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**Testimony to the House Judiciary Committee
In Support of SB405**

March 11, 2020

Chairman Patton and Committee Members:

Our associations support SB405 which are recommendations from the Judicial Council to amend some of the DUI laws.

The use of ignition interlock devices (IID) has proven to be effective in reducing DUI recidivism and reducing alcohol related crashes and fatalities.

Indigency appears to be a significant issue for people not complying with their IID restrictions by not having a device installed in their vehicle as required. This results in their driver's license being suspended indefinitely and unquestionably their continued driving while suspended. Data supplied to the Judicial Council DUI Advisory Committee¹ revealed 48% of the driver's required to install an IID failed comply. Of those failing to comply, 75% were subsequently cited for driving offenses while suspended. The current indigency program, ran by the vendor's, does not appear to be working and results in inconsistent reductions in cost for those determined to be indigent.² Of 10,206 IID installations in 2018 only 290 (2.8%) were provided indigency relief. SB405 provides a different approach to indigency determination that includes expanded eligibility, determination of indigency by the Division of Vehicles and not the vendors, and a sliding scale of indigency rates based on income levels in addition to the current food assistance program enrollment eligibility. This will allow those with greater needs to receive greater assistance. The goal of this is to increase the percentage of those required to have IID to actually have them installed which will result in changed behavior, restoration of driving privileges, and reduced recidivism.

The bill also provides a compliance-based incentive provision designed to encourage compliance. Failure to comply can result in extending the IID period since that demonstrates the person is still attempting to drive when intoxicated or is attempting to circumvent the device.

The bill corrects a provision in the current law requiring a driver under age 21 to have the IID for a longer period at a low BAC (.02 to .08) than if they have a higher BAC (.08 to .15). The bill reduces the longer period of IID for the lower BAC level to the same as the higher BAC level.

These are common sense changes to the DUI laws that will improve IID compliance and reduce recidivism.

The Judicial Council committee continues to work on other aspects of the DUI laws and I encourage you to refer any suggestions for further amendments to them for study rather than amend this bill. We encourage you to move this bill forward favorably for passage.

Ed Klumpp
Legislative Liaison

¹ [Judicial Council DUI Advisory Committee Report](#), January 23, 2020, page 2

² Same, page 2.