee to cover the costs of administration determined by the department.

PRIVATE FILE: Master

CO H 1119 SPONSOR: Vigil [D]
TITLE: Rural Substance Abuse Grant Program
INTRODUCED: 01/13/2009
LAST AMEND: 04/28/2009
DISPOSITION: Enacted
LOCATION: Signed by Governor
SUMMARY:

Establishes the Rural Alcohol and Substance Abuse Grant Program in the Division of Alcohol and Drug Abuse in the Department of Human Services to provide grants to entities that provide alcohol and substance abuse treatment and services in rural areas or that provide activities for youths in rural areas designed to reduce the use of alcohol and drugs; specifies information required to be in a grant application; establishes a related fund; establishes a surcharge on drunk driving offenders for the fund.

PRIVATE FILE: Master

CO S 133 SPONSOR: Spence [R]
TITLE: Traumatic Brain Injury Fund
INTRODUCED: 01/27/2009
LAST AMEND: 04/27/2009
DISPOSITION: Enacted
LOCATION: Signed by Governor
SUMMARY:

Increases the surcharges for any traffic violation that applies the moneys collected to the Colorado traumatic brain injury trust fund.

PRIVATE FILE: Master

4-13

CO S 286 SPONSOR: Morse [D]

TITLE: Justice Reinvestment Act

INTRODUCED: 04/15/2009

LAST AMEND: 05/04/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Changes the provisions relating to legal representation of indigent defendants; changes the offense level or sentencing options for select nonviolent offenses; changes the presumptive sentencing ranges for certain felony offenses; repeals certain extraordinary risk sentencing provisions; makes changes to the habitual offender statute; allows certain sentencing time credits for certain offenders.

PRIVATE FILE: Master

CT D 19 INTRODUCER: Office of Senator Edith Prague

TITLE: Manslaughter

DISPOSITION: Failed Adjourned

LOCATION: SENATE

SUMMARY:

Provides a ten year mandatory minimum term of imprisonment for a person found guilty of manslaughter with a motor vehicle while under the influence of intoxicating liquor or any drug, or both.

PRIVATE FILE: Master

CT H 6057 INTRODUCER: Miller L [R]

TITLE: Negligent Operation Of a Motor Vehicle

INTRODUCED: 01/26/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Increases the penalty for negligent operation of a motor vehicle resulting in the death of another person; increases the penalty for negligent operation of a motor vehicle resulting in the death of another person if the operator of such motor vehicle is under the influence of drugs or alcohol.

PRIVATE FILE: Master

CT H 6062 INTRODUCER: Mushinsky [D]

TITLE: Open Containers Of Alcoholic Beverages In Vehicles

INTRODUCED: 01/26/2009

DISPOSITION: Failed



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LOCATION: Died

SUMMARY:

Prohibits open containers of alcoholic beverages in motor vehicles; conforms with federal law and to reduce the incidence of drunk driving.

PRIVATE FILE: Master

CT H 6073 INTRODUCER: Davis [D]

TITLE: Automatic Suspension For Repeat Drunken Driving

INTRODUCED: 01/26/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Requires the automatic suspension of the driver's license of any person arrested for drunken driving within one hundred twenty days of a previous drunken driving arrest.

PRIVATE FILE: Master

CT H 6077 INTRODUCER: Heinrich [D]

TITLE: Persons Under the Age Of Eighteen Who Are Arrested

INTRODUCED: 01/26/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Concerns persons under the age of eighteen who are arrested for motor vehicle violations; adjudicates arrests of persons under eighteen years of age for motor vehicle violations in juvenile court.

PRIVATE FILE: Master

CT H 6137 INTRODUCER: Urban [D]

TITLE: A National Alcohol Voluntary Exclusion List

INTRODUCED: 01/27/2009

LAST AMEND: 03/04/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Implements a national alcohol voluntary exclusion list; saves lives and deters alcohol related incidents by allowing a person as part of a plea bargain in an alcohol related offense to voluntarily place his or her name on an alcohol self exclusion list with the effect that liquor permittees would be prohibited from selling alcohol to such person.

PRIVATE FILE: Master

4-15

D

CT H 6160 INTRODUCER: Spallone [D]

TITLE: Driving Under the Influence Sanctions

INTRODUCED: 01/27/2009

LAST AMEND: 04/16/2009

DISPOSITION: Failed Adjourned

LOCATION: Joint Committee on Appropriations

SUMMARY:

Concerns reciprocal and concurrent sanctions for operating a motor vehicle or a vessel while under the influence of intoxicating liquor or any drug; provides reciprocal and concurrent penalties for driving and boating under the influence.

PRIVATE FILE: Master

CT H 6393 INTRODUCER: Cafero [R]

TITLE: Transportation Motor Vehicles

INTRODUCED: 02/05/2009

LAST AMEND: 04/29/2009

DISPOSITION: Failed Adjourned

LOCATION: HOUSE

SUMMARY:

Concerns transportation, motor vehicles, highway safety and special transportation fund; implements the Governor's budget recommendations.

PRIVATE FILE: Master

CT H 6601 INTRODUCER: Joint Transportation

TITLE: Administrative Per Se Program

INTRODUCED: 02/25/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Concerns the administrative per se program; makes changes to the administrative per se procedures of the Department of Motor Vehicles: To authorize the Commissioner of Motor Vehicles to accept a police report that is prepared and transmitted as an electronic record, including electronic signature or signatures; authorizes an arresting officer to certify in such report that such officer had probable cause to arrest such person for a violation .

PRIVATE FILE: Master

CT S 8 INTRODUCER: Prague [D]

TITLE: Manslaughter

INTRODUCED: 01/07/2009

D

H-16

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Concerns the penalty for manslaughter in the second degree with a motor vehicle; provides a ten year mandatory minimum term of imprisonment for a person found guilty of manslaughter with a motor vehicle while under the influence of intoxicating liquor or any drug, or both.

PRIVATE FILE: Master

CT S 151 INTRODUCER: DeFronzo [D]

TITLE: Ignition Interlock Devices In Motor Vehicles

INTRODUCED: 01/20/2009

LAST AMEND: 05/18/2009

DISPOSITION: Failed Adjourned

LOCATION: SENATE

SUMMARY:

Concerns ignition interlock devices in motor vehicles; strengthens provisions requiring the use of ignition interlock devices.

PRIVATE FILE: Master

CT S 152 INTRODUCER: DeFronzo [D]

TITLE: Open Alcoholic Beverage Containers

INTRODUCED: 01/20/2009

LAST AMEND: 05/26/2009

DISPOSITION: Failed Adjourned

LOCATION: HOUSE

SUMMARY:

Permits open alcoholic beverage containers in motor vehicles engaged in tailgating; provides an exception to the open container prohibition for tailgating.

PRIVATE FILE: Master

CT S 153 INTRODUCER: DeFronzo [D]

TITLE: Data Communication

INTRODUCED: 01/20/2009

LAST AMEND: 04/01/2009

DISPOSITION: Failed Adjourned

LOCATION: Joint Committee on Transportation

SUMMARY:

Concerns the administrative per se suspension of a motor vehicle operator's license; updates administrative per se

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procedures to reflect more efficient methods of data communication.

PRIVATE FILE: Master

CT S 449 INTRODUCER: Kissel [R]

TITLE: Open Containers Of Alcohol In Motor Vehicles

INTRODUCED: 01/22/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Prohibits open containers of alcohol in motor vehicles; bans open containers of alcohol in vehicles.

PRIVATE FILE: Master

CT S 531 INTRODUCER: Debicella [R]

TITLE: Driving Under the Influence

INTRODUCED: 01/23/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Increases the penalties for driving under the influence of alcohol or drugs; increases the penalties for driving under the influence.

PRIVATE FILE: Master

CT S 691 INTRODUCER: Debicella [R]

TITLE: Ignition Interlock Devices

INTRODUCED: 01/26/2009

DISPOSITION: Failed

LOCATION: Died

SUMMARY:

Requires persons convicted of DUI to install ignition interlock devices in their vehicles; requires persons convicted of DUI to install ignition interlock devices in their vehicles.

PRIVATE FILE: Master

CT S 696 INTRODUCER: Caligiuri [R]

TITLE: Drunk Driving

INTRODUCED: 01/26/2009

DISPOSITION: Failed

LOCATION: Died

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SUMMARY:

Requires the immediate suspension of the motor vehicle operator's license of any person under twenty one years of age who is convicted for a first offense of drunk driving; suspends immediately the driver's license of any person under twenty one who drives drunk.

PRIVATE FILE: Master

CT S 697 INTRODUCER: Looney [D]

TITLE: License Suspension

INTRODUCED: 01/26/2009

LAST AMEND: 03/31/2009

DISPOSITION: Failed Adjourned

LOCATION: Joint Committee on Judiciary

SUMMARY:

Requires suspension of the motor vehicle operator's license of an underage person who attempts to buy alcohol; makes Connecticut's roads safer.

PRIVATE FILE: Master

CT S 732 INTRODUCER: Looney [D]

TITLE: Ignition Interlock Device

INTRODUCED: 01/27/2009

LAST AMEND: 04/21/2009

DISPOSITION: Failed Adjourned

LOCATION: Joint Committee on Transportation

SUMMARY:

Requires the use of an ignition interlock device upon a first drunken driving conviction; prohibits the operation of a motor vehicle for a specified time period by a person convicted for the first time of drunken driving unless the motor vehicle is equipped with an ignition interlock device.

PRIVATE FILE: Master

CT S 832 INTRODUCER: McKinney [R]

TITLE: Boating Safety

INTRODUCED: 02/05/2009

LAST AMEND: 04/21/2009

DISPOSITION: To Governor

LOCATION: Eligible for Governor

SUMMARY:

Concerns boating safety; implements the Governor's budget recommendations and to increase penalties for a person who

61-19

causes the death of another while operating a vessel while under the influence of drugs or alcohol.

PRIVATE FILE: Master

CT S 1054 INTRODUCER: Joint Transportation
TITLE: Open Containers of Alcohol in Motor Vehicles
INTRODUCED: 02/25/2009
DISPOSITION: Failed
LOCATION: Died
SUMMARY:

Prohibits open containers of alcohol in motor vehicles.

PRIVATE FILE: Master

DC B 88 SPONSOR: Graham [D]
(2007) TITLE: Age Requirements for Alcohol Serving Establishments
INTRODUCED: 02/06/2007
DISPOSITION: Failed Adjourned
LOCATION: Council Floor
SUMMARY:

Amends Title 25 of the District of Columbia Official Code to prevent the entrance of persons under the age of 21 into alcoholic beverage control licensed nightclubs, or into licensed establishments with entertainment endorsements after 11:00 p.m., with certain exceptions, including accompaniment by a parent or legal guardian; allows nightclubs and licensees with entertainment endorsements to apply for underage entertainment permission; includes a written security plan with specific requirements.

PRIVATE FILE: Master

DE H 111 PRIMARY SPONSOR: Mitchell [D]
TITLE: Ignition Interlock Device Program
INTRODUCED: 04/02/2009
LAST AMEND: 05/12/2009
DISPOSITION: Pending
COMMITTEE: Senate Public Safety Committee
HEARING: 06/17/2009 2:00 pm
SUMMARY:

Allows DMV to issue IID driver licenses to DUI offenders who wouldn't be eligible when they currently do not have valid driving privileges.

PRIVATE FILE: Master

D

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DE H 152 PRIMARY SPONSOR: Short B [D]

TITLE: Rules of the Road
INTRODUCED: 05/12/2009
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:

Increases fines for Driving Under the Influence offenses, which have not been increased in a number of years. This bill would also create additional fines and penalties for a conviction of a fifth, sixth or seventh DUI offense.

PRIVATE FILE: Master

DE S 144 PRIMARY SPONSOR: Sokola [D]

TITLE: Compensation for Innocent Victims of Crime
INTRODUCED: 06/04/2009
DISPOSITION: Pending
LOCATION: Senate Executive Committee
SUMMARY:

Is a result of recommendations made by the Joint Sunset Committee. This bill: (1) Changes the name of the Violent Crimes Compensation Board to the Victim's Compensation Assistance Program; (2) Transfers the duties, responsibilities and employees of the Violent Crimes Compensation Board from the Administrative Office of the Courts to the Department of Justice. This will provide the residents of Delaware with statewide access to victims services.

PRIVATE FILE: Master

FL H 165 AUTHOR: Nehr [R]

TITLE: Penalties for Driving Under the Influence
INTRODUCED: 03/03/2009
LAST AMEND: 03/11/2009
DISPOSITION: Failed Adjourned
LOCATION: Died
SUMMARY:

Relates to penalties for driving under the influence; requires court to order defendant, after first conviction for driving under influence, to participate in not less than 50 hours of community service as condition of probation; authorizes court to impose specified fine under certain conditions; provides exception.

PRIVATE FILE: Master

FL H 293 COMPARE: FL S 906

AUTHOR: Rogers [D]
COAUTHOR(S): Soto [D], Clarke Reed [D], Steinberg [D], Fetterman [D]

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TITLE: Motor Vehicle and Motor Home Title Transfer

INTRODUCED: 03/03/2009

LAST AMEND: 05/01/2009

DISPOSITION: To Governor

LOCATION: To Governor

SUMMARY:

Relates to motor vehicle and mobile home title transfer; revises provisions for limitation of liability for operation of motor vehicle that has been sold or transferred; provides requirements for notice of transfer to Department of Highway Safety Motor Vehicles; requires owner or coowner to notify the department; relates to information to the owner or coowner with the title; relates to disposition procedures for such vehicle abandoned on private property; relates to a replacement identification number.

PRIVATE FILE: Master

FL H 481 COMPARE: FL S 470

SIMILAR: FL S 1114

AUTHOR: Kreegel [R]

TITLE: Highway Safety

INTRODUCED: 03/03/2009

LAST AMEND: 04/28/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Provides additional penalties for not stopping for a school bus; prohibits highway racing and reckless driving; requires a person who has committed a violation of specified provisions to complete a driver improvement course and provides for cancellation of license; provides for distribution of funds to trauma centers; requiring a court to order a defendant, after a first conviction for driving under the influence, to participate in a certain number of hours of community service as a condition of probation.

PRIVATE FILE: Master

FL H 503 COMPARE: FL S 796

IDENTICAL: FL S 794

LINKED: FL H 505

AUTHOR: O'Toole [R]

TITLE: Police Technology Fee

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

LOCATION: Died



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SUMMARY:

Relates to police technology fee; requires specified fee to be imposed in addition to other costs or fees for conviction of specified offenses involving controlled substance possession or driving or boating under the influence; provides for deposit of funds.

PRIVATE FILE: Master

FL H 793 IDENTICAL: FL S 1428

AUTHOR: Fetterman [D]

TITLE: Warrantless Arrests

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to warrantless arrests; authorizes arrest without warrant when law enforcement officer has probable cause to believe that individual has committed act of driving under influence or unlawfully exhibited his or her sexual organs in public.

PRIVATE FILE: Master

FL H 1179 COMPARE: FL H 1175, FL S 906, FL S 1588, FL S 2266

SIMILAR: FL S 2000

AUTHOR: Burgin [R]

COAUTHOR(S): Rogers [D]

TITLE: Motor Vehicle Lien Enforcement

INTRODUCED: 03/03/2009

LAST AMEND: 04/27/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to motor vehicle lien enforcement; authorizes sheriffs expediting execution of writ of replevin to recover certain additional expenses; requires sheriff to expedite certain writs of replevin within specified time; requires court to advance certain matters related to writs of replevin and prejudgment writs of replevin on calendar and provide ruling within specified time.

PRIVATE FILE: Master

FL H 1195 COMPARE: FL H 35, FL H 5011, FL S 1778

AUTHOR: Robaina [R]

COAUTHOR(S): Homan [R], Troutman [R], Nehr [R]

TITLE: Salaries and Law Enforcement

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INTRODUCED: 03/03/2009
LAST AMEND: 03/27/2009
DISPOSITION: Failed Adjourned
LOCATION: Died
SUMMARY:

Relates to salaries and law enforcement and correctional officers; increases service charge paid for reinstatement of suspended driver's license and privilege to drive and civil penalty for late payment of civil traffic penalties; provides additional fee for certain certificate of title transactions; increases expedited service fee for certain services and fee for odometer fraud prevention and detection.

PRIVATE FILE: Master

FL H 1307 COMPARE: FL S 1588
AUTHOR: Bovo [R]
TITLE: Impoundment or Immobilization of Vehicles
INTRODUCED: 03/03/2009
LAST AMEND: 03/25/2009
DISPOSITION: Failed Adjourned
LOCATION: Died

SUMMARY:
Revises provisions for impoundment or immobilization of person's vehicles as condition of probation; provides fees; provides for increase of such fee amounts; requires order for impoundment or immobilization to include name and telephone number of impoundment or immobilization agency; requires administrative cost amount to be paid; provides conditions and restrictions on person impounding or immobilizing vehicles in certain counties.

PRIVATE FILE: Master

FL H 1423 COMPARE: FL H 5123, FL S 1742, FL S 2618
SIMILAR: FL S 2536
AUTHOR: Troutman [R]
COAUTHOR(S): Kreegel [R]
TITLE: Fish and Wildlife Conservation Commission
INTRODUCED: 03/03/2009
LAST AMEND: 04/29/2009
DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Revises provisions governing the Fish and Wildlife Conservation Commission relating to boating under the influence, boating safety cards, waterway markers, boating restricted areas, operating a vessel with fuel containers on board, requiring vessels

used or stored in the state to be titled, vessel identification numbers, aquatic weed and plant violations, illegally taken fish and wildlife, lobster trap certificates, commercial hunting preserve licenses, and blue crab permits.

PRIVATE FILE: Master

FL H 1479 COMPARE: FL H 1509, FL H 5011, FL H 7029, FL H 7033, FL S 906, FL S 986, FL S 1100, FL S 1528, FL S 1624, FL S 1778

AUTHOR: Burgin [R]

TITLE: Highway Safety and Motor Vehicles

INTRODUCED: 03/03/2009

LAST AMEND: 03/18/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to highway safety and motor vehicles; terminates DUI Programs Coordination Trust Fund; provides for approaching emergency vehicles or wreckers, implementation of certain litigation settlement, access to National Motor Vehicle Title Information System, license tax moneys, part time residents, and records admissible in evidence.

