



Senate

General Assembly

File No. 719

January Session, 2013

Substitute Senate Bill No. 1166

Senate, May 6, 2013

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING IGNITION INTERLOCK DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, and (B)
7 be (i) imprisoned not more than six months, forty-eight consecutive
8 hours of which may not be suspended or reduced in any manner, or
9 (ii) imprisoned not more than six months, with the execution of such
10 sentence of imprisonment suspended entirely and a period of
11 probation imposed requiring as a condition of such probation that
12 such person perform one hundred hours of community service, as
13 defined in section 14-227e, and (C) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for
15 forty-five days and, as a condition for the restoration of such license,

16 be required to install an ignition interlock device on each motor vehicle
17 owned or operated by such person and, upon such restoration, be
18 prohibited for the one-year period following such restoration from
19 operating a motor vehicle unless such motor vehicle is equipped with
20 a functioning, approved ignition interlock device, as defined in section
21 14-227j; (2) for conviction of a second violation within ten years after a
22 prior conviction for the same offense, (A) be fined not less than one
23 thousand dollars or more than four thousand dollars, (B) be
24 imprisoned not more than two years, one hundred twenty consecutive
25 days of which may not be suspended or reduced in any manner, and
26 sentenced to a period of probation requiring as a condition of such
27 probation that such person: (i) Perform one hundred hours of
28 community service, as defined in section 14-227e, (ii) submit to an
29 assessment through the Court Support Services Division of the Judicial
30 Branch of the degree of such person's alcohol or drug abuse, and (iii)
31 undergo a treatment program if so ordered, and (C) (i) if such person is
32 under twenty-one years of age at the time of the offense, have such
33 person's motor vehicle operator's license or nonresident operating
34 privilege suspended for forty-five days or until the date of such
35 person's twenty-first birthday, whichever is longer, and, as a condition
36 for the restoration of such license, be required to install an ignition
37 interlock device on each motor vehicle owned or operated by such
38 person and, upon such restoration, be prohibited for the three-year
39 period following such restoration from operating a motor vehicle
40 unless such motor vehicle is equipped with a functioning, approved
41 ignition interlock device, as defined in section 14-227j, except that for
42 the first year of such three-year period, such person's operation of a
43 motor vehicle shall be limited to such person's transportation to or
44 from work or school, an alcohol or drug abuse treatment program or
45 an ignition interlock device service center, or (ii) if such person is
46 twenty-one years of age or older at the time of the offense, have such
47 person's motor vehicle operator's license or nonresident operating
48 privilege suspended for forty-five days and, as a condition for the
49 restoration of such license, be required to install an ignition interlock
50 device on each motor vehicle owned or operated by such person and,

51 upon such restoration, be prohibited for the three-year period
52 following such restoration from operating a motor vehicle unless such
53 motor vehicle is equipped with a functioning, approved ignition
54 interlock device, as defined in section 14-227j, except that for the first
55 year of such three-year period, such person's operation of a motor
56 vehicle shall be limited to such person's transportation to or from work
57 or school, an alcohol or drug abuse treatment program or an ignition
58 interlock device service center; and (3) for conviction of a third and
59 subsequent violation within ten years after a prior conviction for the
60 same offense, (A) be fined not less than two thousand dollars or more
61 than eight thousand dollars, (B) be imprisoned not more than three
62 years for conviction of a third violation within ten years after a prior
63 conviction for the same offense, or be imprisoned not more than five
64 years for conviction of a fourth or subsequent violation within ten
65 years after a prior conviction for the same offense, one year of [which]
66 either such sentence may not be suspended or reduced in any manner,
67 and sentenced to a period of probation requiring as a condition of such
68 probation that such person: (i) Perform one hundred hours of
69 community service, as defined in section 14-227e, (ii) submit to an
70 assessment through the Court Support Services Division of the Judicial
71 Branch of the degree of such person's alcohol or drug abuse, and (iii)
72 undergo a treatment program if so ordered, and (C) have such person's
73 motor vehicle operator's license or nonresident operating privilege
74 permanently revoked upon such third offense, except that if such
75 person's revocation is reversed or reduced pursuant to subsection (i) of
76 section 14-111, such person shall be prohibited from operating a motor
77 vehicle unless such motor vehicle is equipped with a functioning,
78 approved ignition interlock device, as defined in section 14-227j, for
79 the time period prescribed in subdivision (2) of subsection (i) of section
80 14-111. For purposes of the imposition of penalties for a second or
81 third and subsequent offense pursuant to this subsection, a conviction
82 under the provisions of subsection (a) of this section in effect on
83 October 1, 1981, or as amended thereafter, a conviction under the
84 provisions of either subdivision (1) or (2) of subsection (a) of this
85 section, a conviction under the provisions of section 53a-56b or 53a-60d

86 or a conviction in any other state of any offense the essential elements
 87 of which are determined by the court to be substantially the same as
 88 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
 89 or 53a-60d, shall constitute a prior conviction for the same offense.

