

FILED MAR 2 1998
Rereferred To: Judiciary

SENATE FILE 2370
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2173)

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

A BILL FOR

1 An Act relating to the punishment for the offense of driving
2 while a license is suspended, denied, revoked, or barred for
3 an operating while intoxicated offense, and to the use of
4 ignition interlock devices.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

S.F. 2370

1 Section 1. Section 321J.4, subsection 8, Code Supplement
2 1997, is amended to read as follows:

3 8. a. (1) On a conviction for or as a condition of a
4 deferred-judgment-for probation or parole associated with a
5 violation of section 321J.2, the court ~~may~~ shall order the
6 defendant to install ignition interlock devices of a type
7 approved by the commissioner of public safety on all motor
8 vehicles owned or operated by the defendant which, without
9 tampering or the intervention of another person, would prevent
10 the defendant from operating the motor vehicle with an alcohol
11 concentration greater than a level set by rule of the
12 commissioner of public safety.

13 (2) Prior to completion of the mandatory minimum sentence
14 imposed pursuant to section 321J.2, the defendant may enter
15 into an agreement with the court stating all of the following:

16 (a) That the defendant will install an ignition interlock
17 device of a type approved by the commissioner of public safety
18 in all motor vehicles owned or operated by the defendant, if
19 such devices are not already installed. The defendant shall
20 provide proof of installation of such devices when applying
21 for a temporary restricted license.

22 (b) That, unless and until the defendant has obtained a
23 temporary restricted license, the defendant will not drive a
24 motor vehicle. After obtaining a temporary restricted
25 license, the defendant will not drive, except in accordance
26 with the terms of the temporary restricted license, and only
27 in a motor vehicle in which an ignition interlock device has
28 been installed.

29 (3) If the defendant signs such an agreement, and provides
30 proof to the court that such devices have been installed as
31 agreed, the court shall reduce a fine imposed under section
32 321J.2, subsection 2, by five hundred dollars.

33 (4) If the defendant violates any provision of the
34 agreement entered into under this subparagraph, the court
35 shall hold the defendant in criminal contempt and impose a

1 jail sentence; shall order that the department revoke any
2 temporary restricted license and not issue another to the
3 defendant during the period of the defendant's suspension,
4 denial, revocation, or bar of motor vehicle operating
5 privileges under this chapter; and shall find that the
6 defendant has violated the conditions of any probation or
7 parole, if applicable.

8 b. The commissioner of public safety shall adopt rules to
9 approve certain ignition interlock devices and the means of
10 installation of the devices, and shall establish the level of
11 alcohol concentration beyond which an ignition interlock
12 device will not allow operation of the motor vehicle in which
13 it is installed.

14 c. (1) The order to install ignition interlock devices
15 shall remain in effect for a period of time as determined by
16 the court ~~which shall not exceed the maximum term of~~
17 ~~imprisonment which the court could have imposed according to~~
18 ~~the nature of the violation,~~ which may extend through any of
19 the following time periods:

20 (a) The period of the defendant's temporary restricted
21 license, following the minimum period of ineligibility imposed
22 under this chapter.

23 (b) The time period of the defendant's suspension,
24 revocation, denial, or bar of motor vehicle operating
25 privileges for any violation of this chapter.

26 (c) Any term of probation ordered by the court for a
27 violation of this chapter, or during any term of parole
28 ordered by the board of parole after serving a sentence for a
29 violation of this chapter.

30 (2) While the order is in effect, the defendant shall not
31 operate a motor vehicle which does not have an approved
32 ignition interlock device installed.

33 d. If the defendant's motor vehicle license or nonresident
34 operating privilege has been revoked, the department shall not
35 issue a temporary permit or a motor vehicle license to the

1 person without certification that approved ignition interlock
2 devices have been installed in all motor vehicles owned or
3 operated by the defendant while the order is in effect.

4 e. A defendant who fails within a reasonable time to
5 comply with an order to install an approved ignition interlock
6 device may be declared in contempt of court and punished
7 accordingly.

8 f. A person who tampers with or circumvents an ignition
9 interlock device installed under a court order while an order
10 is in effect commits a serious misdemeanor.

11 g. A defendant shall submit proof of deinstallation of
12 ignition interlock devices installed on all motor vehicles
13 owned or operated by the defendant as a precondition to
14 reinstatement of the defendant's license.

15 Sec. 2. Section 321J.17, subsection 2, unnumbered
16 paragraph 3, Code Supplement 1997, is amended to read as
17 follows:

18 3. If the person has installed ignition interlock devices
19 on motor vehicles owned or operated by the person, the person
20 shall submit to the department proof of deinstallation of all
21 ignition interlock devices installed pursuant to section
22 321J.4 prior to reinstatement of motor vehicle operating
23 privileges by the department.

24 4. A motor vehicle license or nonresident operating
25 privilege shall not be reinstated until proof of completion of
26 the requirements of this subsection section is presented to
27 the department.