PRIVATE FILE: Master

FL H 5011 COMPARE: FL H 35, FL H 239, FL H 869, FL H 1195, FL H 1479, FL H 1509, FL S 986, FL S 1528, FL S 1624, FL S 1778

AUTHOR: Full App Counc on Edu & Eco Devel

TITLE: Department of Highway Safety and Motor Vehicles

INTRODUCED: 04/02/2009

LAST AMEND: 04/16/2009

DISPOSITION: Failed Adjourned

LOCATION: HOUSE

SUMMARY:

Increases fees and charges for reinstatement of driver license, certificates of title, registration of motor vehicle, license plates, validation decals, and mobile home stickers, initial registration application for certain vehicles, driver's license examinations, services and documents, driver's licenses, return of license suspended, and DUI program enrollment; provides fee and service charge for publication and delivery of notice.

PRIVATE FILE: Master

FL S 262 AUTHOR: Wise [R]

TITLE: Blood Tests and Traffic Accident Causing Death

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

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LOCATION: Died

SUMMARY:

Relates to blood tests and traffic accident causing death; requires a law enforcement officer who has a reasonable suspicion that a person was driving or in actual physical control of a motor vehicle when it was involved in an accident that may have caused or contributed to the death of a human being to require that the person submit to a blood test to determine the alcoholic content thereof or the presence of specified substance.

PRIVATE FILE: Master

FL S 470 COMPARE: FL H 481

AUTHOR: Crist [R]

TITLE: Driving Under the Influence

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to driving under the influence and penalties; requires a court to order a defendant, after a first conviction for driving under the influence, to participate in a minimum of 50 hours of community service as a condition of probation; authorizes a court to impose a specified fine under certain conditions.

PRIVATE FILE: Master

FL S 486 AUTHOR: Gaetz [R]

TITLE: Driving on a Suspended or Revoked License

INTRODUCED: 03/03/2009

LAST AMEND: 03/10/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to driving on a suspended or revoked license; removes provisions requiring a law enforcement officer to immediately impound or immobilize a motor vehicle under certain circumstances if the operator's driver's license or driving privilege is suspended or revoked; removes a requirement that the arresting agency or towing service in possession of the impounded or immobilized vehicle send notice to any coregistered owner of the vehicle.

PRIVATE FILE: Master

FL S 788 COMPARE: FL H 7129, FL H 7145

LINKED: FL S 836

AUTHOR: Jones D [R]

COAUTHOR(S): King [R]



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TITLE: Tribal State Gaming Compact

INTRODUCED: 03/03/2009

LAST AMEND: 05/08/2009

DISPOSITION: To Governor

LOCATION: To Governor

SUMMARY:

Relates to negotiation of a new gaming compact between the State and the Seminole Tribe, including standards for gaming facilities and personnel; specifies revenue sharing between the state and the Tribe; provides for completion of the compact's term in the event that the voters repeal a provision authorizing slot machines at certain pari mutuel facilities; provides for the negotiation of agreements relating to state taxes on Indian lands, liability insurance.

PRIVATE FILE: Master

FL S 948 IDENTICAL: FL H 861

AUTHOR: Jones D [R]

TITLE: Training and Field Internship Program

INTRODUCED: 03/03/2009

LAST AMEND: 03/04/2009

DISPOSITION: To Governor

LOCATION: To Governor

SUMMARY:

Relates to Emergency Medical Services; provides that a portion of the field internship experience in paramedic programs may be satisfied aboard an advanced life support permitted vehicle other than an ambulance; authorizes the Department of Health to adopt rules; revises the documented requirements for a driver of an emergency vehicle.

PRIVATE FILE: Master

FL S 986 COMPARE: FL H 1479, FL H 1509, FL H 5011, FL H 7029, FL H 7033, FL S 1100, FL S 1528, FL S 1778

AUTHOR: Transportation Cmt

TITLE: Department of Highway Safety and Motor Vehicles

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to the Department of Highway Safety and Motor Vehicles (HSMV); requires the HSMV to retain trust fund moneys in the DUI Programs Coordination Trust Fund for investment; requires drivers of vehicles to behave in a specified fashion when approaching emergency vehicles or wreckers; prohibits a person under 16 years of age from operating a motorcycle or moped; authorizes the HSMV to issue an electronic certificate of title in lieu of printing a paper title.

PRIVATE FILE: Master

2-27

FL S 1114 SIMILAR: FL H 481

AUTHOR: Richter [R]

TITLE: Highway Safety

INTRODUCED: 03/03/2009

LAST AMEND: 04/28/2009

DISPOSITION: Failed Adjourned

LOCATION: Senate Floor

SUMMARY:

Relates to highway safety; provides an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibits racing on highways, and prohibits reckless driving; provides for distribution of moneys collected; requires the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second violation of specified provisions within a specified time period.

PRIVATE FILE: Master

FL S 1382 AUTHOR: Altman [R]

TITLE: Suspension of Motor Vehicle Operating Privileges

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to motor vehicles and suspending operating privileges; increases the period for suspending a person's privilege to operate a motor vehicle from 1 year to 2 years if he or she refuses a lawful test of his or her breath, urine, or blood the first time; increases the period for suspending a person's privilege to operate a motor vehicle from 18 months to 3 years if he or she refuses to submit to such a test or test a second time.

PRIVATE FILE: Master

FL S 1428 IDENTICAL: FL H 793

AUTHOR: Altman [R]

TITLE: Warrantless Arrests

INTRODUCED: 03/03/2009

DISPOSITION: Failed Adjourned

LOCATION: Died

SUMMARY:

Relates to warrantless arrests; authorizes an arrest without a warrant when a law enforcement officer has probable cause to believe that an individual has committed an act of driving under the influence in violation of a specified provision or unlawfully exhibited his or her sexual organs in public in violation of a specified provision.

PRIVATE FILE: Master

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FL S 1588 COMPARE: FL H 1179, FL H 1307
AUTHOR: Altman [R]
TITLE: Vehicles Impoundment or Immobilization
INTRODUCED: 03/03/2009
LAST AMEND: 04/14/2009
DISPOSITION: Failed Adjourned
LOCATION: Died

SUMMARY:
Relates to vehicles impoundment or immobilization; provides that for a first conviction for DUI of alcohol or a controlled substance, in addition to other penalties imposed by the court, the court must order that the person's vehicle be impounded or immobilized for 10 days and that the person pay a fee of \$200 per vehicle; requires the person whose vehicle is impounded or immobilized to pay an administration fee to the impoundment agency.
PRIVATE FILE: Master

FL S 1634 SIMILAR: FL H 735
AUTHOR: Gelber [D]
TITLE: Motor Vehicle and Financial Responsibility
INTRODUCED: 03/03/2009
DISPOSITION: Failed Adjourned
LOCATION: Died

SUMMARY:
Relates to motor vehicle and financial responsibility; requires that on or after a specified date the owner or operator of a motor vehicle who is found guilty of or enters a plea of guilty or nolo contendere to a felony traffic offense or whose driving privilege is revoked to establish and maintain the ability to respond in damages for liability at specified amounts.
PRIVATE FILE: Master

FL S 2536 COMPARE: FL H 5123, FL S 1742, FL S 2618
SIMILAR: FL H 1423
AUTHOR: Constantine [R]
TITLE: Board of Trustees
INTRODUCED: 03/19/2009
LAST AMEND: 04/24/2009
DISPOSITION: Failed Adjourned
LOCATION: Senate Floor

SUMMARY:
Relates to boating; provides that the duty of the Board of Trustees of the Internal Improvement Trust Fund to conserve and improve state owned lands includes the preservation and regeneration of seagrass; revises penalties for boating under the

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influence of alcohol; revises a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel.

PRIVATE FILE: Master

FL S 7012 AUTHOR: Transportation Cmt
TITLE: Highway Safety and Motor Vehicles
DISPOSITION: Failed Adjourned
LOCATION: SENATE
SUMMARY:

Requires the Department of Highway Safety and Motor Vehicles to retain trust fund moneys in the DUI Programs Coordination Trust Fund for investment; prohibits a person under 16 years of age from operating a motor cycle or moped; increases certain civil penalties for a person who fails to comply with the court's requirements or who fails to pay the civil penalties within a specified period.

PRIVATE FILE: Master

GA H 9 AUTHOR: Levitas [D]
TITLE: Habitual Violators and Probationary Licenses
INTRODUCED: 01/12/2009
DISPOSITION: Pending Carryover
LOCATION: House Non Civil Judiciary Committee
SUMMARY:

Relates to violations of rules of the road; relates to habitual violators and probationary licenses; changes certain provisions relating to notification of habitual violator status; provides for procedure; provides for related matters; repeals conflicting laws.

PRIVATE FILE: Master

GA H 92 AUTHOR: Jacobs [R]
TITLE: Motor Vehicles
INTRODUCED: 01/15/2009
DISPOSITION: Pending Carryover
LOCATION: House Judiciary Committee
SUMMARY:

Relates to court ordered installation of ignition interlock devices, DUI Alcohol or Drug Use Risk Reduction Program, notice of requirements, and driver's license fee; provides for an additional provision of probation; repeals conflicting laws.

PRIVATE FILE: Master

GA H 160 AUTHOR: Cole [R]
TITLE: Department of Driver Services

D

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INTRODUCED: 01/27/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Relates to suspension of drivers' licenses; increases the fees paid to the Department of Driver Services for reinstatement or restoration of suspended or revoked drivers' licenses; specifies that instruments charging violations of speed regulations shall state whether the violation occurred on a two lane road or highway; provides for an additional fee to be administered by the Department of Driver Services for certain super speeding offenses.

PRIVATE FILE: Master

GA H 396 AUTHOR: Graves T [R]

TITLE: Drivers Licenses

INTRODUCED: 02/12/2009

LAST AMEND: 04/03/2009

DISPOSITION: Pending Carryover

LOCATION: Concurrence

SUMMARY:

Relates to public utilities and transportation; provides for fingerprinting of chauffeurs; repeals conflicting laws.

PRIVATE FILE: Master

GA H 454 AUTHOR: Levitas [D]

TITLE: Driver Clinics and Programs

INTRODUCED: 02/18/2009

LAST AMEND: 03/10/2009

DISPOSITION: Pending Carryover

LOCATION: House Non Civil Judiciary Committee

SUMMARY:

Relates to establishment and approval of driver clinics and programs, so as to increase the assessment fees for approved DUI Alcohol or Drug Use Reduction Programs; provides for related matters; provides an effective date; repeals conflicting laws.

PRIVATE FILE: Master

GA H 612 AUTHOR: Davis H [D]

TITLE: Drivers Licenses

INTRODUCED: 02/27/2009

DISPOSITION: Pending Carryover

LOCATION: House Non Civil Judiciary Committee

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SUMMARY:

Relates to periods of suspension and conditions to return of drivers' licenses; provides for a driver's license for a person following a five year revocation or suspension of such person's driver's license provided that certain conditions have been met; provides an effective date; repeals conflicting laws.

PRIVATE FILE: Master

GA H 760 AUTHOR: Houston [R]

TITLE: Brain and Spinal Injury Trust Fund

INTRODUCED: 03/18/2009

DISPOSITION: Pending Carryover

LOCATION: House Health and Human Services Committee

SUMMARY:

Relates to the Brain and Spinal Injury Trust Fund, so as to expand the Brain and Spinal Injury Trust Fund provisions under the Constitution of Georgia to authorize additional penalty assessments for additional violations; provides for an effective date and applicability; provides for related matters; repeals conflicting Laws.

PRIVATE FILE: Master

GA HR 648 AUTHOR: Houston [R]

TITLE: General Assembly

INTRODUCED: 03/18/2009

DISPOSITION: Pending Carryover

LOCATION: House Health and Human Services Committee

SUMMARY:

Proposes an amendment to the Constitution; provides for additional penalties or fees for offenses involving illegal parking in parking spaces reserved for persons with disabilities, operating a motorcycle without protective headgear, operating a boat or other watercraft while under the influence of alcohol or drugs, and reckless driving; provides that the General Assembly is authorized to allocate such additional penalties or fees to the Brain and Spinal Injury Trust.

PRIVATE FILE: Master

GA S 180 AUTHOR: Cowsert [R]

TITLE: Driving Permits

INTRODUCED: 02/19/2009

LAST AMEND: 03/30/2009

DISPOSITION: Pending Carryover

LOCATION: House Non Civil Judiciary Committee

SUMMARY:

Relates to the issuance of limited driving permits for certain offenders; allows the issuance of a limited driving permit to a

4-32

person convicted of driving under the influence subject to certain conditions; provides for related matters; provides for an effective date; repeals conflicting laws.

PRIVATE FILE: Master

GA S 196 AUTHOR: Jackson B [R]

TITLE: Motor Vehicles

INTRODUCED: 02/20/2009

LAST AMEND: 04/03/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Relates to motor vehicles and traffic; revises penalties for causing serious injury due to a right of way violation resulting in a collision with a motorcyclist, pedestrian, bicyclist or farmer hauling agricultural products; provides a penalty for a second offense; provides for license suspension; increases the assessment fees for approved DUI Alcohol or Drug Use Reduction Programs.

PRIVATE FILE: Master

HI H 485 AUTHOR: Ching [R]

TITLE: Commercial Driver Licenses

INTRODUCED: 01/23/2009

DISPOSITION: Pending Carryover

LOCATION: House Transportation Committee

SUMMARY:

Conforms certain penalties to federal regulations; imposes penalties for operating a commercial motor vehicle with alcohol concentration of 0.04 per cent or more.

PRIVATE FILE: Master

HI H 981 COMPANION: HI S 716

AUTHOR: Har [D]

TITLE: Impaired Driving and Ignition Interlock

INTRODUCED: 01/26/2009

LAST AMEND: 05/05/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Makes amendments to Act 171, Session Laws of 2008, reflecting recommendations of the Ignition Interlock Implementation Task Force; provides for an installation surcharge to be remitted to the director of transportation and used to fund the cost of

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installing and operating ignition interlock devices in the vehicles of persons who are required to install the device but who are indigent.

PRIVATE FILE: Master

HI H 1161 COMPANION: HI S 979

AUTHOR: Say [D]

TITLE: Governors Package Bill Commercial Drivers

INTRODUCED: 01/26/2009

DISPOSITION: Pending Carryover

LOCATION: House Judiciary Committee

SUMMARY:

(Governor's Package Bill) Revises standard for a court issued license to drive for work related purposes.

PRIVATE FILE: Master

HI H 1162 COMPANION: HI S 980

AUTHOR: Say [D]

TITLE: Governors Package Bill Commercial Drivers Penalties

INTRODUCED: 01/26/2009

DISPOSITION: Pending Carryover

LOCATION: House Judiciary Committee

SUMMARY:

(Governor's Package Bill) Conforms penalty for violating an out of service order to federal regulation; provides penalty for operating a commercial motor vehicle with an alcohol concentration of an amount of 0.04 percent or more and imposes a penalty for operating a commercial motor vehicle with any amount of alcohol concentration.

PRIVATE FILE: Master

HI H 1356 AUTHOR: Mizuno [D]

TITLE: Promoting Liquor To Minors and Sentencing

INTRODUCED: 01/27/2009

DISPOSITION: Pending Carryover

LOCATION: House Judiciary Committee

SUMMARY:

Changes the classification of the offense of promoting intoxicating liquor to a minor from a misdemeanor to a petty misdemeanor; requires a minimum 24 hour jail sentence for the first offense, and higher for second, third, and subsequent offenses.

PRIVATE FILE: Master

4-34

HI H 1520 AUTHOR: Souki [D]
TITLE: Administrative Revocation
INTRODUCED: 01/28/2009
DISPOSITION: Pending Carryover
LOCATION: House Judiciary Committee
SUMMARY:

Permits driver whose license has been administratively revoked for life to seek reinstatement of the license after 10 years have passed since the lifetime revocation.

PRIVATE FILE: Master

HI H 1755 AUTHOR: Say [D]
TITLE: Driving Under the Influence
INTRODUCED: 01/28/2009
DISPOSITION: Failed
LOCATION: Died
SUMMARY:

Exempts driving under the influence from the requirement to provide proof of financial responsibility following a license suspension or revocation.

PRIVATE FILE: Master

HI S 716 COMPANION: HI H 981
AUTHOR: English [D]
TITLE: Impaired Driving and Ignition Interlock
INTRODUCED: 01/23/2009
LAST AMEND: 02/13/2009
DISPOSITION: Pending Carryover
LOCATION: Senate Judiciary and Government Operations Committee
SUMMARY:

Makes amendments to specified law, reflecting recommendations of Ignition Interlock Implementation Task Force.

PRIVATE FILE: Master

HI S 979 COMPANION: HI H 1161
AUTHOR: Hanabusa [D]
TITLE: Commercial Drivers
INTRODUCED: 01/26/2009
LAST AMEND: 03/25/2009
DISPOSITION: Enacted

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LOCATION: Chaptered

SUMMARY:

(governor's Package Bill) Relates to commercial driver's licensing; provides that a person committing the offense of operating a vehicle while under the influence of an intoxicant shall be sentenced under certain provisions without possibility of probation or suspension of sentence; revises standard for a court issued license to drive for work related purposes.

PRIVATE FILE: Master

HI S 1056 AUTHOR: English [D]

TITLE: Commercial Driver's License and Penalties

INTRODUCED: 01/26/2009

LAST AMEND: 04/14/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Conforms penalty for violating an out of service order to federal regulation; provides that no person shall drive a commercial motor vehicle in violation of an out of service order; increases the penalty for operating a commercial motor vehicle with an alcohol concentration of any amount of 0.04 per cent or more; increases the penalty for the employer.

PRIVATE FILE: Master

HI S 1267 AUTHOR: Hemmings [R]

TITLE: Motor Vehicle Driver Licensing

INTRODUCED: 01/28/2009

DISPOSITION: Pending Carryover

LOCATION: Senate Transportation, International and Intergovernmental Affairs Committee

SUMMARY:

Establishes a Driver Responsibility Contract between the State and licensed drivers, serving as actual notice of the duties drivers owe to the State and other drivers in exchange for the privilege to operate a motor vehicle in the State.

PRIVATE FILE: Master

HI S 1629 AUTHOR: Hanabusa [D]

TITLE: Vehicles and Intoxicants

INTRODUCED: 01/28/2009

DISPOSITION: Pending Carryover

LOCATION: Senate Transportation, International and Intergovernmental Affairs Committee

SUMMARY:

Clarifies suspension of a commercial drivers license for sentencing for the offense of operating a motor vehicle under the influence of an intoxicant; allows ignition interlock device during period of revocation of license.

