
OLR Bill Analysis

sHB 5553 (as amended by House "A")*

AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.

SUMMARY:

This bill makes a number of changes to the driving under the influence (DUI) laws, including:

1. placing restrictions on the first year of driving with an ignition interlock device after a second DUI conviction;
2. allowing a DUI offender whose license is permanently revoked to request restoration sooner but requiring lifetime use of an ignition interlock device after restoration, subject to a request for removal of the device for good cause after 15 years of use;
3. increasing, 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
4. making technical and conforming changes.

*House Amendment "A" (1) allows a person subject to lifetime ignition interlock use under the bill's provisions to request a hearing on removing the device after 15 years; (2) deletes a provision reinstating the alcohol and drug addiction treatment program and allowing anyone previously participating in or eligible for it to complete the new program or an equivalent one; and (3) deletes a provision allowing a second-time DUI offender to drive to an appointment with a probation officer during the first year of driving with an ignition interlock.

EFFECTIVE DATE: July 1, 2012; except for the provisions on lifetime ignition interlock use after license reinstatement for third or subsequent DUI offenders, which is effective January 1, 2013.

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, 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 for 10 years after license restoration. But the bill allows the person to request a hearing on removing the ignition interlock after 15 years of use and allows the commissioner to authorize removal if she finds good cause after the hearing.

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.

ASSESSMENT AND 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

DUI Violation	License Suspension
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)

Transportation Committee

Joint Favorable

Yea 31 Nay 0 (04/26/2012)