28 Sec. 3. Section 321J.21, Code Supplement 1997, is amended
29 to read as follows:

30 321J.21 DRIVING WHILE LICENSE SUSPENDED, DENIED, REVOKED,
31 OR BARRED.

32 1. A person whose motor vehicle license or nonresident
33 operating privilege has been suspended, denied, revoked, or
34 barred due to a violation of this chapter and who drives a
35 motor vehicle while the license or privilege is suspended,

1 denied, revoked, or barred commits the following offenses:

2 a. For a first offense, a serious misdemeanor, punishable
3 with a mandatory fine of one thousand dollars.

4 b. For a second offense, a serious misdemeanor, punishable
5 with a fine of one thousand five hundred dollars and a
6 mandatory minimum sentence of imprisonment in the county jail
7 for not less than forty-eight hours, judgment on which shall
8 not be deferred, and which minimum sentence for imprisonment
9 shall not be suspended or deferred, notwithstanding the
10 provisions of sections 901.5 and 907.3.

11 c. For a third or subsequent offense, an aggravated
12 misdemeanor, punishable with a fine of two thousand dollars,
13 and a mandatory minimum sentence of imprisonment in the county
14 jail or community-based correctional facility of not less than
15 seven days, judgment on which shall not be deferred, and which
16 minimum sentence for imprisonment shall not be suspended or
17 deferred, notwithstanding the provisions of sections 901.5 and
18 907.3.

19 2. In addition to the fine and any mandatory minimum
20 sentence of imprisonment, the department, upon receiving the
21 record of the conviction of a person under this section upon a
22 charge of driving a motor vehicle while the license of the
23 person was suspended, denied, revoked, or barred shall extend
24 the period of suspension, denial, revocation, or bar for an
25 additional like period, and the department shall not issue a
26 new license during the additional period.

27 Sec. 4. Section 907.3, subsection 1, Code Supplement 1997,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. k. The offense is a violation of section
30 321J.21.

31 Sec. 5. Section 907.3, subsection 2, Code Supplement 1997,
32 is amended by adding the following new paragraph:

33 NEW PARAGRAPH. e. A mandatory minimum sentence imposed
34 under section 321J.21.

35 Sec. 6. Section 907.3, subsection 3, Code Supplement 1997,

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. e. A mandatory minimum sentence imposed
3 under section 321J.21.

4 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
5 3, shall not apply to this Act.

6 EXPLANATION

7 This bill amends the Code sections regarding the use of
8 ignition interlock devices and punishment for driving while a
9 license is suspended, denied, revoked, or barred for an
10 operating while intoxicated (OWI) violation.

11 The bill requires all persons convicted of, or placed on
12 probation or parole in connection with, an OWI offense to
13 install an ignition interlock device. The court may set the
14 duration of the installation according to the period of the
15 defendant's temporary restricted license; the time of the
16 defendant's suspension, denial, revocation, or bar of motor
17 vehicle operating privileges for violations of Code chapter
18 321J; or for the duration of any term of parole or probation
19 arising from a violation of Code chapter 321J.

20 Prior to completion of the mandatory minimum sentence
21 imposed under Code section 321J.2, the defendant may execute
22 an agreement with the court that promises that the defendant
23 will install an interlock device on all vehicles owned or
24 possessed by the defendant, will provide proof of installation
25 of the interlock device when applying for a temporary
26 restricted license following the minimum period of
27 ineligibility under the Code chapter, will not drive without a
28 temporary restricted license, will abide by the conditions of
29 the temporary restricted license, and will only drive vehicles
30 equipped with an interlock device when using the temporary
31 restricted license. Agreement to these conditions will result
32 in a \$500 reduction in the fine imposed under Code section
33 321J.2. Violation of any of the conditions will result in a
34 finding of contempt of court and a jail sentence; a revocation
35 of any temporary restricted license and a bar against issuance

1 of a temporary restricted license during the period of
2 suspension, denial, revocation, or bar of motor vehicle
3 operating privileges under Code chapter 321J; and, if
4 applicable, a finding that the defendant has violated the
5 conditions of probation or parole.

6 The defendant shall submit proof of deinstallation of the
7 interlock device prior to reinstatement of the defendant's
8 driver's license following the period of suspension, denial,
9 revocation, or bar of operating privileges under Code chapter
10 321J. A corresponding amendment is made to Code section
11 321J.17 to require such proof as a prerequisite to license
12 reinstatement.

13 Code section 321J.21 is amended to create a graduated
14 punishment scheme for driving while a license is suspended,
15 denied, revoked, or barred for an OWI violation. A first
16 offense is punishable by a current \$1,000 fine. For a second
17 offense, the fine is \$1,500, plus the requirement that the
18 court impose a mandatory minimum sentence of imprisonment of
19 48 hours in the county jail. A third offense is punishable by
20 a fine of \$2,000, and a mandatory minimum sentence of seven
21 days.