PRIVATE FILE: Master

IA D 1455 AUTHOR: Office of Senator David Johnson

TITLE: Blood Alcohol Limit

DISPOSITION: Pending Carryover

LOCATION: Filed as Draft

SUMMARY:

Provides for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

PRIVATE FILE: Master

IA H 137 COMPANION: IA S 3

SIMILAR: IA H 227

AUTHOR: May [R]

TITLE: Operating a MotorBoat or SailBoat

INTRODUCED: 01/28/2009

DISPOSITION: Pending Carryover

LOCATION: House Natural Resources Committee

SUMMARY:

Provides a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

PRIVATE FILE: Master

IA H 143 AUTHOR: Kaufmann [R]

TITLE: Restricted Driver Motor Vehicle Registration Plates

INTRODUCED: 01/29/2009

DISPOSITION: Pending Carryover

LOCATION: House Public Safety Committee

SUMMARY:

Provides for restricted driver motor vehicle registration plates to identify persons driving under a temporary restricted driver's license following a second or subsequent revocation for operating while intoxicated, and providing penalties.

PRIVATE FILE: Master

IA H 206 SIMILAR: IA H 148, IA H 208

AUTHOR: Rants [R]

TITLE: Alcohol Liability

INTRODUCED: 02/04/2009

DISPOSITION: Pending Carryover

LOCATION: House Judiciary Committee

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SUMMARY:

Limits the liability of an alcoholic beverage licensee or permittee for certain alcohol related accidents resulting in death or injury to a third person.

PRIVATE FILE: Master

IA H 227 SIMILAR: IA H 137, IA S 3

AUTHOR: Olson D [D]

TITLE: Blood Alcohol Limit

INTRODUCED: 02/10/2009

DISPOSITION: Pending Carryover

LOCATION: House Public Safety Committee

SUMMARY:

Relates to the lowering of the blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

PRIVATE FILE: Master

IA H 483 AUTHOR: Ford [D]

TITLE: Ignition Interlock Devices

INTRODUCED: 02/27/2009

DISPOSITION: Pending Carryover

LOCATION: House Public Safety Committee

SUMMARY:

Relates to first offense operating while intoxicated offenses and the installation of ignition interlock devices.

PRIVATE FILE: Master

IA H 779 SIMILAR: IA S 419

AUTHOR: Transportation Cmt

TITLE: Department of Transportation

INTRODUCED: 03/18/2009

LAST AMEND: 04/02/2009

DISPOSITION: Pending Carryover

LOCATION: HOUSE

SUMMARY:

Relates to matters under the purview of the Department of Transportation; includes provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations; establishes a cap on annual deposits to the TIME 21 fund; provides a penalty; provides effective and retroactive applicability dates.

PRIVATE FILE: Master

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IA HSB 163 AUTHOR: Transportation Cmt
TITLE: Department of Transportation
INTRODUCED: 02/10/2009
DISPOSITION: Pending Carryover
LOCATION: House Transportation Committee
SUMMARY:

Relates to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, and the issuance of citations, providing a penalty, and providing effective and retroactive applicability dates.

PRIVATE FILE: Master

IA HSB 225 AUTHOR: State Government Cmt
TITLE: Department of Public Safety
INTRODUCED: 02/25/2009
DISPOSITION: Pending Carryover
LOCATION: House State Government Committee
SUMMARY:

Relates to the practices and procedures of the Department of Public Safety including school inspections, gaming floor or wagering area restrictions, public intoxication testing, operating a vehicle, motorboat, or sailboat while intoxicated testing, interception of communications, and peace officers acting with federal agents; provides penalties.

PRIVATE FILE: Master

IA HSB 251 AUTHOR: Judiciary Cmt
TITLE: Reorganization of Operating While Intoxicated Criminal
INTRODUCED: 03/03/2009
DISPOSITION: Pending Carryover
LOCATION: House Judiciary Committee
SUMMARY:

Relates to the reorganization of operating while intoxicated criminal offenses, making related changes, and providing an effective date.

PRIVATE FILE: Master

IA S 3 COMPANION: IA H 137
SIMILAR: IA H 227
AUTHOR: Johnson [R]
TITLE: Blood Alcohol Limit For Motorboat Operation
INTRODUCED: 01/12/2009

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LAST AMEND: 01/27/2009

DISPOSITION: Pending Carryover

LOCATION: House Public Safety Committee

SUMMARY:

Provides for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

PRIVATE FILE: Master

IA S 13 AUTHOR: Hancock [D]

TITLE: Alcohol Possession

INTRODUCED: 01/13/2009

DISPOSITION: Pending Carryover

LOCATION: Senate Judiciary Committee

SUMMARY:

Provides that a peace officer who has probable cause to believe a person under legal age has possessed alcohol may request that they submit a sample of their breath for a preliminary screening test; provides that the results of the preliminary screening test or the refusal to submit to such a test shall also be admissible in any civil, criminal, or juvenile proceeding; provides a civil penalty for refusal to submit to the test.

PRIVATE FILE: Master

IA S 419 SIMILAR: IA H 779

AUTHOR: Transportation Cmt

TITLE: Department of Transportation Administration

INTRODUCED: 03/16/2009

LAST AMEND: 04/02/2009

DISPOSITION: Enacted

LOCATION: Signed by Governor

SUMMARY:

Relates to matters under the purview of the Department of Transportation; includes provisions for the administration of the department, driver licensing, vehicle registration, the motor fuel tax formula and the issuance of citations; establishes a cap on annual deposits to the TIME 21 fund; provides a penalty; provides effective and retroactive applicability dates; requires consent of a person having custody for licensing of persons under eighteen; relates to driving under the influence.

PRIVATE FILE: Master

IA S 431 AUTHOR: Judiciary Cmt

TITLE: Operating While Intoxicated

INTRODUCED: 03/16/2009

DISPOSITION: Pending Carryover

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LOCATION: House Judiciary Committee

SUMMARY:

Relates to the reorganization of operating while intoxicated criminal offenses; makes related changes; provides an effective date.

PRIVATE FILE: Master

IA SSB 1185 AUTHOR: Transportation Cmt

TITLE: Driver Licensing

INTRODUCED: 02/10/2009

DISPOSITION: Pending Carryover

LOCATION: SENATE

SUMMARY:

Relates to matters under the purview of the Department of Transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, and the issuance of citations, providing a penalty, and providing effective and retroactive applicability dates.

PRIVATE FILE: Master

IA SSB 1253 AUTHOR: Judiciary Cmt

TITLE: Department of Public Safety

INTRODUCED: 02/24/2009

DISPOSITION: Pending Carryover

LOCATION: SENATE

SUMMARY:

Relates to the practices and procedures of the Department of Public Safety including school inspections, gaming floor or wagering area restrictions, public intoxication testing, operating a vehicle, motorboat, or sailboat while intoxicated testing, interception of communications, and peace officers acting with federal agents, and providing penalties.

PRIVATE FILE: Master

IA SSB 1275 AUTHOR: Judiciary Cmt

TITLE: Operating While Intoxicated

INTRODUCED: 03/02/2009

DISPOSITION: Pending Carryover

LOCATION: SENATE

SUMMARY:

Relates to the reorganization of operating while intoxicated criminal offenses, making related changes, and providing an effective date.

PRIVATE FILE: Master

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D ID H 96 AUTHOR: Transportation and Defense Cmt

TITLE: Fuels

INTRODUCED: 02/11/2009

LAST AMEND: 04/20/2009

DISPOSITION: Failed Adjourned

LOCATION: Concurrence

SUMMARY:

Amends existing law relating to fuels to delete certain deductions; relates to fuel distributors.

PRIVATE FILE: Master

ID H 334 AUTHOR: Ways and Means Cmt

TITLE: Motor Vehicle Fees

INTRODUCED: 04/24/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Increases motor vehicle fees for titles, registrations, reinstatement of driver's licenses, temporary permits, identification cards and for certification of self insurance.

PRIVATE FILE: Master

ID S 1106 AUTHOR: Judiciary and Rules Cmt

TITLE: Restitution

INTRODUCED: 02/16/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends existing law relating to crimes and punishments; provides that a court may order restitution in certain circumstances; to provide that upon conviction for certain offenses a court may order restitution for certain costs, to provide for the distribution of the restitution; and to expand the drug enforcement donation fund to include driving while under the influence.

PRIVATE FILE: Master

D ID S 1153 AUTHOR: Judiciary and Rules Cmt

TITLE: Driving Under the Influence

INTRODUCED: 03/17/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

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Relates to driving under the influence; provides that certain offenders enrolled in drug court shall be eligible for restricted noncommercial driving privileges under certain conditions; revises penalties relating to driving under the influence of alcohol, drugs or other intoxicating substances; makes technical corrections.

PRIVATE FILE: Master

IL H 881 SPONSOR: Mendoza [D]
COSPONSOR(S): Froehlich [D], Berrios [D], Pritchard [R], Dillard [R], Hunter [D], Harmon [D]
TITLE: DUI Fines and Fees
INTRODUCED: 02/10/2009
LAST AMEND: 05/20/2009
DISPOSITION: To Governor
LOCATION: Eligible for Governor
SUMMARY:

Amends the State Finance Act, the Roadside Memorial Act, and the Unified Code of Corrections. Provides a person who is convicted or receives a disposition of court supervision for a violation of DUI provisions of the Vehicle Code shall, in addition to any other disposition, penalty, or fine imposed, pay a fee which shall be deposited into the Roadside Memorial Fund. Amends the Clerks of Courts Act. Provides procedures for circuit clerks when collecting fines, fees, and court costs for a DUI violation.

PRIVATE FILE: Master

IL H 914 SPONSOR: Froehlich [D]
COSPONSOR(S): Bond [D]
TITLE: Vehicle Code
INTRODUCED: 02/10/2009
DISPOSITION: To Governor
LOCATION: To Governor
SUMMARY:

Amend the Vehicle Code. Provides that the decision whether to rescind an implied consent suspension is based upon the totality of the evidence in a hearing which the Secretary of State has jurisdiction based on implied consent to testing of the person's blood, breath, or urine for the presence of alcohol, drugs, or intoxicating compounds. Adds the offense of aggravated fleeing or attempt to elude a peace officer to the list of violations punishable by suspension of a Monitoring Device Driving Permit.

PRIVATE FILE: Master

IL H 1116 SPONSOR: Durkin [R]
COSPONSOR(S): Millner [R], Harmon [D]
TITLE: Court Supervision

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INTRODUCED: 02/11/2009
LAST AMEND: 03/12/2009
DISPOSITION: To Governor
LOCATION: Eligible for Governor
SUMMARY:

Amends the Unified Code of Corrections. Provides that a disposition of court supervision is available to a defendant who is charged with driving under the influence if the person had a certain amount of prior supervision.
PRIVATE FILE: Master

IL H 1346 SPONSOR: Joyce [D]
COSPONSOR(S): Mathias [R], Farnham [D], Mendoza [D], Berrios [D]
TITLE: Illinois Vehicle Code
INTRODUCED: 02/13/2009
DISPOSITION: Pending
LOCATION: House Rules Committee
SUMMARY:

Amends the Illinois Vehicle Code to provide that the provisions related to driving while under the influence apply to driving any motor vehicle while under the influence. Provides that the suspension and revocation of a person's motor vehicle driving privileges and the person's opportunity for a hearing for a violation of the DUI provisions of the Illinois Vehicle Code also apply to operation of a snowmobile or watercraft while under the influence.
PRIVATE FILE: Master

IL H 2490 SPONSOR: Mendoza [D]
COSPONSOR(S): Black [R], Franks [D], Chapa LaVia [D], Mathias [R], Boland [D], Bellock [R], Burke [D], Saviano [R], Farnham [D], Lang [D], Phelps [D], Pihos [R]
TITLE: Illinois Vehicle Code
INTRODUCED: 02/19/2009
LAST AMEND: 03/11/2009
DISPOSITION: Pending
LOCATION: House Rules Committee
SUMMARY:

Amends the Illinois Vehicle Code. Defines continuous alcohol monitoring device as a device that automatically tests breath, blood, or transdermal alcohol concentration levels at least once every hour and detects tamper attempts, regardless of the location of the person who is being monitored, and regularly transmits such data. Requires persons who have been found guilty of driving while suspended a specified number of time and are suspended for DUI must refrain from alcohol and must wear such device.
PRIVATE FILE: Master

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IL H 3681 SPONSOR: McAsey [D]
 COSPONSOR(S): Fritchey [D], Burke [D], Currie [D], Davis M [D], Boland [D], Holbrook [D], Flowers [D], Hannig [D], Franks [D], Lang [D], Mendoza [D], Yarbrough [D], May [D], Chapa LaVia [D], Jakobsson [D], Howard [D], Nekritz [D], Zalewski [D], Phelps [D], Rose [R], Walker [D], Flider [D], Bradley J [D], Dugan [D], Golar [D], Reboletti [R], Senger [R], Burns [D], Connelly [R], Farnham [D], Mell [D], Noland [D], Harmon [D]
 TITLE: Illinois Vehicle Code
 INTRODUCED: 02/24/2009
 LAST AMEND: 04/30/2009
 DISPOSITION: To Governor
 LOCATION: Eligible for Governor
 SUMMARY:
 Amends the Illinois Vehicle Code. Provides that a case involving an alleged violation of driving under the influence . not be dismissed due to an error by the arresting officer or clerk of the court in setting a person's first appearance date.
 PRIVATE FILE: Master

IL H 3697 SPONSOR: Froehlich [D]
 COSPONSOR(S): Sandoval [D]
 TITLE: Vehicle Code
 INTRODUCED: 02/24/2009
 DISPOSITION: To Governor
 LOCATION: Eligible for Governor
 SUMMARY:
 Amends the Vehicle Code. Provides that a graduated license not be issued, renewed or be used by a person convicted of driving without a license in another state or has been convicted under the Use of Intoxicating Compounds Act. Provides for lifetime license suspension for a third conviction of driving while driving privileges were revoked or suspended for the offense of reckless homicide or a similar out of state offense. Amends the Child Passenger Protection Act.
 PRIVATE FILE: Master

IL H 4084 SPONSOR: Brady D [R]
 TITLE: Restitution from Violation of Vehicle Code
 INTRODUCED: 02/27/2009
 DISPOSITION: Pending
 LOCATION: House Rules Committee
 SUMMARY:
 Amends the Vehicle Code. Provides that a court may order a defendant to pay restitution to persons who suffered personal injury or property damage as a result of misdemeanors and felonies committed in violation of the Vehicle Code. Contains provisions regarding the amount of restitution, plea agreements, applying the balance of the cash bond to the payment of

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restitution, the manner of payment of restitution, sentence modification or revocation, civil actions, liens, and discharge interest.

PRIVATE FILE: Master

IL H 4142 SPONSOR: Ramey [R]

TITLE: Taxpayer and Citizen Protection Act

INTRODUCED: 02/27/2009

DISPOSITION: Pending

LOCATION: House Rules Committee

SUMMARY:

Creates the Taxpayer and Citizen Protection Act and amends various Acts. Prohibits the transportation or concealment of illegal aliens, and makes a violation a Class 4 felony. Provides that an educational institution may issue an identification card only to a United States Citizen or national or a legal permanent resident alien; provides for exceptions.

PRIVATE FILE: Master

IL H 4580 SPONSOR: Black [R]

COSPONSOR(S): Cross [R]

TITLE: Illinois Vehicle Code

INTRODUCED: 05/29/2009

DISPOSITION: Pending

LOCATION: House Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke the driving privileges of any person who has been convicted of an offense that involved the unlawful operation of a motor vehicle and caused or contributed to an accident resulting in the death of any person.

PRIVATE FILE: Master

IL H 4581 SPONSOR: Lang [D]

TITLE: Fiscal Year 2010 Budget

INTRODUCED: 05/30/2009

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Enacts the FY 2010 budget. Makes appropriations and reappropriations for specified purposes.

PRIVATE FILE: Master

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IL S 2248 SPONSOR: Lauzen [R]

COSPONSOR(S): Joyce [D]

TITLE: Illinois Vehicle Code

INTRODUCED: 02/20/2009

LAST AMEND: 04/02/2009

DISPOSITION: Pending

LOCATION: House Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that the provisions related to driving while under the influence apply to driving any motor vehicle while under the influence. Provides that the suspension and revocation of a person's motor vehicle driving privileges and the person's opportunity for a hearing for a violation of the DUI provisions of the Illinois Vehicle Code also apply to operation of a snowmobile or watercraft while under the influence.

PRIVATE FILE: Master

IL H 247 SPONSOR: Franks [D]

(2007) COSPONSOR(S): Mathias [R], Boland [D], Bradley J [D], Froehlich [D], Jefferson [D], Collins [D], May [D], Chapa LaVia [D], Holbrook [D], Phelps [D], Reitz [D], Pihos [R], Reboletti [R], Washington [D], Hernandez [D], Flider [D], Verschoore [D], Smith [D], Gordon [D], D'Amico [D], Tryon [R], Jefferies [D], Crespo [D], Millner [R]

TITLE: Driving Under the Influence

INTRODUCED: 01/11/2007

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that a person convicted a second time of driving under the influence of alcohol, drugs, or intoxicating compounds is guilty of a Class 4 felony if, both at the time of the first violation and at the time of the second violation, he or she was transporting a passenger under the age of 16 years.

PRIVATE FILE: Master

IL H 592 SPONSOR: Eddy [R]

(2007) COSPONSOR(S): Mathias [R], Froehlich [D], Rose [R], Gordon [D], Osmond [R], Righter [R]

TITLE: Saliva Testing

INTRODUCED: 02/02/2007

LAST AMEND: 03/21/2007

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that, if a law enforcement officer believes that a motor vehicle that was driven by or under the control of a person under the influence of alcohol, drugs, or intoxicating compounds has caused the death of or

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personal injury to another person, the person shall, at the officer's request, submit to testing of his or her saliva. Provides that a driver involved in an accident involving death or personal injury shall be deemed to have given consent to the testing.

PRIVATE FILE: Master

IL H 657 SPONSOR: Washington [D]

(2007) COSPONSOR(S): Rose [R]

TITLE: DUI Penalties

INTRODUCED: 02/06/2007

DISPOSITION: Failed Adjourned

LOCATION: House Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that a person convicted a first time of driving while his or her driving privileges are suspended or revoked is guilty of a petty offense if at the time of the violation, the person's driving privileges under a graduated driver's were suspended because of 2 or more offenses against traffic regulations governing the movement of vehicles within a 24 month period.

PRIVATE FILE: Master

IL H 663 SPONSOR: Black [R]

(2007) COSPONSOR(S): Kosel [R], Lyons J [D], Beaubien [R], Hoffman [D], Bellock [R], Dunkin [D], Cole [R], Ramey [R], Gordon [D], Tryon [R], Althoff [R]

TITLE: Unlawful Operation of a Motor Vehicle

INTRODUCED: 02/06/2007

LAST AMEND: 03/06/2007

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends the Vehicle Code. Provides that the Secretary of State shall immediately revoke the driving privileges of any person who has been convicted of unlawful operation of a motor vehicle and caused or contributed to an accident resulting in the death of any person. Changes the location of new language relating revocation of any person who commits any offense against the Vehicle Code, any provision of a local ordinance regulation the movement of traffic that has contributed to the death of any person.

