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## **OLR Bill Analysis**

### **sHB 5553**

#### ***AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.***

#### **SUMMARY:**

This bill makes a number of changes to the driving under the influence (DUI) laws. Among these changes, it:

1. places an additional restriction on driving with an ignition interlock device after a second DUI conviction;
2. allows a DUI offender whose license is permanently revoked to request restoration sooner but requires lifetime use of an ignition interlock device after restoration;
3. reinstates an alcohol and drug addiction treatment program with two changes and allows anyone who was participating in the program or eligible to participate in it when it was eliminated on December 31, 2011 to complete it or an equivalent program designated by the Department of Motor Vehicles (DMV) commissioner and seek license reinstatement if he or she (a) begins participation by December 31, 2012 and (b) submits evidence of compliance with the prior law by June 30, 2014;
4. increases, from \$25 to \$75, the maximum participation fee an organization conducting a victim impact panel program can charge a DUI offender who is ordered to attend the program by the court (currently they can charge a \$75 fee for panels in the pretrial alcohol education program); and
5. makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2012; except (1) January 1, 2013, for the required lifetime ignition interlock use after license reinstatement for third or subsequent DUI offenders and (2) upon passage, for

restoration of the alcohol and drug addiction treatment program and the provision on people participating in or eligible for it on December 31, 2011.

### **IGNITION INTERLOCK DEVICES**

After a second DUI conviction, the law requires an offender to operate a motor vehicle with an ignition interlock for three years after his or her license suspension period ends. The bill additionally limits driving during the first year with the interlock after license restoration to driving to or from work or school, an alcohol or drug abuse treatment program, appointment with a probation officer, or ignition interlock service center. The commissioner must note this restriction on the driver's electronic records, as she does for current ignition interlock requirements.

For a third or subsequent DUI conviction, the law requires an offender's license to be permanently revoked, but he or she can request a reversal or reduction. The bill reduces the period the offender must wait before requesting a restoration hearing from six to two years. If his or her license is restored, the bill requires use of an ignition interlock device as long as he or she drives a vehicle, instead of only 10 years after license restoration.

By law, the DMV commissioner can extend periods of required ignition interlock device use beyond those required in the statute under regulations she adopts (CGS § 14-227a(i)(10)).

For use of an ignition interlock device after a first or second DUI conviction, the bill requires the offender to verify to the commissioner, in a way the commissioner requires, that the device is installed. Prior law specified that the commissioner did not have to verify installation of the devices.

### **TREATMENT PROGRAMS**

PA 11-48 and PA 11-51, effective January 1, 2012, eliminated the alcohol and drug addiction treatment program. This program was required for people with (1) licenses suspended for DUI convictions or

two or more administrative per se violations and (2) boating certificates suspended or revoked for 2<sup>nd</sup> degree manslaughter with a vessel (which involves operating under the influence), operating a vessel under the influence, or 1<sup>st</sup> or 2<sup>nd</sup> degree reckless operation of a vessel under the influence convictions. A person had to complete the program before DMV could consider reinstating the offender's driver's license.

The bill reinstates this program with two changes: (1) those with suspended licenses due to DUI convictions or administrative per se violations only participate if required by DMV and (2) DMV's authority to adopt regulations to implement the program is not restored.

Prior law, reinstated by the bill:

1. requires the treatment program to include (a) a DMV-approved alcohol abuse and treatment assessment, (b) intensive treatment, and (c) continuing aftercare supervision and monitoring on an individual basis;
2. requires the DMV commissioner to design the treatment program with advice and assistance from (a) the Motor Vehicle Operator's License Medical Advisory Board, (b) any state agency, or (c) any public or private entity that provides responsible services to treat alcohol and drug addiction;
3. allows the DMV commissioner to approve private organizations to provide the program if they meet her qualifications and the DMV-approved fees charged participants pay the program's costs;
4. allows a person to petition in writing to waive participation in the program if he or she (a) is undergoing or recently completed a substance abuse treatment program and (2) does not, based on a licensed physician's examination, have a current addiction problem affecting the ability to drive or a significant risk of having one; and

5. allows a person to appeal DMV's decision according to the Uniform Administrative Procedure Act.

### ***Court Ordered Treatment***

For second and subsequent DUI convictions, the bill requires an offender to submit to an alcohol or drug abuse assessment through the Judicial Branch's Court Support Services Division and undergo a treatment program if ordered to do so by the court. Existing law allows the court to order a DUI offender to participate in an alcohol education and treatment program (CGS § 14-227a(j)).

## **BACKGROUND**

### ***DUI Suspensions***

By law, motorists convicted of DUI are subject to imprisonment, a fine, and suspension of their driver's licenses. Table 1 shows the DUI suspension period penalties the law imposes.

**Table 1: License Suspensions for DUI violations**

<b>DUI Violation</b>	<b>License Suspension</b>
First	45 days, followed by one year driving only a vehicle equipped with an ignition interlock device
Second (under age 21)	45 days or until driver turns 21, whichever is longer, followed by three years of driving only a vehicle equipped with an ignition interlock device
Second (age 21 or older)	45 days, followed by three years of driving only a vehicle equipped with an ignition interlock device

### ***Administrative Per Se Suspensions***

These are suspensions the commissioner must impose on drivers who refuse to submit to a test or whose test results indicate an elevated blood alcohol content (BAC); they are in addition to any suspension penalties imposed for conviction of any criminal DUI charge. By law, the commissioner must suspend the license of a person with a BAC of between 0.08 and 0.16 for 90 days for a first offense; nine months for a

second offense; and two years for a third or subsequent offense. The license suspension period for a driver who refuses to take a test is six months for a first offense, one year for a second offense, and three years for a third or subsequent offense.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/02/2012)