

FEB 25 1998

JUDICIARY

HOUSE FILE
BY THOMSON

2428

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to substance abuse assessment and treatment
2 coordination and provision of drunk driving courses by state-
3 licensed substance abuse agencies to convicted operating-
4 while-intoxicated offenders, and making related changes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2428

1 Section 1. Section 321J.3, Code Supplement 1997, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 4. Substance abuse agencies licensed
4 pursuant to chapter 125 shall coordinate the substance abuse
5 evaluation and treatment for convicted offenders assigned to
6 such evaluation and treatment under this chapter.

7 a. A locally licensed substance abuse agency shall be
8 designated as the initial contact for persons subject to a
9 court order to obtain substance abuse evaluation and treatment
10 in conjunction with a violation of this chapter, and the court
11 shall direct the offenders to such agency.

12 b. In addition to any necessary evaluation of the
13 offender, the agency shall provide information pertaining to
14 substance abuse classes offered in the area, including those
15 offered at community colleges pursuant to section 321J.22.

16 c. The agency shall monitor compliance of offenders
17 subject to an order of the court, and shall transmit treatment
18 and class completion information to the court and appropriate
19 agencies.

20 d. The division of substance abuse of the department of
21 public health may adopt rules pursuant to chapter 17A as
22 necessary to administer this subsection.

23 Sec. 2. Section 321J.22, Code Supplement 1997, is amended
24 to read as follows:

25 321J.22 DRINKING DRIVERS COURSE.

26 1. As used in this section, unless the context otherwise
27 requires:

28 a. "Course for drinking drivers" means an approved course
29 designed to inform the offender about drinking and driving and
30 encourage the offender to assess the offender's own drinking
31 and driving behavior in order to select practical
32 alternatives.

33 b. "Satisfactory completion of a course" means receiving
34 at the completion of a course a grade from the course
35 instructor of "C" or "2.0," or better.

1 2. The course provided according to this section ~~shall~~ may
2 be offered on a regular basis at each community college as
3 defined in section 260C.2.

4 a. Enrollment in the courses is not limited to persons
5 ordered to enroll, attend, and successfully complete the
6 course required under sections 321J.2 and 321J.17, subsection
7 2.

8 b. The course ~~required-by~~ provided pursuant to this
9 section subsection shall be taught by the community colleges
10 under the department of education and approved by the
11 department, in coordination with the division of substance
12 abuse of the department of public health.

13 c. The department of education shall establish reasonable
14 fees to defray the expense of obtaining classroom space,
15 instructor salaries, and class materials.

16 3. The course provided according to this section may also
17 be offered by a substance abuse agency licensed pursuant to
18 chapter 125.

19 a. Enrollment in the course is not limited to persons
20 required to enroll, attend, and successfully complete a course
21 for drinking drivers pursuant to this chapter.

22 b. The course provided according to this subsection shall
23 be taught by qualified staff trained in a state-approved
24 curriculum.

25 c. The division of substance abuse of the department of
26 public health may establish reasonable fees to defray the
27 expenses associated with offering the class.

28 4. A person shall not be denied enrollment in a course by
29 reason of the person's indigency.

30 ~~3-~~ 5. An employer shall not discharge a person from
31 employment solely for the reason of work absence to attend a
32 course required by this section. Any employer who violates
33 this section is liable for damages which include but are not
34 limited to actual damages, court costs, and reasonable
35 attorney fees. The person may also petition the court for

1 imposition of a cease and desist order against the person's
2 employer and for reinstatement to the person's previous
3 position of employment.

4 ~~4-~~ 6. a. The department of education shall prepare a list
5 of the locations of the courses taught under this section, the
6 dates and times taught, the procedure for enrollment, and the
7 schedule of course fees. The list shall be kept current and a
8 copy of the list shall be sent to ~~each-court-having~~
9 ~~jurisdiction-over-offenses-provided-in-this-chapter~~ the
10 division of substance abuse of the department of public health
11 for dissemination to substance abuse agencies licensed
12 pursuant to chapter 125.

13 ~~5-~~ b. The department of education shall maintain
14 enrollment, attendance, successful and unsuccessful
15 completion data on the persons ordered to enroll, attend, and
16 successfully complete a course for drinking drivers. This
17 data shall be forwarded to the local substance abuse agency
18 responsible for coordinating the substance abuse treatment and
19 the court.

20 5. The division of substance abuse of the department of
21 public health shall monitor programs offered under this
22 section, shall evaluate and update such programs as necessary,
23 and shall arrange for training of instructors as necessary.
24 The department may adopt rules pursuant to chapter 17A
25 consistent with this section.

26 EXPLANATION

27 This bill provides that substance abuse agencies licensed
28 under Code chapter 125 will be the initial contact point for
29 persons subject to a court order regarding substance abuse
30 evaluation and treatment for an operating-while-intoxicated
31 (OWI) offense. Legislation passed in 1997 required such
32 assessment and treatment for all convicted OWI offenders, and
33 Code section 321J.3 provides that certain provisions of Code
34 chapter 125 apply to such treatment. This bill provides that
35 local agencies licensed under Code chapter 125 are responsible

1 for coordinating the assessment and treatment program of
2 convicted offenders, and shall report to the court and
3 necessary agencies on compliance and completion of courses and
4 other treatment by such offenders.

5 The bill also provides that such agencies may offer
6 drinking driver's courses regulated under Code section
7 321J.22, in addition to the community colleges that currently
8 provide such courses. The bill eliminates the requirement
9 that community colleges offer such courses, and makes such
10 offerings voluntary. Information related to such courses,
11 including completion data, is directed to be sent by the
12 department of education to the department of health, substance
13 abuse division, and the locally licensed substance abuse
14 agency responsible for coordinating the assessment and
15 treatment of the offenders.

16 The bill provides that the department of public health,
17 substance abuse division, shall monitor, evaluate, and update
18 programs offered pursuant to Code section 321J.22. The bill
19 authorizes the department to adopt rules as necessary to
20 administer the new provisions of Code sections 321J.3 and
21 321J.22.

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