PRIVATE FILE: Master

IL H 722 SPONSOR: Dunn [R]

(2007) COSPONSOR(S): Franks [D], Crespo [D], Gordon [D], Dugan [D], Chapa LaVia [D], Black [R], Rose [R], Reboletti [R], Sullivan [R], Dillard [R], Haine [D], Hultgren [R], Silverstein [D], Sandoval [D]

TITLE: Driving with a Revoked Driver's License

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INTRODUCED: 02/06/2007
 LAST AMEND: 05/15/2007
 DISPOSITION: Failed Adjourned
 LOCATION: House Rules Committee
 SUMMARY:
 Amends the Vehicle Code and the Unified Code of Corrections.
 PRIVATE FILE: Master

IL H 1499 SPONSOR: Brauer [R]
 (2007) COSPONSOR(S): Bomke [R]
 TITLE: All Terrain Vehicle Operation Restrictions
 INTRODUCED: 02/21/2007
 LAST AMEND: 05/24/2007
 DISPOSITION: Enacted
 LOCATION: Chaptered
 SUMMARY:
 Amends the Vehicle Code. Provides that an all terrain vehicle that is operated on a county or township roadway at any time between one half hour before sunset and one half hour after sunrise must be equipped with head lamps and tail lamps that are lighted. Provides that those restrictions also apply to certain gasoline powered four wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters and changes the term to neighborhood vehicles. Includes off highway motorcycles.
 PRIVATE FILE: Master

IL H 1785 SPONSOR: Eddy [R]
 (2007) TITLE: Blood Alcohol Limit
 INTRODUCED: 02/23/2007
 DISPOSITION: Failed Adjourned
 LOCATION: House Rules Committee
 SUMMARY:
 Amends the Illinois Vehicle Code. Provides that, if a driver of a motor vehicle has committed a previous offense of driving under the influence of alcohol, drugs, or intoxicating compounds, he or she is in violation of the DUI provision if his or her blood alcohol concentration is 0.06 or higher.
 PRIVATE FILE: Master

IL H 2790 SPONSOR: Boland [D]
 (2007) COSPONSOR(S): McGuire [D]
 TITLE: Ignition Interlock Device

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INTRODUCED: 02/26/2007
DISPOSITION: Failed Adjourned
LOCATION: House Rules Committee
SUMMARY:

Amends the Illinois Vehicle Code. Expands the definition of ignition interlock device to include a device installed in a vehicle that prevents the vehicle from starting until the device has determined by an analysis of the driver's epidermal elements that the driver's blood alcohol is below a certain preset level.

PRIVATE FILE: Master

IL H 3131 SPONSOR: Cross [R]
(2007) COSPONSOR(S): Pihos [R], Hassert [R], Osmond [R], Brady [R], Mendoza [D], Brauer [R], Beaubien [R], Bellock [R], Ryg [D], Harris [D], Reboletti [R], Durkin [R], Tryon [R], Ramey [R], Holmes [D], Collins [D], Kotowski [D], Silverstein [D]

TITLE: Alcohol and Driver Licenses

INTRODUCED: 02/26/2007

LAST AMEND: 04/25/2007

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Liquor Control Act. Amends provisions regarding court supervision for local option alcohol violations, suspension of driving privileges. privileged information and notification by mail of license suspension.

PRIVATE FILE: Master

IL H 3412 SPONSOR: Kosel [R]
(2007) COSPONSOR(S): Brosnahan [D], McCarthy [D], Joyce [D], Black [R], Myers [R], Fritchey [D], McGuire [D], Chapa LaVia [D], Rita [D], Brauer [R], Wilhelmi [D], Radogno [R], Halvorson [D]

TITLE: Taxi Safety Act

INTRODUCED: 02/27/2007

LAST AMEND: 05/15/2007

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Creates the Taxi Safety Act of 2007. Provides that the taxicab medallion number or an exterior identification number must be posted in a visible location in each cab. Provides that, if a taxi driver collides with a pedestrian while operating a taxicab, resulting in bodily injury, responding law enforcement officers must test the taxi driver for drug and alcohol use. Preempts home rule powers. Requires the posting, in each taxicab, of a phone number which may be called if a driver is driving recklessly.

PRIVATE FILE: Master

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IL H 3422 SPONSOR: Black [R]
 (2007) COSPONSOR(S): Boland [D], Froehlich [D], Ramey [R]
 TITLE: Restricted Driving Permit
 INTRODUCED: 02/27/2007
 LAST AMEND: 03/14/2007
 DISPOSITION: Failed Adjourned
 LOCATION: House Rules Committee
 SUMMARY:

Amends the Vehicle Code. Provides that a person issued a restricted driving permit after being convicted of driving under the influence of alcohol or a combination of alcohol and another drug or intoxicating compound may drive only a vehicle equipped with an ignition interlock device until his or her driver's license has been reinstated. Provides that only a person convicted of a first, second or third DUI shall be issued a restricted driving permit. Increase the annual fee for installation of the device.

PRIVATE FILE: Master

IL H 3583 SPONSOR: Dugan [D]
 (2007) COSPONSOR(S): Holbrook [D], Reitz [D], Smith [D], Verschoore [D], Halvorson [D]
 TITLE: School Bus Driver
 INTRODUCED: 02/27/2007
 LAST AMEND: 03/27/2007
 DISPOSITION: Failed Adjourned
 LOCATION: Senate Rules Committee
 SUMMARY:

Amends the Vehicle Code. Provides that, if the employer of a school bus driver reporting to work has a reasonable suspicion that the driver is under the influence of alcohol, the employer may require the driver to submit to testing for alcohol at a licensed testing facility before he or she is allowed to drive a school bus. Provides for cancellation of a bus driver permit.

PRIVATE FILE: Master

IL H 3866 SPONSOR: Madigan [D]
 (2007) COSPONSOR(S): Davis M [D], Hannig [D], Trotter [D], Schoenberg [D], Collins [D], Crotty [D], Garrett [D]
 TITLE: Appropriations
 INTRODUCED: 03/09/2007
 LAST AMEND: 08/09/2007
 DISPOSITION: Enacted
 LOCATION: Chaptered
 SUMMARY:

Makes FY08 appropriations and reappropriations for specified purposes.

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PRIVATE FILE: Master

IL H 4650 SPONSOR: Bradley J [D]
(2007) COSPONSOR(S): Flider [D], Chapa LaVia [D]
TITLE: Leaving the Scene of an Accident
INTRODUCED: 01/28/2008
LAST AMEND: 03/06/2008
DISPOSITION: Failed Adjourned
LOCATION: House Rules Committee
SUMMARY:

Amends the Vehicle Code. Provides that a person who leaves the scene of an accident in which evidence of the person's intoxication or drugged state at the time of leaving the scene is apparent shall be deemed to have refused to submit to the chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood. Provides for no rule making authority.
PRIVATE FILE: Master

IL H 4736 SPONSOR: Kosel [R]
(2007) COSPONSOR(S): Mulligan [R], Cole [R], Pihos [R], Mendoza [D], Bellock [R], Beaubien [R], Pritchard [R], Stephens [R], Leitch [R], Bassi [R], Fortner [R], Ramey [R], Dillard [R], Althoff [R], Rutherford [R]
TITLE: DUI Memorial Marker
INTRODUCED: 01/31/2008
DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Amends the Roadside Memorial Act. Provides that an application for a DUI memorial marker may be submitted by a qualified relative with regard to any crash that occurred on or after January 1, 1990. Provides that the supporting jurisdiction shall have sole responsibility for determining if a request is rejected or accepted. Effective immediately.
PRIVATE FILE: Master

IL H 4837 SPONSOR: Kosel [R]
(2007) TITLE: Taxi Safety Act
INTRODUCED: 02/07/2008
DISPOSITION: Failed Adjourned
LOCATION: House Rules Committee
SUMMARY:

Provides that a taxi driver must be 21 years of age or older, must have a valid driver's license, must have had a valid driver's license for at least 3 years, and must not have been convicted of certain offenses during the immediately preceding 3 year

period. Also provides that if he or she, after becoming a taxi driver, is convicted of any of those offenses or ceases to be licensed, he or she must immediately cease operating a taxicab and the prohibition shall continue until specified conditions are met.

PRIVATE FILE: Master

IL H 4981 SPONSOR: Mendoza [D]
(2007) COSPONSOR(S): Reboletti [R], Dillard [R], Althoff [R]

TITLE: DUI Provisions

INTRODUCED: 02/13/2008

LAST AMEND: 04/15/2008

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends the State Finance Act, the Roadside Memorial Act, and the Unified Code of Corrections. Provides that a person who is convicted or receives a disposition of court supervision for a violation of certain DUI provisions of the Illinois Vehicle Code shall, in addition to any other disposition, penalty, or fine imposed, pay a fee to be deposited into the Roadside Memorial Fund. Limits transfers from the Roadside Memorial Fund to the General Revenue Fund.

PRIVATE FILE: Master

IL H 5707 SPONSOR: McCarthy [D]
(2007) COSPONSOR(S): Froehlich [D]

TITLE: Driving Under the Influence

INTRODUCED: 02/15/2008

DISPOSITION: Failed Adjourned

LOCATION: Tabled

SUMMARY:

Amends the Criminal Code of 1961. Provides that a prosecution for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof involving a motor vehicle, snowmobile, all terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation was a proximate cause of the death, may be commenced at any time.

PRIVATE FILE: Master

IL H 5845 SPONSOR: Moffitt [R]
(2007) COSPONSOR(S): Holbrook [D], Black [R], Bost [R], Smith [D], Rose [R], Haine [D]

TITLE: Traffic Violation Penalty

INTRODUCED: 02/15/2008

LAST AMEND: 05/07/2008

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DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends the Fire Investigation Act, the State Vehicle Code, and the Clerks of Courts Act. Adds provisions regarding transfers and allocations among specified funds. Provides that a person convicted of or placed on supervision for a serious traffic violation, driving under the influence, or a similar provision, shall be subject to an additional fee as imposed under a specified Public Act. Adds language regarding the disposition of the fee in the Clerks of Courts Act. Makes other changes.

PRIVATE FILE: Master

IL S 127 SPONSOR: Brady [R]

(2007) TITLE: Reinstatement of Certain Fees

INTRODUCED: 01/31/2007

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends various Acts to reinstate certain fees to the levels prior to 93 22 and 93 32. Makes conforming changes concerning those fees and related matters.

PRIVATE FILE: Master

IL S 158 SPONSOR: Garrett [D]

(2007) COSPONSOR(S): Kotowski [D], Althoff [R], Martinez [D], Sandoval [D], Dillard [R], Ronen [D], Pankau [R], Collins [D], May [D], Pihos [R], Ryg [D], Froehlich [D], Mathias [R], McCarthy [D], Dugan [D], Bradley R [D], Golar [D], Riley [D], Reboletti [R], Franks [D]

TITLE: Liquor Control Act of 1934

INTRODUCED: 01/31/2007

LAST AMEND: 05/31/2007

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Liquor Control Act of 1934. Prohibits a parent or guardian from knowingly permitting any person under the age of 21 years from using liquor by failing to control access to the residence or liquor maintained in the residence. Provides that a parent or guardian is deemed to have violation this law if he or she knowingly authorizes, enables, or permits consumption of alcohol by underage invitees. Provides exceptions and establishes criminal penalties.

PRIVATE FILE: Master

IL S 300 SPONSOR: Cullerton [D]

(2007) COSPONSOR(S): Jones J [R], Righter [R], Silverstein [D], Hultgren [R], Haine [D], Rutherford [R], Sandoval [D],

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Molaro [D], Currie [D], Brauer [R], Froehlich [D], Mathias [R], Winters [R], Wait [R], Holbrook [D], Kosel [R], Schmitz [R], Reitz [D], Jefferson [D], Mendoza [D], Burke [D], Smith [D], Reboletti [R], Chapa LaVia [D], Jakobsson [D], Meyer [R], Mulligan [R], Acevedo [D], Flider [D], Verschoore [D], Dugan [D], Gordon [D], D'Amico [D], Beiser [D], Ramey [R], Durkin [R], Jefferies [D], Tracy [R], Coladipietro [R], Cole [R], Crespo [D], Fortner [R], Hernandez [D]

TITLE: Vehicles

INTRODUCED: 02/07/2007

LAST AMEND: 05/21/2007

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Vehicle Code and the State Finance Act. Provides for creation of the Indigent Breath Alcohol Ignition Interlock Device (BAIID) Fund and the Monitoring Device Driving Permit Administration Fee Fund. Provides that, after a drug or alcohol related suspension has been imposed on a first offender, the court shall, unless the offender has opted in writing not to have a monitoring device driving permit issued, order the Secretary of State to issue the offender a monitoring device driving permit.

PRIVATE FILE: Master

IL S 363 SPONSOR: Haine [D]

(2007) COSPONSOR(S): Sandoval [D], Collins [D], Hoffman [D], Mathias [R], Holbrook [D], Bradley R [D]

TITLE: Vehicular Homicide

INTRODUCED: 02/07/2007

LAST AMEND: 05/29/2007

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Criminal Code of 1961. Provides that a person commits reckless homicide if he or she unintentionally kills an individual while driving in a posted school zone or in a construction or maintenance zone and was also either driving at a speed of more than 20 miles per hour in excess of the posted speed limit or driving under the influence of alcohol or other drugs. Corrects erroneous cross references in current statutes. Provides the trier of fact may infer reckless driving or DUI.

PRIVATE FILE: Master

IL S 379 SPONSOR: Silverstein [D]

(2007) TITLE: Proof of Insurance

INTRODUCED: 02/07/2007

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

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Amends the Illinois Vehicle Code. Provides that a person's vehicle registration and driving privileges may be suspended if he or she fails to provide and maintain satisfactory proof of insurance or financial security under the Code. Provides that an insurance company is required to give a vehicle owner advance notice before his or her liability coverage is terminated. Provides that the company must notify the Secretary of State of any termination of coverage.
PRIVATE FILE: Master

IL S 533 SPONSOR: Dillard [R]

(2007) COSPONSOR(S): Kotowski [D], Murphy [R], Holmes [D], Hultgren [R], Silverstein [D], Sandoval [D], Dunn [R], Pihos [R], Mathias [R], Meyer [R], Froehlich [D], Osmond [R], Sullivan [R], Mendoza [D], Chapa LaVia [D], Franks [D]

TITLE: Driving With a Revoked Drivers License

INTRODUCED: 02/08/2007

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Vehicle Code and the Unified Code of Corrections. Increases the penalties for the offense of driving with a revoked driver's license, permit, or privilege to operate a motor vehicle, if the revocation was because of the offense of reckless homicide or a similar law of another state. Provides that a first violation is a Class 4 felony and provides for mandatory imprisonment or community service. Provides that the revocation is extended a minimum of 3 years.

PRIVATE FILE: Master

IL S 572 SPONSOR: Cullerton [D]

(2007) COSPONSOR(S): Harmon [D], Silverstein [D], Hunter [D], Martinez [D], Crotty [D], Hamos [D], Ryg [D], Mathias [R], Bassi [R], Golar [D], Davis M [D], Osterman [D], Currie [D], Burke [D], Fritchey [D], Coulson [R], Miller [D], Howard [D], Mendoza [D], Arroyo [D], Soto [D], Yarbrough [D], Berrios [D], Dunkin [D], Graham [D], Nekritz [D], Bradley R [D], Lang [D], Lyons J [D], Feigenholtz [D], Froehlich [D], D'Amico [D], Patterson [D], Acevedo [D], Jefferies [D], Hernandez [D], Harris [D]

TITLE: Regional Transportation

INTRODUCED: 02/08/2007

LAST AMEND: 01/09/2008

DISPOSITION: Failed Adjourned

LOCATION: Senate Concurrence

SUMMARY:

Amends the Regional Transportation Authority Act. Requires the Authority to adopt a Strategic Plan, a Five Year Capital Plan, an an Annual Budget and a Two year Financial Plan. Provides for an Innovation, Coordination and Enhancement Fund, an ADA Paratransit fund and a Suburban Community Mobility Fund. Increases taxes that the Authority is authorized to impose.

Provides that the City of Chicago may impose a real estate transfer tax.

PRIVATE FILE: Master

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IL S 577 SPONSOR: Cullerton [D]
 (2007) COSPONSOR(S): Silverstein [D], Washington [D]
 TITLE: Suspension of Driving Privileges
 INTRODUCED: 02/08/2007
 LAST AMEND: 05/24/2007
 DISPOSITION: Enacted
 LOCATION: Chaptered
 SUMMARY:

Amends the Vehicle Code. Provides for hardships in a restricted driving permit. Relates to driving under the influence, leaving the scene of an accident involving personal injury or death or reckless homicide. Provides for persons under the age of 21, second offenses and out of state offenses. Provides for an ignition interlock device.

PRIVATE FILE: Master

IL S 585 SPONSOR: Cullerton [D]
 (2007) COSPONSOR(S): Silverstein [D], Gordon [D], Froehlich [D], Mathias [R]
 TITLE: Ignition Interlock Device
 INTRODUCED: 02/08/2007
 DISPOSITION: Enacted
 LOCATION: Chaptered
 SUMMARY:

Amends the Vehicle Code. Provides that it is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to operate a motor vehicle not equipped with that device. Provides that a violation is a Class A misdemeanor.

PRIVATE FILE: Master

IL S 607 SPONSOR: Cullerton [D]
 (2007) COSPONSOR(S): Silverstein [D], Sandoval [D], Rose [R], Hernandez [D], Acevedo [D], Soto [D]
 TITLE: Seizure of Vehicles
 INTRODUCED: 02/08/2007
 LAST AMEND: 05/29/2007
 DISPOSITION: Enacted
 LOCATION: Chaptered
 SUMMARY:

Amends the Vehicle Code and the Criminal Code of 1961. Relates to driving under the influence, reckless homicide and vehicles equipped with ignition interlock devices. Relates to school bus drivers. Relates to persons not covered by an insurance policy. Provides for restitution in specified cases.