90 Sec. 2. Section 14-227b of the general statutes is amended by adding
 91 subsection (q) as follows (*Effective January 1, 2014*):

92 (NEW) (q) Notwithstanding any provision of this chapter, if the
 93 commissioner suspends any operator's license or nonresident
 94 operating privilege pursuant to this section, the commissioner shall
 95 order such person to install an approved ignition interlock device in
 96 each motor vehicle owned or to be operated by such person, in
 97 accordance with the time period and requirements set forth in
 98 regulations that the commissioner shall adopt in accordance with
 99 chapter 54.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-227a(g)
Sec. 2	<i>January 1, 2014</i>	14-227b

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below
Department of Motor Vehicles	TF - Cost	45,107	47,587
Department of Motor Vehicles; Comptroller- Fringe Benefits ¹	TF - Cost	15,580	16,436

Municipal Impact: None

Explanation

It is anticipated that the Department of Motor Vehicles will need one additional staff position to handle the increased case load associated with requiring violations of the implied consent law to install an ignition interlock device in all owned and operated motor vehicles. In FY 12 there were 7,500 violations of the implied consent law. A processing technician makes approximately \$42,107 a year plus fringe benefits. DMV is responsible for processing all applications for an ignition interlock device and monitoring any violations.

The bill increases the maximum prison sentence for fourth and subsequent violations of driving under the influence. To the extent that offenders receive longer prison sentences under this bill, potential costs for incarceration would result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

The Out Years

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1166****AN ACT CONCERNING IGNITION INTERLOCK DEVICES.****SUMMARY:**

This bill:

1. increases, from three to five years, the maximum prison sentence for fourth and subsequent convictions of driving under the influence (DUI) and
2. requires the Department of Motor Vehicles (DMV) commissioner, when suspending someone's license for a violation of the implied consent law, to order the person to install ignition interlock devices (IID) in any motor vehicle he or she owns or operates.

EFFECTIVE DATE: October 1, 2013, except the IID requirement is effective January 1, 2014.

DUI PENALTIES

Under current law, third and subsequent DUI convictions are punishable by up to three years in prison with a one-year mandatory minimum sentence, probation with 100 hours of community service, and a fine of \$2,000 to \$8,000. The bill increases the maximum prison term from three to five years for a fourth or subsequent DUI conviction. It does not change the other penalties including the one-year mandatory minimum sentence. Table 1 displays the penalties under current law, unchanged by the bill, for first, second, and third DUI convictions within 10 years of a prior conviction.

Table 1: Penalties Under Current Law and the Bill for 1st, 2nd, and 3rd DUI Convictions

Conviction	Prison Sentence	Fine
First	Either (1) up to six months with a mandatory minimum of 48 hours or (2) up to six months suspended with probation requiring 100 hours of community service	\$500-\$1,000
Second	Up to two years, with a mandatory minimum of 120 days and probation with 100 hours community service	\$1,000-\$4,000
Third	Up to three years, with mandatory minimum of one year and probation with 100 hours community service	\$2,000-\$8,000

The law also requires license suspensions for DUI offenders and, for second and subsequent convictions, alcohol and drug abuse assessments. The court can require treatment.

IMPLIED CONSENT LICENSE SUSPENSIONS AND IID USE

The implied consent law requires an administrative license suspension process for drivers who refuse to submit to a blood-alcohol content test (BAC) or whose test results indicate an elevated BAC (.08 in most cases).

If the DMV commissioner suspends a person's drivers' license or nonresident operating privilege under the implied consent law, the bill requires her to (1) order the person to install an approved IID in each motor vehicle he or she owns or operates and (2) adopt regulations on the requirements and time periods for the IID's use.

IIDs require a driver to breathe into the device in order to operate the vehicle and prevent the driver from driving under the influence of alcohol. The law already requires a period of IID use after completing a license suspension period for a DUI conviction.

BACKGROUND

Related Bills

sHB 6701, reported favorably by the Judiciary Committee, increases the criminal penalties for three DUI-related crimes involving passengers under age 16. It applies to first DUI convictions; 2nd degree manslaughter with a motor vehicle; and 2nd degree assault with a

motor vehicle. For the latter two crimes, the increased penalty applies only if the child was killed or seriously injured, respectively.

sHB 6495, (File 368), reported favorably by the Transportation Committee, (1) allows certain people convicted of DUI to drive to probation appointments in the first year of driving only cars equipped with ignition interlock devices and (2) makes ineligible for the pre-trial alcohol education program anyone charged with DUI who held a commercial driver's license or commercial driver's instruction permit at the time of the violation, regardless of whether he or she was driving a commercial motor vehicle.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)