PRIVATE FILE: Master

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IL S 682 SPONSOR: Bond [D]
(2007) COSPONSOR(S): Flider [D]
TITLE: Vehicle Code Compliance Amendments
INTRODUCED: 02/08/2007
DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Amends the Vehicle Code to bring provisions into compliance with the Federal Motor Carrier Safety Development Act of 1999. Provides that the prohibition against driving under the influence of alcohol or drugs applies to driving under the influence of methamphetamine. Provides that certain provisions do not apply to commercial driver licenses. Provides for maintenance of records. Relates to a Driver Services facility. Provide for licenses from other states and a Hazardous Materials license.
PRIVATE FILE: Master

IL S 739 SPONSOR: Dillard [R]
(2007) COSPONSOR(S): Hultgren [R]
TITLE: Alcoholic Liquor Access
INTRODUCED: 02/08/2007
DISPOSITION: Failed Adjourned
LOCATION: Senate Rules Committee
SUMMARY:

Amends the Liquor Control Act of 1934. Provides that if a parent or guardian knowingly authorizes or fails to control access to either the residence or the alcoholic liquor maintained in the residence, he or she is guilty of a Class 4 felony and shall serve a mandatory one year sentence with a fine.
PRIVATE FILE: Master

IL S 1430 SPONSOR: Althoff [R]
(2007) COSPONSOR(S): Dillard [R]
TITLE: Liquor Control and Minors
INTRODUCED: 02/09/2007
LAST AMEND: 03/06/2007
DISPOSITION: Failed Adjourned
LOCATION: Senate Rules Committee
SUMMARY:

Amends the Liquor Control Act of 1934. In a provision prohibiting a parent or guardian from knowingly authorizing or permitting any person under the age of 21 years from using alcoholic liquor by failing to control access to either the residence or the alcoholic liquor maintained in the residence, provides that any person who violates the provision is guilty of a Class A misdemeanor.

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PRIVATE FILE: Master

IL S 1458 SPONSOR: Sandoval [D]
(2007) TITLE: Driving Under the Influence
INTRODUCED: 02/09/2007
DISPOSITION: Failed Adjourned
LOCATION: Senate Rules Committee
SUMMARY:

Amends the Illinois Vehicle Code. Amends provisions relating to the offense of driving under the influence of alcohol, drugs, or intoxicating compounds. Provides that a previous conviction of the offense of reckless homicide can be the basis of the revocation or suspension of a driver's license, where the use of drugs, alcohol, or intoxicating compounds was an element of the offense.

PRIVATE FILE: Master

IL S 1722 SPONSOR: Cullerton [D]
(2007) COSPONSOR(S): Silverstein [D]
TITLE: Criminal Procedure Code
INTRODUCED: 02/09/2007
DISPOSITION: Failed Adjourned
LOCATION: Senate Rules Committee
SUMMARY:

Amends the Code of Criminal Procedure of 1963. Provides that if the defendant is accused of driving under the influence of alcohol, evidence of the defendant's commission of another offense or offenses of driving under the influence of alcohol, or a similar provision of a local ordinance or a provision of a law of another state that is similar to such an offense, or another refusal of chemical testing for driving under the influence of alcohol.

PRIVATE FILE: Master

IL S 1724 SPONSOR: Cullerton [D]
(2007) COSPONSOR(S): Silverstein [D]
TITLE: Vehicle Code
INTRODUCED: 02/09/2007
DISPOSITION: Failed Adjourned
LOCATION: Senate Rules Committee
SUMMARY:

Amends the Illinois Vehicle Code. Provides that a person is in violation of the DUI statute if he or she is driving while under the influence of an intoxicating compound, of any other drug or drugs, or of any combination of alcohol, drugs, or intoxicating compounds, to a degree that his or her mental or physical faculties are so impaired as to reduce his or her ability to think and

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act with ordinary care.

PRIVATE FILE: Master

IL S 2295 SPONSOR: Cullerton [D]

(2007) COSPONSOR(S): Molaro [D]

TITLE: Monitoring Device Driving Permit

INTRODUCED: 02/14/2008

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Vehicle Code. Amends fees for the issuance of a monitoring device driving permit or duplicate. Provides that an offender who opts out of having an MDDP issued may, during the drug or alcohol related summary suspension of driving privileges, petition the court for an order for a MDDP. Provides that the fee paid by the offender when an MDDP is issued shall be deposited into the Monitoring Device Driving Permit Administration Fee Fund. Relates to a conviction for drunk driving involving death.

PRIVATE FILE: Master

IL S 2396 SPONSOR: Cullerton [D]

(2007) COSPONSOR(S): Froehlich [D]

TITLE: Restricted Driving Permits

INTRODUCED: 02/14/2008

LAST AMEND: 04/16/2008

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Vehicle Code. Provides that a person issued a restricted driving permit may transport children living in the person's household to and from daycare. Includes transportation to a medical facility Provides that a person issued a restricted driving permit conditioned on the use of an ignition interlock device must pay a monthly fee to the Secretary of State DUI Administration Fund. Includes persons required to use such device because of a second or subsequent DUI.

PRIVATE FILE: Master

IL S 2476 SPONSOR: Hunter [D]

(2007) COSPONSOR(S): Collins [D], Crotty [D], Turner [D], Soto [D], Yarbrough [D], Jefferies [D], Sacia [R], Howard [D],

Arroyo [D], Berrios [D]

TITLE: Commission to Study Disproportionate Justice Impact

INTRODUCED: 02/15/2008

LAST AMEND: 05/28/2008

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DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Creates a Commission to Study Disproportionate Justice Impact. Relates to a Racial Impact Note. Requires the Commission to study the nature and extent of the harm caused to minority communities through the practical application of the violation and sentencing provisions of the Vehicle Code, the Criminal Code, the Cannabis Control Act, the Controlled Substances Act, the Methamphetamine Control and Community Protection Act and the Unified Code of Corrections.

PRIVATE FILE: Master

IL S 2494 SPONSOR: Kotowski [D]
(2007) COSPONSOR(S): Holmes [D], Murphy [R], Pankau [R], Froehlich [D], Crespo [D], Boland [D], Mathias [R]

TITLE: Driving Under the Influence

INTRODUCED: 02/15/2008

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Amends the Vehicle Code. Provides that a person who commits the offense of driving under the influence during a period in which their driving privileges are revoked or suspended, where the revocation or suspension was for driving under the influence or a similar provision of the law of another jurisdiction is guilty of a Class 4 felony. Amends provisions regarding reckless homicide.

PRIVATE FILE: Master

IL S 2773 SPONSOR: Kotowski [D]
(2007) TITLE: Driving Privileges Revoked

INTRODUCED: 02/15/2008

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that a person who commits the offense of driving under the influence during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for driving under the influence or a similar provision of the law of another jurisdiction is guilty of a Class 4 felony.

PRIVATE FILE: Master

IL S 2834 SPONSOR: Cullerton [D]
(2007) TITLE: Disclosure of Blood and Urinalysis to State Police

INTRODUCED: 02/15/2008

DISPOSITION: Failed Adjourned

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LOCATION: Senate Rules Committee

SUMMARY:

Amends the Illinois Vehicle Code. Provides that the results of blood or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, in an individual's blood or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a motor vehicle accident shall be disclosed to the Department of State Police.

PRIVATE FILE: Master

IN H 1020 AUTHOR: Duncan [R]

TITLE: Ignition Interlock Devices

INTRODUCED: 01/07/2009

LAST AMEND: 02/20/2009

DISPOSITION: Failed Adjourned

LOCATION: Senate Judiciary Committee

SUMMARY:

Provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated and who does not have a previous Operating While Intoxicated conviction or whose previous Operating While Intoxicated conviction was at least ten years in the past, but only if the court grants the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle.

PRIVATE FILE: Master

IN H 1065 AUTHOR: Crouch [R]

TITLE: Mandatory Ignition Interlock Devices

INTRODUCED: 01/07/2009

DISPOSITION: Failed Adjourned

LOCATION: House Judiciary Committee

SUMMARY:

Requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle that is not equipped with an ignition interlock device for at least six months if the person does not have a prior conviction for operating while intoxicated, at least one year if the person has a prior conviction for operating while intoxicated.

PRIVATE FILE: Master

IN H 1215 AUTHOR: Brown C [D]

TITLE: Trauma Care Hospital Fund

INTRODUCED: 01/12/2009

LAST AMEND: 02/17/2009

DISPOSITION: Failed Adjourned

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LOCATION: Senate Tax and Fiscal Policy Committee

SUMMARY:

Creates the trauma care hospital fund to be administered by the state Department of Health to assist in funding a trauma care system in Indiana; includes funds from additional court fees for certain motor vehicle violations, registration fees, and driver's license fees.

PRIVATE FILE: Master

IN S 252 AUTHOR: Wyss [R]

TITLE: Operating while Intoxicated

INTRODUCED: 01/07/2009

DISPOSITION: Failed Adjourned

LOCATION: House Public Policy Committee

SUMMARY:

Specifies alcohol concentration equivalents for blood tests conducted on blood serum instead of whole blood for use in laws concerning the operation of motor vehicles and motorboats while intoxicated.

PRIVATE FILE: Master

IN S 274 AUTHOR: Head [R]

TITLE: Ignition Interlock Devices

INTRODUCED: 01/07/2009

DISPOSITION: Failed Adjourned

LOCATION: Senate Corrections, Criminal and Civil Matters Committee

SUMMARY:

Requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle for at least 90 days if the vehicle is not equipped with an ignition interlock device; makes conforming amendments; repeals superseded provisions.

PRIVATE FILE: Master

IN S 511 AUTHOR: Charbonneau [R]

TITLE: Vehicle and Motorboat Matters

INTRODUCED: 01/15/2009

LAST AMEND: 02/09/2009

DISPOSITION: Failed Adjourned

LOCATION: House Rules and Legislative Procedures Committee

SUMMARY:

Removes vehicles owned or leased and used for official business by certain rehabilitation centers, community action agencies, area agencies of aging and the aged and county councils on aging that are funded through an area agency and

community mental health centers from exemption from the payment of vehicle registration fees; provides that a probationary operator's license expires at midnight of the date the holder becomes a specified age; relates to boating while intoxicated.
PRIVATE FILE: Master

IN S 542 AUTHOR: Bray [R]
TITLE: Ignition Interlock Devices
INTRODUCED: 01/15/2009
DISPOSITION: Failed Adjourned
LOCATION: Senate Judiciary Committee
SUMMARY:

Changes the requirements and lengths of time for which a court must order probationary driving privileges subject to the condition that a person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

PRIVATE FILE: Master

IN S 546 AUTHOR: Mishler [R]
TITLE: Natural Resources Matters
INTRODUCED: 01/15/2009
LAST AMEND: 04/29/2009
DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Establishes navigation rules for sailboats and nonmotorized boats; amends the definition of intoxicated in the boating law; amends the evidence requirements for blood alcohol content; removes authority of a person with a federal permit to take a migratory bird, the nest or eggs during the closed season; establishes hunting, trapping and fishing licenses; provides that fumigation with methyl bromide of nursery seedling beds is an official pest control treatment; relocates governors' portraits laws.

PRIVATE FILE: Master

KS H 2096 AUTHOR: Corrections and Juvenile Justice
TITLE: Electronic Solicitation
INTRODUCED: 01/27/2009
LAST AMEND: 04/02/2009
DISPOSITION: Enacted
LOCATION: Chaptered
SUMMARY:

Concerns driving; creates the State DUI Commission; creates the Correctional Services Special Revenue Fund; relates to

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driver improvement clinics; provides for disposition of certain moneys; relates to penalties for driving under the influence of alcohol or drugs; relates to information contained in and sent to the State Bureau of Investigation Central Repository regarding DUI convictions and prosecution. Relates to terms of imprisonment for a DUI conviction and graduated penalties.
PRIVATE FILE: Master

KS H 2143 AUTHOR: Transportation Cmt

TITLE: Driver Licenses

INTRODUCED: 01/29/2009

LAST AMEND: 02/19/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Relates to driver's licenses; provides for certain restrictions; increases the minimum age needed to obtain a drivers license; provides that a person of a certain age may not operate a vehicle with more than one minor passenger; provides that a farm permit may be issued to operate the appropriate motor vehicles during certain hours when it is work related; provides that persons with farm permits may not operate a wireless communication device while driving, unless reporting an emergency.

PRIVATE FILE: Master

KS H 2152 AUTHOR: Transportation Cmt

TITLE: Towed Vehicles

INTRODUCED: 01/29/2009

LAST AMEND: 04/03/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Regulates the use of golf carts and work site utility vehicle vehicles on public highways and streets and establishes fines for unlawful operation of such vehicles; provides that a city ordinance or county resolution authorizing the towing of vehicles shall specify the maximum rate chargeable for those services, that a vehicle owner shall have access to personal property in a towed vehicle after it's been towed and that the wrecker or tower shall report the vehicle's location to local law enforcement.

PRIVATE FILE: Master

KS H 2263 AUTHOR: Kinzer [R]

TITLE: Driving Under the Influence

INTRODUCED: 02/04/2009

DISPOSITION: Pending Carryover

LOCATION: House Judiciary Committee

SUMMARY:

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Concerns crimes and punishment; establishes aggravated driving under the influence; relates to existing driving under the influence law.

PRIVATE FILE: Master

KS H 2315 AUTHOR: Judiciary Cmt

TITLE: Driving Under the Influence

INTRODUCED: 02/06/2009

DISPOSITION: Pending Carryover

LOCATION: House Judiciary Committee

SUMMARY:

Concerns crimes and punishment; relates to driving under the influence.

PRIVATE FILE: Master

KS S 95 AUTHOR: Ways and Means Cmt

TITLE: Contraband Traffic

INTRODUCED: 01/27/2009

LAST AMEND: 02/12/2009

DISPOSITION: Pending Carryover

LOCATION: HOUSE

SUMMARY:

Concerns crimes and punishment; relates to traffic in contraband in a correctional institution or care and treatment facility.

PRIVATE FILE: Master

KS S 278 AUTHOR: Federal and State Affairs Cmt

TITLE: Highway Safety Commission

INTRODUCED: 02/17/2009

DISPOSITION: Pending Carryover

LOCATION: SENATE

SUMMARY:

Concerns driving under the influence; creates the Highway Safety Commission; relates to penalties; concerns the Division of Vehicles; concerns district magistrate judges; pertains to jurisdiction.

PRIVATE FILE: Master

KS S 279 AUTHOR: Federal and State Affairs Cmt

TITLE: Involuntary Manslaughter

INTRODUCED: 02/17/2009

DISPOSITION: Pending Carryover

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LOCATION: Senate Judiciary Committee

SUMMARY:

Concerns crimes, punishment and criminal procedure; relates to involuntary manslaughter while driving under the influence of alcohol or drugs; pertains to sentences.

PRIVATE FILE: Master

KS S 280 AUTHOR: Ways and Means Cmt

TITLE: Driving Privilege Restriction

INTRODUCED: 02/17/2009

DISPOSITION: Pending Carryover

LOCATION: Senate Judiciary Committee

SUMMARY:

Concerns suspension and restriction of driving privileges; relates to persons less than 21 years of age.

PRIVATE FILE: Master

KY BR 61 SPONSOR: Office of Ray S. Jones II

TITLE: Driving Under Influence

DISPOSITION: Failed Adjourned

LOCATION: SENATE

SUMMARY:

(SB 9) Relates to driving under the influence; establishes a per se violation of the DUI statute if the driver has at least a certain amount of a controlled substance in the blood; create a defense if the person took the controlled substance in compliance with a valid prescription; reduce the required alcohol concentration for an aggravating circumstance from 0.18 to 0.15; lowers the alcohol percentage from 0.18 to 0.15 for increased penalties.

PRIVATE FILE: Master

KY H 180 SPONSOR: Keene [D]

SPONSOR(S): Westrom [D], McKee [D], Wayne [D], Simpson [D], Marzian [D], Horlander [D], Riner [D], Damron [D], Higdon [R], Stevens [D], Owens [D], Weston [D], Glenn [D], Rollins [D], Santoro [R], Sims [D], Watkins [D]

TITLE: Driving Under the Influence

INTRODUCED: 02/03/2009

DISPOSITION: Failed Adjourned

LOCATION: House Judiciary Committee

SUMMARY:

Relates to driving under the influence; expands the definition of ignition interlock device; provides that reduction in the time period of a license revocation does not lessen the time required for ignition interlock usage; runs the period of a license plate impoundment from the date of sentencing to the day the offender is authorized to resume driving; requires ignition interlock

usage beginning with the first DUI offense; removes an offender's ability to drive a non interlock equipped work vehicle.

PRIVATE FILE: Master

KY H 192 SPONSOR: Riner [D]

SPONSOR(S): Henderson [D], Moore [R], Housman [R]

TITLE: Shock Probation

INTRODUCED: 02/03/2009

LAST AMEND: 03/02/2009

DISPOSITION: Failed Adjourned

LOCATION: Senate Judiciary Committee

SUMMARY:

Relates to shock probation; prohibits shock probation if the defendant has been convicted of a DUI.

PRIVATE FILE: Master

KY H 365 SPONSOR: Horlander [D]

TITLE: Driving Under the Influence

INTRODUCED: 02/09/2009

DISPOSITION: Failed Adjourned

LOCATION: House Judiciary Committee

SUMMARY:

Relates to driving under the influence; increases the use of ignition interlocks as a sanction for driving while impaired; lower the blood alcohol level used in finding an aggravating factor in the offense from 0.18 to 0.15; alter the timelines for license revocation under that chapter; and expand the existing prohibitions that apply to circumventing an installed ignition interlock device.

PRIVATE FILE: Master

KY H 369 SPONSOR: Tilley [D]

SPONSOR(S): Yonts [D]

TITLE: Crimes and Punishments

INTRODUCED: 02/10/2009

LAST AMEND: 03/26/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Increases penalties for theft by debit or credit card fraud, theft by deception, theft of property lost or mislaid or delivered by mistake, theft by failure to make required disposition of property, theft by extortion, receiving stolen property, theft of services, theft of labor, and obscuring the identity of a machine or other property; provides that in addition to other penalties, a

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defendant shall be ineligible to operate a motor vehicle for any time during which restitution ordered remains unpaid.

PRIVATE FILE: Master

KY H 534 SPONSOR: Sinnette [D]

SPONSOR(S): Wuchner [R]

TITLE: Hardship Driver's Licenses

INTRODUCED: 02/23/2009

DISPOSITION: Failed

LOCATION: Withdrawn

SUMMARY:

Permits issuance of a hardship driver's license after a revocation for vehicular homicide; creates a New section of krs Chapter 186 to establish a minimum revocation period prior to the filing of a petition for a hardship license and establish requirements, penalties and fees.

PRIVATE FILE: Master

KY S 5 SPONSOR: Jones [D]

TITLE: Driving Under Influence

INTRODUCED: 01/06/2009

DISPOSITION: Failed Adjourned

LOCATION: House Judiciary Committee

SUMMARY:

Relates to driving under the influence; establishes a per se violation of the DUI statute if the driver has at least a certain amount of a controlled substance in the blood; create a defense if the person took the controlled substance in compliance with a valid prescription; reduce the required alcohol concentration for an aggravating circumstance from 0.18 to 0.15; lowers the alcohol percentage from 0.18 to 0.15 for increased penalties.

PRIVATE FILE: Master

LA H 11 AUTHOR: Hardy [D]

TITLE: Controlled Substances

INTRODUCED: 04/27/2009

LAST AMEND: 05/27/2009

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Provides for a designated driver's license and license plate for individuals convicted of certain controlled dangerous substances violations.

PRIVATE FILE: Master

69-4

LA H 232 AUTHOR: Smiley [R]

TITLE: Boats

INTRODUCED: 04/27/2009

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY:

Provides for post accident drug and alcohol testing of the operator of any watercraft involved in a collision, crash, or other casualty in which a fatality occurs.

PRIVATE FILE: Master

LA H 241 AUTHOR: Leger [D]

TITLE: Tax Credits

INTRODUCED: 04/27/2009

DISPOSITION: Pending

LOCATION: House Ways and Means Committee

SUMMARY:

Authorizes an individual income tax credit for the cost of a consumer breath alcohol analyzer device approved by the FDA.

PRIVATE FILE: Master

LA H 242 AUTHOR: Leger [D]

TITLE: Income Tax and Alcohol Analyzer

INTRODUCED: 04/27/2009

DISPOSITION: Pending

LOCATION: House Ways and Means Committee

SUMMARY:

Authorizes an individual income tax deduction for the cost of a consumer breath alcohol analyzer device approved by the FDA.

PRIVATE FILE: Master

LA H 445 AUTHOR: Baldone [D]

TITLE: DWI

INTRODUCED: 04/27/2009

LAST AMEND: 06/03/2009

DISPOSITION: To Governor

LOCATION: Eligible for Governor

SUMMARY:

Provides with respect to penalties for refusal to submit to DWI tests.

PRIVATE FILE: Master

LA H 574 AUTHOR: Richmond [D]
TITLE: District Court and Mental Health
INTRODUCED: 04/27/2009
LAST AMEND: 05/27/2009
DISPOSITION: Pending
LOCATION: Senate Judiciary B Committee
SUMMARY:

Authorizes a division of a district court to have specialized subject matter jurisdiction including a violent crimes or homicide division or section and the creation of a probation program for a mental health division.

PRIVATE FILE: Master

LA S 15 AUTHOR: LaFleur [D]
TITLE: Driving Under the Influence
INTRODUCED: 04/27/2009
DISPOSITION: Pending
LOCATION: Senate Judiciary B Committee
SUMMARY:

Requires the Department of Public Safety and Corrections to establish and maintain the impaired driver tracking system and provides for the integration of the tracking system into the Integrated Criminal Justice Information System (ICJIS) project under certain circumstances.

PRIVATE FILE: Master

MA H 1277 DOCKET: 3341
AUTHOR: Barrows [R]
TITLE: Underage Alcohol Consumption
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on The Judiciary
SUMMARY:

Relates to underage alcohol consumption.

PRIVATE FILE: Master

MA H 1404 DOCKET: 1143
AUTHOR: Gobi [D]
TITLE: Recreational or Snow Vehicle Under the Influence Law

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4-7

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Relates to the operation of a snow vehicle or recreational vehicle under the influence of alcoholic or narcotic.

PRIVATE FILE: Master

MA H 1407 DOCKET: 1290

AUTHOR: Gobi [D]

TITLE: Testing for Operating a Motor Vehicle Under Influence

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Expands testing for operating a motor vehicle under the influence of alcohol.

PRIVATE FILE: Master

MA H 1438 DOCKET: 821

AUTHOR: Jones [R]

TITLE: Repeat Offenders

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Relates to repeat offenders.

PRIVATE FILE: Master

MA H 1449 DOCKET: 1403

AUTHOR: Jones [R]

TITLE: Liability For Intoxicated Arrestees

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Increases the liability for permitting an intoxicated arrestee to operate a motor vehicle.

PRIVATE FILE: Master

D

H-72

MA H 1590 DOCKET: 1989
AUTHOR: O'Flaherty [D]
TITLE: Drunk Driving Protection
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on The Judiciary
SUMMARY:
Protects the citizens of the Commonwealth from drunk drivers.
PRIVATE FILE: Master

MA H 1764 DOCKET: 2270
AUTHOR: Turner [D]
TITLE: Breathalyzer Admissibility
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on The Judiciary
SUMMARY:
Establishes breathalyzer admissibility.
PRIVATE FILE: Master

MA H 1925 DOCKET: 356
AUTHOR: Brownsberger [D]
TITLE: Youth Alcohol Education Program
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on Mental Health and Substance Abuse
SUMMARY:
Relates to the youth alcohol education program to reduce underage drinking and promote healthy choices.
PRIVATE FILE: Master

MA H 3330 DOCKET: 2419
AUTHOR: Smizik [D]
TITLE: Regulation of Snow and Recreation Vehicles
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on Transportation
SUMMARY:

4-73

Relates to the regulation of snow and recreation vehicles.
PRIVATE FILE: Master

MA H 3630 AUTHOR: Jones [R]
TITLE: Melanies Law
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on The Judiciary
SUMMARY:
Relates to enhancing melanies law.
PRIVATE FILE: Master

MA H 3632 AUTHOR: Polito [R]
TITLE: Blood Alcohol Testing
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on The Judiciary
SUMMARY:
Relates to blood alcohol testing.
PRIVATE FILE: Master

MA H 4018 DOCKET: 4175
AUTHOR: Callahan [D]
TITLE: Junior Operators
INTRODUCED: 03/20/2009
DISPOSITION: Pending
LOCATION: Joint Committee on Transportation
SUMMARY:
Relates to junior operators.
PRIVATE FILE: Master

MA H 4107 AUTHOR: Office of the Governor
TITLE: Recidivism Reduction and Employee Opportunity
INTRODUCED: 05/07/2009
DISPOSITION: Pending
LOCATION: Joint Committee on The Judiciary
SUMMARY:

Enhances public safety and reduces recidivism by increasing employment opportunities for inmates; provides for a more secure system governing criminal offender record information to ensure that employers have relevant, accurate, and timely information that will allow them to protect customers, clients, and ensures that individuals are not unfairly denied access to employment or housing opportunities.

PRIVATE FILE: Master

MA HD 320 AUTHOR: Bradley [D]

TITLE: Admissibility of Office of Alcohol Testing Records

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Relates to the admissibility of Office of Alcohol Testing records.

PRIVATE FILE: Master

MA HD 321 AUTHOR: Bradley [D]

TITLE: Breathalyzer Test Certificates

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Relates to breathalyzer test certificates.

PRIVATE FILE: Master

MA HD 329 AUTHOR: Kane [D]

TITLE: Identification for the Sale of Alcoholic Beverages

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Relates to identification for the sale of alcoholic beverages.

PRIVATE FILE: Master

MA HD 1229 AUTHOR: Gobi [D]

TITLE: Motorist and Civil Fines and Penalties

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Relates to increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate certain laws.

PRIVATE FILE: Master

4-74

4-75

MA HD 1290 AUTHOR: Gobi [D]
TITLE: Testing for Operating a Motor Vehicle Under Influence
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:
Expands testing for operating a motor vehicle under the influence of alcohol.
PRIVATE FILE: Master

MA HD 1741 AUTHOR: Bosley [D]
TITLE: Identification for the Sale of Alcoholic Beverages
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:
Relates to identification for the sale of alcoholic beverages.
PRIVATE FILE: Master

MA HD 1989 AUTHOR: O'Flaherty [D]
TITLE: Drunk Driving Protection
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:
Protects the citizens of the Commonwealth from drunk drivers.
PRIVATE FILE: Master

MA HD 2047 AUTHOR: Polito [R]
TITLE: Blood Alcohol Testing
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:
Relates to blood alcohol testing.
PRIVATE FILE: Master

MA HD 2270 AUTHOR: Turner [D]
TITLE: Breathalyzer Admissibility
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:

4-76

Establishes breathalyzer admissibility.

PRIVATE FILE: Master

MA HD 3278 AUTHOR: Khan [D]

TITLE: Impaired Drivers

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY:

Relates to impaired drivers.

PRIVATE FILE: Master

MA HD 4248 AUTHOR: Turner [D]

TITLE: Drug and Alcohol Testing

DISPOSITION: Pending

LOCATION: House Rules Committee

SUMMARY:

Relates to drug and alcohol testing.

PRIVATE FILE: Master

MA S 366 DOCKET: 1952

AUTHOR: Baddour [D]

TITLE: Off Highway and Recreation Vehicle Regulations

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on Public Safety and Homeland Security

SUMMARY:

Regulates the use of off highway and recreation vehicles.

PRIVATE FILE: Master

MA S 519 DOCKET: 878

AUTHOR: Tolman [D]

TITLE: Insurers Liability for Losses Under the Influence

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on Financial Services

SUMMARY:

Concerns insurers liability for losses while under the influence.

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PRIVATE FILE: Master

MA S 1581 DOCKET: 258

AUTHOR: Brewer [D]

TITLE: Blood Tests

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Relates to certain blood tests.

PRIVATE FILE: Master

MA S 1708 DOCKET: 1291

AUTHOR: Hedlund [R]

TITLE: Melanies Law

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Relates to enhancing Melanies Law; relates to drunk driving.

PRIVATE FILE: Master

MA S 1742 DOCKET: 92

AUTHOR: Menard [D]

TITLE: Apprehension of Drunk Drivers and Other Law Violators

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Improves apprehension of drunk drivers and other law violators.

PRIVATE FILE: Master

MA S 1782 DOCKET: 966

AUTHOR: O'Leary [D]

TITLE: Aggravated Drunk Driving

INTRODUCED: 01/19/2009

DISPOSITION: Pending

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LOCATION: Joint Committee on The Judiciary

SUMMARY:

Relates to aggravated drunk driving.

PRIVATE FILE: Master

MA S 1809 DOCKET: 661

AUTHOR: Tarr [R]

TITLE: Operating a Motor Vehicle While Intoxicated

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Deters the operation of a motor vehicle while intoxicated.

PRIVATE FILE: Master

MA S 1819 DOCKET: 894

AUTHOR: Tarr [R]

TITLE: Combat Recidivist Drunk Driving

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Combats recidivist drunk driving.

PRIVATE FILE: Master

MA S 1860 DOCKET: 1436

AUTHOR: Walsh Ma [D]

TITLE: Sentences Guidelines

INTRODUCED: 01/19/2009

DISPOSITION: Pending

LOCATION: Joint Committee on The Judiciary

SUMMARY:

Establishes sentences guidelines.

PRIVATE FILE: Master

MA S 1924 DOCKET: 519

AUTHOR: Hedlund [R]

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TITLE: Ignition Interlock Devices
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on Transportation
SUMMARY:
Relates to ignition interlock devices.
PRIVATE FILE: Master

MA S 1925 DOCKET: 555
AUTHOR: Hedlund [R]
TITLE: Ignition Interlock Devices
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on Transportation
SUMMARY:
Relates to ignition interlock devices.
PRIVATE FILE: Master

MA S 1964 DOCKET: 563
AUTHOR: Tarr [R]
TITLE: Drivers Under the Influence of Drug Protection
INTRODUCED: 01/19/2009
DISPOSITION: Pending
LOCATION: Joint Committee on Transportation
SUMMARY:
Increases protection against drivers under the influence of drugs.
PRIVATE FILE: Master

MA S 2060 NEW TEXT OF: MA H 4101, MA S 3
AUTHOR: Senate Floor
TITLE: Governor Fiscal Year 2010 Budget
INTRODUCED: 05/21/2009
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Submits the annual budget of the Commonwealth for the Fiscal Year 2010; makes appropriations for the Fiscal Year beginning July 1, 2009; makes certain changes in law, each of which is immediately necessary to carry out those

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appropriations or for other important public purposes.
PRIVATE FILE: Master

MA SD 92 AUTHOR: Menard [D]
TITLE: Apprehension of Drunk Drivers and Other Law Violators
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Improves apprehension of drunk drivers and other law violators.
PRIVATE FILE: Master

MA SD 519 AUTHOR: Hedlund [R]
TITLE: Ignition Interlock Devices
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Relates to ignition interlock devices.
PRIVATE FILE: Master

MA SD 555 AUTHOR: Hedlund [R]
TITLE: Ignition Interlock Devices
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Relates to ignition interlock devices.
PRIVATE FILE: Master

MA SD 661 AUTHOR: Tarr [R]
TITLE: Operating a Motor Vehicle While Intoxicated
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Deters the operation of a motor vehicle while intoxicated.
PRIVATE FILE: Master

MA SD 966 AUTHOR: O'Leary [D]
TITLE: Aggravated Drunk Driving

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DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Relates to aggravated drunk driving.
PRIVATE FILE: Master

MA SD 1291 AUTHOR: Hedlund [R]
TITLE: Melanies Law
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Relates to enhancing Melanies Law; relates to drunk driving.
PRIVATE FILE: Master

MD H 212 AUTHOR: Anderson [D]
TITLE: Vehicle Laws
INTRODUCED: 01/27/2009
DISPOSITION: Failed
LOCATION: Withdrawn from further consideration
SUMMARY:
Provides that the results of preliminary breath test for alcohol may be used as evidence by the State to establish probable cause to arrest a person.
PRIVATE FILE: Master

MD H 251 CROSSFILED WITH: MD S 323
AUTHOR: Haddaway [R]
TITLE: Criminal Law
INTRODUCED: 01/29/2009
DISPOSITION: Failed
LOCATION: Withdrawn from further consideration
SUMMARY:
Provides for a driver's license suspension for specified alcoholic beverages violations; alters the period of a driver's license suspension for specified alcoholic beverages violations under specified circumstances.
PRIVATE FILE: Master

MD H 293 CROSSFILED WITH: MD S 262
AUTHOR: Busch [D]

TITLE: Repeated Drunk And Drugged Driving Offenses

INTRODUCED: 01/29/2009

LAST AMEND: 04/11/2009

DISPOSITION: Failed Adjourned

LOCATION: Senate Rules Committee

SUMMARY:

Requires the Motor Vehicle Administration to suspend for a specified period the driver's license of a person who has been convicted of specified drunk and drugged driving offenses within a specified time period after a conviction for specified drunk and drugged driving offenses.

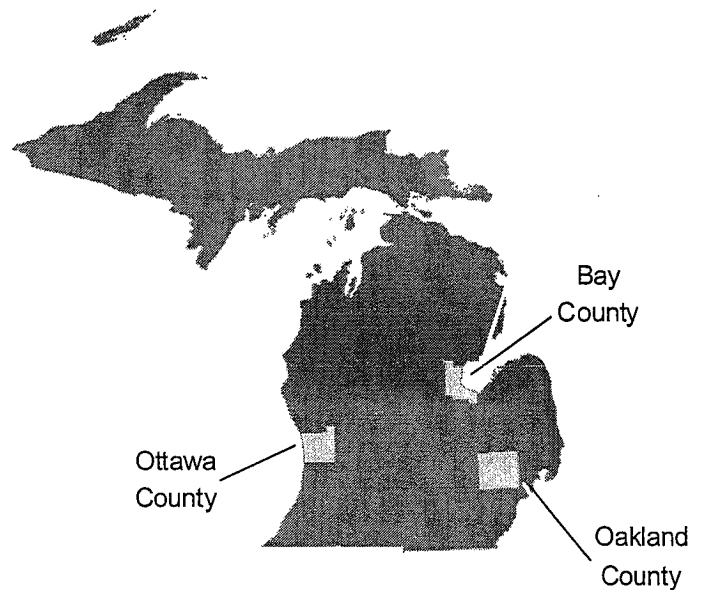
PRIVATE FILE: Master

JO H 299 CROSSFILED WITH: MD S 261

ATHOR: Busch [D]

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Michigan DUI Courts Outcome Evaluation *Final Report*



**Michigan Supreme Court,
State Court Administrative Office**

NPC Research
Bret Fuller, Ph.D.
Shannon M. Carey, Ph.D.
Katherine Kissick, B.A.

October 2007



4380 SW Macadam Ave., Suite 530
Portland, OR 97239

(503) 7-1-09
www.npcr 5
DUI Commission 2009
Attachment 5

Michigan DUI Courts Outcome Evaluation

Final Report

Michigan Supreme Court, State Court Administrative Office

NPC Research

Bret Fuller, Ph.D.

fuller@npcresearch.com

Shannon M. Carey, Ph.D.

carey@npcresearch.com

Katherine Kissick, B.A.

kissick@npcresearch.com

The opinions, findings, and conclusions expressed in this publication are those of the author(s) and not necessarily those of the Michigan Office of Highway Safety Planning or the U.S. Department of Transportation, National Highway Traffic Safety Administration. This report was prepared in cooperation with the Michigan Office of Highway Safety Planning and U.S. Department of Transportation, National Highway Traffic Safety Administration.

October 2007



Informing Policy, Improving Programs

ACKNOWLEDGEMENTS

This report was made possible through the good work, cooperation and support of many people and organizations. SCAO would like to offer their deepest appreciation to:

- The National Highway Traffic Safety Administration (NHTSA) and special recognition for the Office of Highway Safety Planning (OHSP) for their support of this project.
- Each of the data collectors who spent long hours abstracting and keying data: Mark Bridge, Kara Jackson, Tracy Loynachan, and Ryan Heethuis.

In Bay County

- Thank you to Administration for agreeing to participate in the study and allowing us access to their court and their records.
- Thank you also to Holly Averill for pulling all of the probation files while we were screening records for eligibility and for answering questions
- Many thanks to Maria Taylor and Lori Weinicke for assisting us in scheduling site visits and helping us track down missing data.
- Thank you also the Michigan Department of Corrections officers in Bay County for their assistance with felony drunk driver records.
- Special thank you to Judge Craig Alston, Bay County District Court Judge for creating the database which was used to store study data and for his enthusiasm and cooperation with the evaluation project.

In Clarkston

- Thank you to the Administration for agreeing to participate in the study and allowing us access to their court and their records.
- A specific thank you to the probation department staff, particularly Mark Mathur and Carol Pummill, for assisting us in accessing records and for keeping those storage boxes around later than they would have liked!

In Ottawa County

- Thank you to the Administration for agreeing to participate in the study and allowing us access to their court and their records.
- Special thank you to Cathy Shaw and Alma Valenzuela for helping us access their drug court files and for their assistance interpreting data found in probation records.

EXECUTIVE SUMMARY

Background

In the past 18 years, one of the most dramatic developments in the movement to reduce substance abuse among the U.S. criminal justice population has been the implementation of drug courts across the country. The first drug court was established in Florida in 1989. There are now well over 1,500 drug courts operating in all 50 states, the District of Columbia, Puerto Rico and Guam. The purpose of drug courts is to guide offenders identified as drug-addicted into treatment that reduces drug dependence and improves the quality of life for offenders and their families. In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives that operate outside of their traditional adversarial roles. Addiction treatment providers, prosecuting attorneys, public defenders, law enforcement officers, and parole and probation officers work together to provide needed services to drug court participants.

The Michigan Community Corrections Act was enacted in 1988 to investigate and develop alternatives to incarceration. Four years later, in June 1992, the first female drug treatment court in the nation was established in Kalamazoo, Michigan. Since then, Michigan has implemented 75 drug courts, including expanding into further specialized courts (also called “problem solving courts”) for adults, juveniles, family dependency, and DUI offenders.

Study Design and Methods

In FY2004, 12 courts in Michigan identified as DUI courts. Of these, 10 were operational and 2 courts were in the early planning phase. SCAO assisted in funding 9 of these courts. At the time this study was proposed, comprehensive outcome evaluation with comparison groups and longitudinal analyses had not been conducted for Michigan DUI courts. Consequently, little was known about the relative effectiveness of these courts in reducing drunk driving or the characteristics that affect client outcomes. SCAO proposed to conduct an outcome evaluation of DUI courts. The evaluation was designed as a longitudinal study that included tracking and collecting data on DUI court participants for a minimum of one year following either program completion or termination from DUI Court and a comparison group of offenders who were eligible for DUI court in the year prior to DUI court implementation. Data were abstracted from several sources including site visits, the Criminal History Records (CHR) database maintained by the Michigan State Police and the Michigan Judicial Warehouse (JDW). All of these data were entered into a database created in Microsoft Access.

In 2007, SCAO contracted with NPC Research to perform the data analysis and report writing for three of the DUI courts that participated in this study, Ottawa and Bay County and Clarkston DUI courts.

The evaluation was guided by five research questions which were answered by a careful analysis of the data by NPC Research. These questions were:

1. What is the impact of participation in a DUI court on recidivism (re-arrests) compared to traditional court processing?
2. Does participation in DUI court reduce levels of alcohol and other substance abuse?
3. How successful is the program in bringing program participants to completion and graduation within the expected time frame?

4. What participant characteristics predict successful outcomes (program completion, decreased recidivism)?
5. How does the use of resources differ between DUI treatment court versus traditional probation?

Results

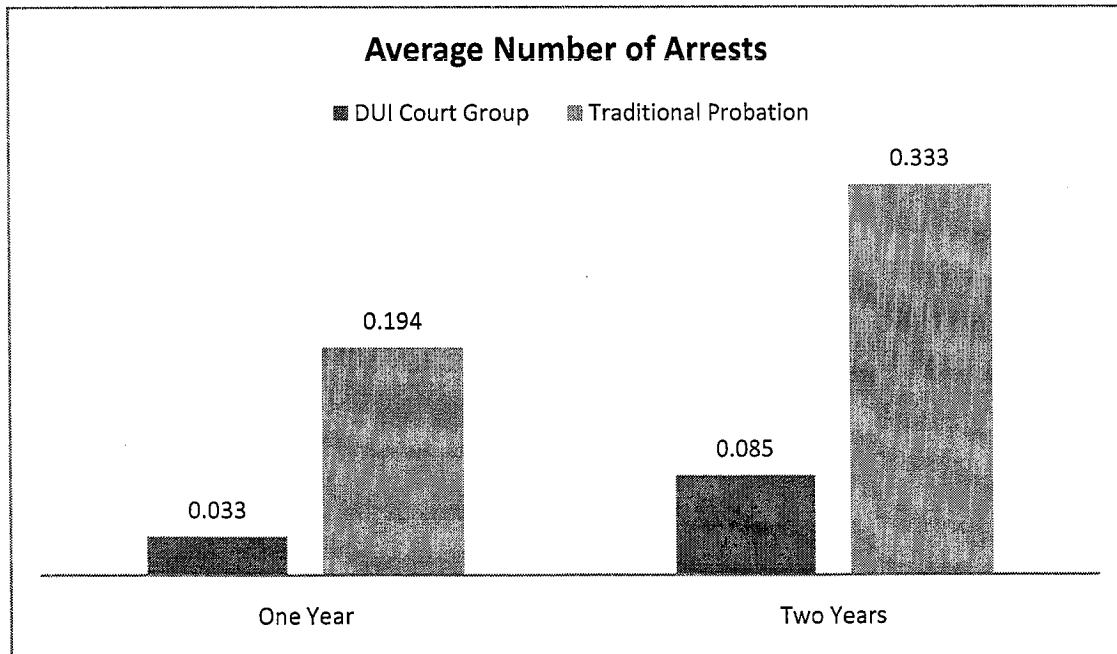
The results shown in this summary are examples provided from each of the three sites that participated in the study that best illustrate the main answer to each evaluation question.

RESEARCH QUESTION #1: WHAT IS THE IMPACT OF PARTICIPATION IN A DUI COURT ON RECIDIVISM (RE-ARRESTS) COMPARED TO TRADITIONAL COURT PROCESSING?

1a. Does participation in DUI Court reduce recidivism (the number of re-arrests)?

Yes. DUI court participants were re-arrested significantly less often than comparison group offenders who were sentenced to traditional probation. In the example from one DUI court site shown in Figure A, the comparison offenders on traditional probation were re-arrested nearly six times more often in the first year after starting probation for the DUI charge than the DUI court participants and were re-arrested four times more often in the second year.

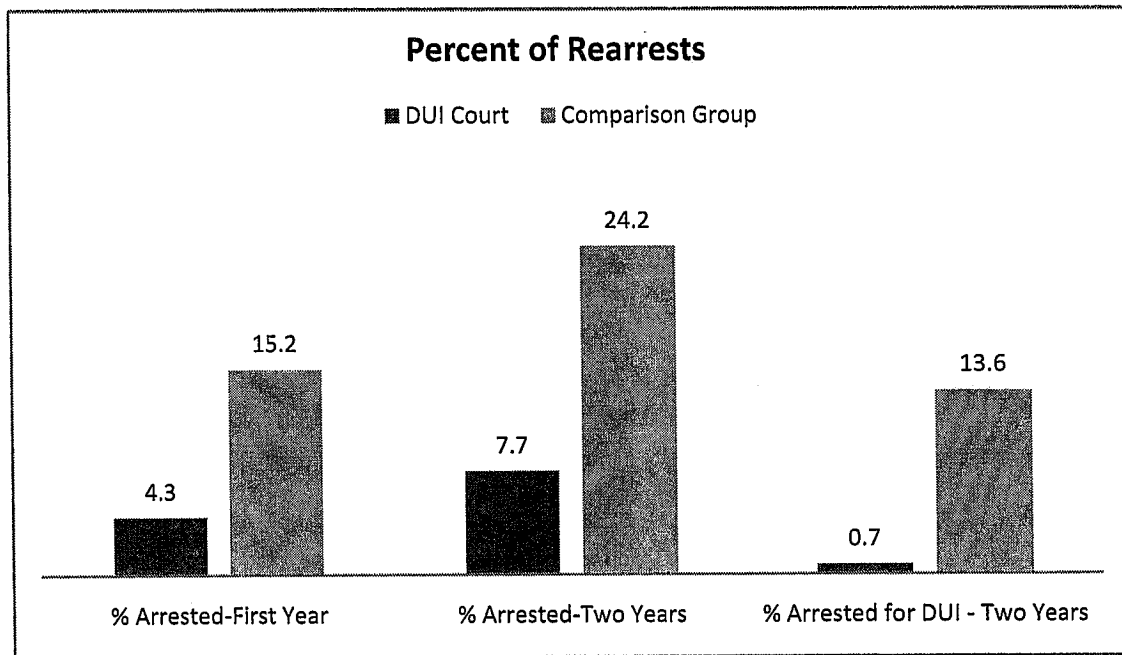
Figure A. Average Number of Re-Arrests - DUI Court Participants and Comparison Group



1b. Does participation in DUI court lead to a lower recidivism rate (the number of participants who are re-arrested) compared to traditional court?

YES. Figure B shows that significantly more comparison offenders were re-arrested than DUI court participants. In this example, in a 2-year period, traditional probation offenders in the comparison group were more than three (3) times more likely to be re-arrested for any charge and were nineteen (19) times more likely to be re-arrested for a DUI charge than the DUI court participants.

Figure B. Percent of Individuals Rearrested: DUI Court and Comparison Group



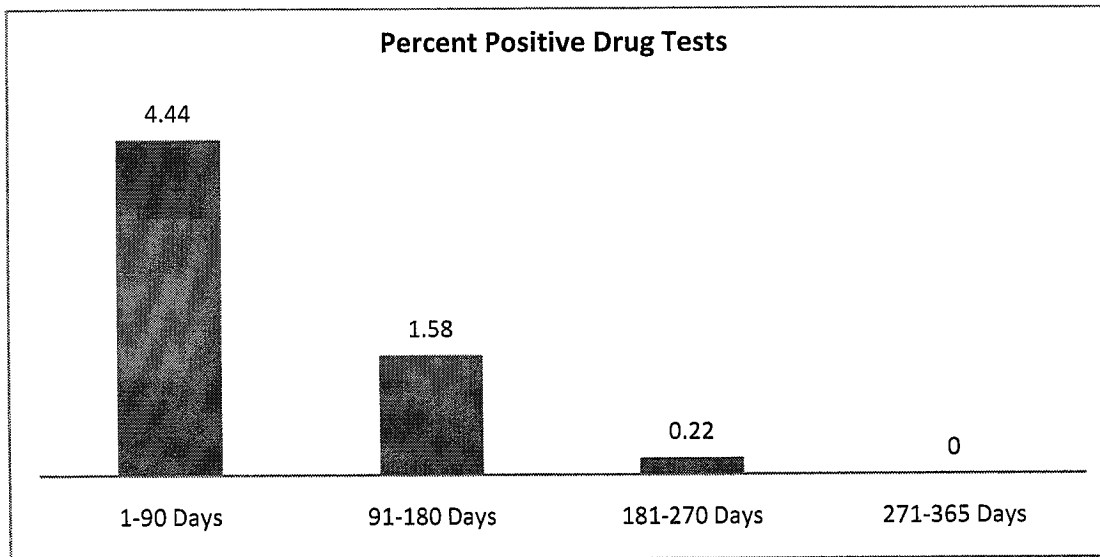
1c. Does participation in the DUI court program lead to more time to the first re-arrest compared to traditional court?

Yes. A survival analysis examined the time to re-arrest after participants were admitted into DUI court or traditional probation (offenders who went through “business as usual” probation processing.). For example, in one program the comparison group offenders were re-arrested two-times sooner after starting probation (for the DUI court eligible offense) than the DUI court participants ($p = .012$). The percentage of those arrested was also significantly higher for the comparison group. At the endpoint, 7.7% of DUI cases and 24.4% of comparison cases had been arrested ($p < .001$).

RESEARCH QUESTION #2: DOES PARTICIPATION IN DRUG COURT REDUCE LEVELS OF SUBSTANCE ABUSE?

YES. The percent of positive drug tests was measured in three month intervals for DUI court participants. The example in Figure C shows that participants in the DUI Court significantly decreased the percent of positive drug tests over time ($F = 5.340$; $p = .001$). This provides support that the DUI Court was instrumental in reducing the amount of illegal drug use during the first year participants spend in the program.

Figure C. Percent of Positive Drug Tests over One Year for the DUI Court Participants



However, results showed that DUI court was instrumental in reducing drug use but did not show a clear reduction in positive breathalyzer tests. The percent of positive breathalyzer tests varied in the three month intervals. This is most likely due to the extremely small number of positive alcohol tests, which is in itself a positive finding for DUI court.

RESEARCH QUESTION #3: ARE THE PROGRAMS SUCCESSFUL IN BRINGING PROGRAM PARTICIPANTS TO COMPLETION AND GRADUATION WITHIN THE EXPECTED TIME FRAME?

YES. Findings in all three DUI courts showed that the rates for DUI court graduation and retention ranged from 54% to 84%. The program retention and completion rates are comparable or higher than the rates for programs following the drug court model in the nation. For example, a study of nine drug courts in California showed an average retention rate of 56% (Carey et al., 2005).¹

In addition, in all three DUI courts, graduates completed the program within or sooner than the intended time frame for their programs.

¹ There is currently no national study of DUI courts, therefore comparisons are made to national adult drug court programs that include other drug use besides alcohol. The higher completion rates may be due to the difference in type of drug.

RESEARCH QUESTION #4: WHAT PARTICIPANT CHARACTERISTICS PREDICT PROGRAM GRADUATION AND DECREASED RECIDIVISM?

For Program Success (Graduation): Results showed that illegal drug use at the time of the arrest for the DUI offense, greater number of days spent in jail post-program start, a higher number of positive alcohol tests, greater numbers of sanctions imposed and a shorter stay in the program were all associated with lower graduation rates.

For Participant Recidivism: Data for all of the participants in the DUI Court program were examined to determine what characteristics predicted recidivism. Results showed that those with fewer dependents, lower numbers of previous misdemeanors and felonies, fewer days in treatment, higher number of jail days prior to program start, a higher number of sanctions and being male were more likely to be re-arrested.

RESEARCH QUESTION #5: DOES THE USE OF RESOURCES DIFFER BETWEEN DUI TREATMENT COURT VERSUS TRADITIONAL PROBATION?

YES. Results show that DUI court participants spent considerably more time in treatment than those on traditional probation (supporting the goals of the program of getting and keeping addicted offenders in treatment). Further, the average waiting period between arrest and sentencing (to probation or program entry) was significantly reduced in the DUI court. The number of days spent in jail prior to program or probation start and the total time in jail for that DUI case was also significantly reduced, thus saving the criminal justice system time and money. Time enrolled in the program was higher for DUI court participants compared to time spent on probation in the comparison group. Longer time spent in the program predicts success both in completing the program and in reducing recidivism.

Overall, these results demonstrate that the DUI court is effective in reducing recidivism and reducing drug and alcohol use while using less criminal justice system resources to accomplish these goals.

2008 South Carolina Laws Act 201 (H.B. 3496)

SOUTH CAROLINA 2008 SESSION LAWS
REGULAR SESSION
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Additions and deletions are not identified in this document.
Vetoed provisions within tabular material are not displayed.

Act 201
H.B. No. 3496
MOTOR VEHICLES

Incident site and breath test site videotaping

SECTION 11. Section 56-5-2953 of the 1976 Code is amended to read:

<< **SC ST § 56-5-2953** >>

Section 56-5-2953. (A) A person who violates Section 56-5-2930, 56-5-2933, or 56-5-2945 must have his conduct at the incident site and the breath test site video recorded.

(1)(a) The video recording at the incident site must:

- (i) not begin later than the activation of the officer's blue lights;
- (ii) include any field sobriety tests administered; and
- (iii) include the arrest of a person for a violation of Section 56-5-2930 or Section 56-5-2933, or a probable cause determination in that the person violated Section 56-5-2945, and show the person being advised of his Miranda rights.

(b) A refusal to take a field sobriety test does not constitute disobeying a police command.

(2) The video recording at the breath test site must:

- (a) include the entire breath test procedure, the person being informed that he is being video recorded, and that he has the right to refuse the test;
- (b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and
- (c) also include the person's conduct during the required twenty-minute pre-test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period.

(3) The video recordings of the incident site and of the breath test site are admissible pursuant to the South Carolina Rules of Evidence in a criminal, administrative, or civil proceeding by any party to the action.

(B) Nothing in this section may be construed as prohibiting the introduction of other relevant evidence in the trial of a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. Failure by the arresting officer to produce the video recording required by this section is not alone a ground for dismissal of any charge made pursuant to Section 56-5-2930, 56-5-2933, or 56-5-2945 if the arresting officer submits a sworn affidavit certifying that the video recording equipment at the time of the arrest or probable cause determination, or video equipment at the breath test facility was in an inoperable condition, stating which reasonable efforts have been made to maintain the equipment in an operable condition, and certifying that there was no other operable breath test facility available in the county or, in the alternative, submits a sworn affidavit certifying that it was physically impossible to produce the video recording because the person needed emergency medical treatment, or exigent circumstances existed. In circumstances including, but not limited to, road blocks, traffic accident investigations, and citizens' arrests, where an arrest has been made and the video recording equipment

has not been activated by blue lights, the failure by the arresting officer to produce the video recordings required by this section is not alone a ground for dismissal. However, as soon as video recording is practicable in these circumstances, video recording must begin and conform with the provisions of this section. Nothing in this section prohibits the court from considering any other valid reason for the failure to produce the video recording based upon the totality of the circumstances; nor do the provisions of this section prohibit the person from offering evidence relating to the arresting law enforcement officer's failure to produce the video recording.

(C) A video recording must not be disposed of in any manner except for its transfer to a master recording for consolidation purposes until the results of any legal proceeding in which it may be involved are finally determined.

(D) SLED is responsible for purchasing, maintaining, and supplying all necessary video recording equipment for use at the breath test sites. SLED also is responsible for monitoring all breath test sites to ensure the proper maintenance of video recording equipment. The Department of Public Safety is responsible for purchasing, maintaining, and supplying all videotaping equipment for use in all law enforcement vehicles used for traffic enforcement. The Department of Public Safety also is responsible for monitoring all law enforcement vehicles used for traffic enforcement to ensure proper maintenance of video recording equipment.

(E) Beginning one month from the effective date of this section, all of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to equip all breath test sites with video recording devices and supplies. Once all breath test sites have been equipped fully with video recording devices and supplies, eighty-seven and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by the Department of Public Safety to purchase, maintain, and supply video recording equipment for vehicles used for traffic enforcement. The remaining twelve and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to purchase, maintain, and supply video recording equipment for the breath test sites. Funds must be distributed by the State Treasurer to the Department of Public Safety and SLED on a monthly basis. The Department of Public Safety and SLED are authorized to carry forward any unexpended funds received in accordance with Section 14-1-208(C)(9) as of June thirtieth of each year and to expend these carried forward funds for the purchase, maintenance, and supply of video recording equipment. The Department of Public Safety and SLED must report the revenue received under this section and the expenditures for which the revenue was used as required in the department's and SLED's annual appropriation request to the General Assembly.

(F) The Department of Public Safety and SLED must promulgate regulations necessary to implement the provisions of this section.

(G) The provisions contained in Section 56-5-2953(A), (B), and (C) take effect for each law enforcement vehicle used for traffic enforcement once the law enforcement vehicle is equipped with a video recording device. The provisions contained in Section 56-5-2953(A), (B), and (C) take effect for a breath test site once the breath test site is equipped with a video recording device.

DUI/DWI laws

June 2009

All 50 states and the District of Columbia have per se laws defining it as a crime to drive with a blood alcohol concentration (BAC) at or above a proscribed level, 0.08 percent.

License suspension or revocation traditionally follows conviction for alcohol-impaired driving. Under a procedure called administrative license suspension, licenses are taken before conviction when a driver fails or refuses to take a chemical test. Because administrative license suspension laws are independent of criminal procedures and are invoked right after arrest, they've been found to be more effective than traditional post-conviction sanctions. Administrative license suspension laws are in place in 41 states and the District of Columbia.

Some offenders in 47 states and the District of Columbia are permitted to drive only if their vehicles have been equipped with ignition interlocks. These devices analyze a driver's breath and disable the ignition if the driver has been drinking.

In 32 states, multiple offenders may have to forfeit their vehicles.

Laws prohibiting the driver, passengers, or both from possessing an open container of alcohol in the passenger compartment of a vehicle are in place in 43 states and the District of Columbia.

State	BAC defined as illegal per se	Administrative license suspension 1st offense?	Restore driving privileges during suspension?	Do penalties include interlock	Vehicle forfeiture for multiple offenses	Open container laws
Alabama	0.08	90 days	no	no	no	driver/passenger
Alaska	0.08	90 days	after 30 days ¹	yes	yes	driver
Arizona	0.08	90 days	after 30 days ¹	yes	yes	driver/passenger
Arkansas	0.08	120 days	yes ¹	yes	yes	no
California	0.08	4 months	after 30 days ¹	yes	yes	driver/passenger
Colorado	0.08	3 months	yes ¹	yes	no	driver/passenger
Connecticut	0.08	90 days	yes ¹	yes	no	no
Delaware	0.08	3 months	no	yes	no	no
District of Columbia	0.08	2-90 days	yes ¹	yes	no	driver/passenger
Florida	0.08	6 months	after 30 days ¹	yes	yes	driver/passenger

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Georgia	0.08	1 year	yes ¹	yes	yes	driver/passenger
Hawaii	0.08	3 months	after 30 days ¹	yes	no	driver/passenger
Idaho	0.08	90 days	after 30 days ¹	yes	no	driver/passenger
Illinois	0.08	3 months	after 30 days ¹	yes	yes	driver/passenger
Indiana	0.08	180 days	after 30 days ¹	yes	yes	driver/passenger
Iowa	0.08	180 days	after 90 days ¹	yes	no	driver/passenger
Kansas	0.08	30 days	no	yes	no	driver
Kentucky	0.08	no	not applicable	yes	yes	driver/passenger
Louisiana	0.08	90 days	after 30 days ¹	yes	yes	driver/passenger
Maine	0.08	90 days	yes ¹	yes	yes	driver/passenger
Maryland	0.08	45 days	yes ¹	yes	no	driver/passenger
Massachusetts	0.08	90 days	no	yes	yes	driver/passenger
Michigan	0.08 ²	no	not applicable	yes	yes	driver/passenger
Minnesota	0.08	90 days	after 15 days ¹	yes	yes	driver/passenger
Mississippi	0.08	90 days	no	yes	yes	no
Missouri	0.08	30 days	no	yes	yes	no
Montana	0.08	no	not applicable	yes	yes	driver/passenger
Nebraska	0.08	90 days	after 30 days ¹	yes	no	driver/passenger
Nevada	0.08	90 days	after 45 days ¹	yes	no	driver/passenger
New Hampshire	0.08	6 months	no	yes	no	driver/passenger
New Jersey	0.08	no	not applicable	yes	no	driver/passenger
New Mexico	0.08	90 days	after 30 days ¹	yes	no	driver/passenger
New York	0.08	variable ³	yes ¹	yes	yes	driver/passenger
North Carolina	0.08	30 days	after 10 days ¹	yes	yes	driver/passenger

North Dakota	0.08	91 days	after 30 days ¹	yes	yes	driver/passenger
Ohio	0.08	90 days	after 15 days ¹	yes	yes	driver/passenger
Oklahoma	0.08	180 days	yes ¹	yes	yes	driver
Oregon	0.08	90 days	after 30 days ¹	yes	yes	driver/passenger
Pennsylvania	0.08	no	not applicable	yes	yes	driver/passenger
Rhode Island	0.08	no	not applicable	yes	yes	driver
South Carolina	0.08	no	not applicable	yes	yes	driver/passenger
South Dakota	0.08	no	not applicable	no	no	driver/passenger
Tennessee	0.08	no	not applicable	yes	yes	driver ⁴
Texas	0.08	90 days	yes ¹	yes	yes	driver/passenger
Utah	0.08	90 days	no	yes	no	driver/passenger
Vermont	0.08	90 days	no	no	yes	driver/passenger
Virginia	0.08	7 days	no	yes	yes	no
Washington	0.08	90 days	after 30 days ¹	yes	yes	driver/passenger
West Virginia	0.08	6 months	after 30 days ¹	yes	no	no
Wisconsin	0.08	6 months	yes ¹	yes	yes	driver/passenger
Wyoming	0.08	90 days	yes ¹	yes	no	driver/passenger

¹Drivers usually must demonstrate special hardship to justify restoring privileges during suspension, and then privileges often are restricted.

²The 0.08 per se BAC law in Michigan contains a sunset clause which states that the legal BAC will revert to 0.10 on October 1, 2013.

³In New York, administrative license suspension lasts until prosecution is complete.

⁴In Tennessee, municipalities and counties can prohibit passengers from possessing an open container.

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Office of the Revisor of Statutes

300 SW 10th Ave.
Suite 010-E, Statehouse
Topeka, KS 66612
Telephone: (785) 296-2321

MEMORANDUM

TO: Members of the 2009 DUI Commission
FROM: Doug Taylor, Assistant Revisor of Statutes
DATE: July 2, 2009
SUBJECT: DUI Proposals Introduced in the 2009 Legislative Session

The 2009 Legislative Session saw the introduction of five basic DUI-related proposals, in addition to House Bill No. 2096, which passed into law and was discussed yesterday. This memorandum will explain and outline the details of these proposals.

House Bill No. 2263

House Bill No. 2263 was introduced and had a hearing in the House Judiciary committee in February, and currently remains there. It creates the crime of aggravated driving under the influence and revises the penalties for additional driving under the influence violations, was the subject of a thorough memorandum drafted by Senior Assistant Revisor Jill Wolters. This memorandum has been attached at the end of this document and includes all necessary information regarding the proposal. In sum, the bill has the following effects:

- Creation of the crime of aggravated driving under the influence through the establishment of twelve aggravating factors. Standard "driving under the influence," as defined in K.S.A. 8-1567, in combination with any of these factors results in aggravated driving under the influence.
- Establishment of specific penalties for first, second, and third or subsequent convictions for each of the twelve aggravating factors.
- Establishment of payment schedules for fines, to be set by the Court. The offender shall be allowed to pay off the fine through community service work. Additionally, the Court shall order the offender's vehicle to be impounded or interlocked. Diversion agreements are not allowed in the case of an aggravated driving under the influence offense, and every offender is required to undergo a pre-sentence drug and alcohol abuse evaluation.
- Establishment of a presumption that if the alcohol concentration is less than .04, the offender was not under the influence of alcohol to a degree that impaired his or her ability to operate a vehicle. However, this fact may be considered in conjunction with additional competent evidence to determine if the offender was under the influence of both drugs and alcohol to a degree that impaired his or her ability to safely operate a vehicle. Further, if the alcohol concentration is .08 or more, the standard is changed from "renders

DUI Commission 2009

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Attachment 8

the person incapable of driving safely” to “impaired the defendant’s ability to safely operate a vehicle.”

- Addition of new language stating that if any drug or any metabolite of such drug is found to be present in the offender’s blood, such a finding is *prima facie* evidence that the offender was under the influence of drugs to a degree that impaired the offender’s ability to safely operate a vehicle.
- Creation of a mandatory fine of \$250 for refusal to take a preliminary screening test. Such a refusal may also be used against the individual in court.
- Amendment of K.S.A. 8-1014 to increase the administrative penalties for test refusal and failure.
- Repeal of the current provision of law allowing an offender to drive an employer’s vehicle during normal business hours.
- Increased penalties for tampering with an ignition interlock (K.S.A. 8-1017).
- Increased penalties for driving under the influence (K.S.A. 8-1567).

House Bill No. 2315

House Bill No. 2315 was introduced in the House Judiciary committee, and was referred to the House Appropriations committee where a hearing was held. The bill was then re-referred to House Judiciary where it remains. It proposed amendments to the current penalties of license suspension and restriction in the event of a refusal or failure of a preliminary screening test. A chart (also compiled by Senior Assistant Revisor Jill Wolters) outlining the specific changes to the current penalties is attached at the end of this document. The general trend of these changes is as follows:

- For refusal to submit to a test, all suspensions are decreased, while all restrictions are increased.
- For failure of a test, suspensions remain the same (with the exception of first and fifth/subsequent offenses), while all restrictions are increased.
- For failure of a test with a high blood-alcohol content (.15 or greater), suspensions remain the same, while all restrictions are increased.

It is also important to note that House Substitute for Senate Bill No. 95, which was substituted by the House Judiciary committee and placed on General Orders, contains all of the contents of House Bill No. 2315 plus several clarifying amendments.

Senate Bill No. 279

Senate Bill No. 279 was introduced and heard in the Senate Judiciary committee, where it remains. It concerns the penalty for the offense of involuntary manslaughter while driving under the influence of alcohol or drugs. The changes made by this bill would establish a mandatory 120 month imprisonment as a condition of probation. Additionally, in the event of such an offense, the bill would require this 120 month imprisonment to supercede the standard sentencing guidelines, unless the sentencing guidelines would impose a sentence of greater than 120 months. In such an instance, the sentencing guidelines would be applied.

Senate Bill No. 280

Senate Bill No. 280 was introduced and heard in the Senate Judiciary committee, where it remains. It concerns license suspensions and restrictions for offenders under the age of 21. Its primary change was to create a new penalty for first offenses (one year interlock restriction), and essentially move the existing penalties down. For example, a second offense would now result in a one year license suspension (followed by a one year restriction in the event of a second offense with a high blood-alcohol content), and so on.

Senate Bill No. 289

Senate Bill No. 289 was introduced in the Senate Judiciary committee, and remains there. It concerns the severity level for the crime of leaving the scene of a vehicle accident. The only change that would result from the bill would be to amend the severity level for leaving the scene of an accident that results in the death of another person. This offense would be increased from a severity level 9, person felony, to a severity level 4, person felony.

Office of Revisor of Statutes
300 S.W. 10th Avenue
Suite 010-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296-2321 FAX (785) 296-6668

MEMORANDUM

To: Chairman Kinzer and members of the House Judiciary Committee
From: Jill Ann Wolters, Senior Assistant Revisor
Date: June 29, 2009
Subject: HB 2263, driving under the influence **CORRECTED**

House Bill No. 2263 creates the crime of aggravated driving under the influence (agg. DUI) and revises penalties for certain driving under the influence violations.

Agg. DUI is driving under the influence as defined in K.S.A. 8-1567 and:

1. Alcohol concentration is .24 or more.
2. Violating K.S.A. 8-235, driving without a valid license.
3. Violating K.S.A. 8-262, driving while license cancelled, suspended or revoked.
4. Violating K.S.A. 8-286, habitual violator.
5. At a time when such person's driving privileges are restricted to operation of a vehicle equipped with an interlock ignition device.
6. Violating K.S.A. 8-1605, duties of the driver upon damaging an unattended vehicle or other property, stop and notify.
7. Violating K.S.A. 8-1606, duties of the driver to give notice of an accident to police.
8. Having one or more children under the age of 18 years in the vehicle at the time of the offense.
9. Such person's actions result in the unintentional injury of a human being.
10. Recklessly, causing bodily harm to another person.
11. Such person's actions result in the unintentional injury of a human being resulting in great bodily harm.
12. Such person's actions result in the unintentional killing of a human being.

Conviction of 1 through 6:

FIRST: Class A nonperson misdemeanor; 180 days minimum to one year imprisonment; mandatory 10 consecutive days county jail; fine minimum \$1,000 maximum \$1,500; drug and alcohol abuse treatment program required.

SECOND: Nonperson felony; one year imprisonment; mandatory 90 consecutive days county jail, work release after 30 days; fine minimum \$1,500 maximum \$2,500; mandatory one year postrelease supervision term with department of corrections (DOC); during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

THIRD OR SUBSEQUENT: Nonperson felony; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required; mandatory DOC custody:

3rd - 12 to 18 months
4th and sub - 24 to 60 months.

Conviction of 7 through 9:

FIRST: Class A nonperson misdemeanor; one year imprisonment; mandatory 30 consecutive days county jail, work release or house arrest after 15 days; fine minimum \$1,000 maximum \$1,500; drug and alcohol abuse treatment program required.

SECOND: Person felony; 18 months imprisonment in DOC custody; mandatory 180 consecutive days county jail, work release after 90 days; fine minimum \$1,500 maximum \$2,500; mandatory one year postrelease supervision term with DOC; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

THIRD OR SUBSEQUENT: Person felony; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required; mandatory DOC custody:

3rd - 18 to 36 months
4th and sub - 30 to 60 months.

Conviction of 10:

FIRST: Severity level 8, person felony; mandatory 60 consecutive days imprisonment; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

SECOND: Severity level 7, person felony; mandatory 180 consecutive days imprisonment; for criminal history purposes, all felonies considered person felonies; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

THIRD OR SUBSEQUENT: Severity level 6, person felony; mandatory 365 consecutive days imprisonment; for criminal history purposes, all felonies considered person felonies; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

Conviction of 11:

FIRST: Severity level 5, person felony; mandatory 90 consecutive days imprisonment; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

SECOND: Severity level 4, person felony; mandatory 60 consecutive days imprisonment; for criminal history purposes, all felonies considered person felonies; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

THIRD OR SUBSEQUENT: Severity level 3, person felony; mandatory 180 consecutive days imprisonment; for criminal history purposes, all felonies considered person felonies; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

Conviction of 12:

FIRST: Severity level 4, person felony; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

SECOND: Severity level 3, person felony; for criminal history purposes, all felonies considered person felonies; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

THIRD OR SUBSEQUENT: Severity level 3, person felony; all felonies considered person felonies ; during postrelease, inpatient or outpatient alcohol and drug abuse program, including an approved aftercare plan or mental health counseling required.

The Court shall establish payment schedules for fines and shall allow the offender to pay off the fine by performing community service work. Further, the Court shall order interlock or impoundment on the offender's vehicles. No diversion agreements are allowed if violating agg. DUI. Every offender is required to submit to a pre-sentence drug and alcohol abuse evaluation.

The bill further provides that if the alcohol concentration is less than .04, it is presumed that the defendant was not under the influence of alcohol to a degree that impaired the defendant's ability to operate a vehicle, except that this fact may be considered with other competent evidence to determine if the defendant was under the influence of both alcohol and drugs to a degree that impaired the defendant's ability to safely operate a vehicle.

When the alcohol concentration is .08 or more, the standard is being amended from "renders the person incapable of driving safely" to "impaired the defendant's ability to safely operate a vehicle."

Further, the bill adds new language that if there was present in the defendant's blood any drug or any metabolite of such drug, it is *prima facie* evidence that the defendant was under the influence of drugs to a degree that impaired the defendant's ability to safely operate a vehicle.

The bill adds a mandatory fine for refusing to take the preliminary screening test, \$250, and states such refusal may be used against such person in court.

K.S.A. 8-1014 is amended to increase the administrative penalties for test refusal and failure.

Test refusal:

FIRST: Suspend drivers license for 2 years (currently 1 year)

SECOND: Suspend drivers license for 5 years (currently 2 years)

THIRD OR SUBSEQUENT: Drivers license permanently revoked (currently, 3rd 3 years, 4th 10 years, 5th and sub permanently)

Test failure or conviction:

FIRST: Suspend drivers license for 30 days, restrict for an additional 330 days (this is current law)

SECOND: Suspend drivers license for 1 year, restrict for an additional 1 year to ignition interlock (this is current law)

THIRD: Suspend drivers license for 3 years, restrict for an additional 2 years to ignition interlock (current law is same as second)

FOURTH OR SUBSEQUENT: Drivers license permanently revoked (currently, 4th same as second and 5th and sub permanently)

Test failure or conviction if .15 or greater:

FIRST: Suspend drivers license for 1 year, restrict for an additional 1 year (this is current law)

SECOND: Suspend drivers license for 1 year, restrict for an additional 2 years to ignition interlock (this is current law)

THIRD: Suspend drivers license for 3 years, restrict for an additional 3 years to ignition interlock (current law is 1 year suspension, 3 years interlock)

FOURTH OR SUBSEQUENT: Drivers license permanently revoked (currently, 4th is 1 year suspension, 4 years interlock and 5th and sub permanently)

Further, the provision in law that currently allows an offender to drive an employer's vehicle during normal business hours is repealed.

The penalties for tampering with ignition interlock have been increased, K.S.A 8-1017. (See page 23, beginning on Line 20.)

The penalties for DUI, K.S.A. 8-1567, have been increased as follows:

FIRST: The minimum 48 consecutive hours has been increased to 30 days; no public service is allowed.

SECOND: The minimum 90 day imprisonment has been increased to 180 days; mandatory county jail time increased from 5 to 10 consecutive days; 5 days must be served before work release (currently 48 hours).

THIRD: Mandatory 1 year imprisonment (current law 90 days); mandatory county jail time 90 consecutive days (current law); 10 days must be served before work release (currently 48 hours).

FOURTH AND SUBSEQUENT: Nonperson felony; DOC custody

4th - 6 to 18 months

5th - 12 to 24 months

6th - 18 to 36 months

7th or sub - 24 to 60 months' imprisonment.

	REFUSAL bill/current law		FAILURE bill/current law		FAILURE High BAC bill/current law	
	Suspend	Restrict	Suspend	Restrict	Suspend	Restrict
first	30 days /1 year	2 years/ 1 year	45 days/ 30 days	1 year/330 days	45 days/1 year	2 years/ 1 year
second	1 year /2 years	3 years/ 0	1 year/1 year	2 years/1 year	1 year/1 year	3 years/2 years
third	1 year /3 years	4 years/ 0	1 year/1 year	3 year/1 year	1 year/1 year	4 years/3 years
fourth	1 year /10years	5 years/ 0	1 year/1 year	4 year/1 year	1 year/1 year	5 years/4 years
fifth and sub	1 year /perman ent	permanent ignition interlock	1 year/permanent	permanent ignition interlock	1 year/permanent	permanent ignition interlock