22 This bill may include a state mandate as defined in Code
23 section 25B.3. This bill makes inapplicable Code section
24 25B.2, subsection 3, which would relieve a political
25 subdivision from complying with a state mandate if funding for
26 the cost of the state mandate is not provided or specified.
27 Therefore, political subdivisions are required to comply with
28 any state mandate included in this bill.

29
30
31
32
33
34
35

SENATE FILE 2370
FISCAL NOTE

REQ. BY SENATOR MCKEAN

The estimate for Senate File 2370 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2370 requires that upon conviction of, or as a condition of, probation or parole associated with a violation of Section 321J.2, Code of Iowa (Operating While Intoxicated), the Court shall order the defendant to install an alcohol detection ignition interlocking device on all vehicles he or she owns or operates to prevent him or her from operating the vehicle with an alcohol concentration higher than a level set by Administrative Rule.

When the offender provides proof of installation of the interlocking device, the Court shall reduce the imposed fine by \$500. If the offender violates the interlocking device agreement, the Court shall hold the offender in criminal contempt and impose a jail sentence and order the restricted temporary driver license be revoked.

The penalties for driving while licenses are suspended, denied, revoked, or barred are increased. The fine for the first offense remains a serious misdemeanor with a \$1,000 fine. The fine for a second offense is a serious misdemeanor with a \$1,500 fine and a mandatory minimum sentence of 48 hours of jail confinement which may not be suspended or deferred. The third offense is an aggravated misdemeanor with a fine of \$2,000 and a mandatory minimum sentence of seven days in the county jail or community-based correctional facility which may not be suspended or deferred.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will remain constant.
2. Prisoner length of stay, revocation rates, and other corrections policies will remain constant.
3. It will be six months before the first offender is convicted and comes under the control of the corrections system.
4. There will be 17,500 offenders annually who will be ordered to install the alcohol detection ignition interlocking device. Of these, 12,000 will be on probation or parole; 5,500 will not receive supervision from a community-based corrections district department.
5. Sixty-one percent of the offenders (10,700 offenders) who are required to install an interlocking device will be fined.
6. The collection rates for these fines are 38.0% for serious misdemeanors, 28.0% for aggravated misdemeanors, and 17.0% for felonies. The weighted average collection rate is 34.6%.
7. The persons installing an interlocking device will receive a \$500 reduction in their fines.
8. The reduction in revenues will be only for the 34.6% who would have paid

-2-

their fines.

9. Of the 12,000 offenders receiving supervision, 3,000 are expected to be revoked. This leaves 9,000 who could be revoked for tampering with the device. There is no information on how many will tamper with their interlocking devices.
10. There are 1,700 convictions per year for driving while their license is suspended, denied, revoked, or barred. Half already receive jail terms and will not be affected by the Bill. Seventy-eight percent (850) are first time offenders and will receive a fine without a jail sentence, 15.0% (130) will have one prior conviction and will receive a two-day jail sentence, and 7.0% (60) will have two or more prior convictions and will receive a seven-day jail sentence.
11. The average cost per day for holding a jail inmate is \$55.
12. The fines for first time offenders are not increased. Fines for second time offenders are increased by \$500 and will apply to 130 offenders. Fines for third and subsequent offenders are increased by \$1,000 and will apply to 60 offenders.
13. There is no estimate for the number of contempt hearings that will result from this change.

CORRECTIONAL IMPACT

There is no estimate for the number of days that will be spent in jail due to contempt of court.

The changes for driving while one's license is suspended, denied, revoked, or barred will cause offenders to serve an additional 337 days in jail in FY 1999 and an additional 674 days in jail in the following years.

FISCAL IMPACT

The decrease in fine revenues for the General Fund due to the fine reduction for persons installing alcohol detection interlocking devices is estimated to be \$900,000 in FY 1999 and \$1.8 million in following years.

The enhanced fines for driving while one's license is suspended, denied, revoked, or barred is projected to increase General Fund revenues by \$21,000 in FY 1999 and \$41,000 in following years.

There is no estimate for the cost of the contempt hearings.

The cost to the counties for additional jail inmates is projected to be \$19,000 in FY 1999 and \$37,000 in following years.

The Office of Public Defender, Department of Transportation, Department of Public Safety, Attorney General, and Department of Corrections do not project significant operating cost increases under SF 2370.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Judicial Branch
Office of the Public Defender
Department of Corrections
Department of Public Safety
Department of Transportation
Department of Justice

(LSB 4199SV, MDF)

FILED MARCH 12, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

McKean
Halvorson
Redfern

SSB-2173

Judiciary

FILED BY
SF/HF 2370

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

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

A BILL FOR

1 An Act relating to the punishment for the offense of driving
2 while a license is suspended, denied, revoked, or barred for
3 an operating while intoxicated offense, and to the use of
4 ignition interlock devices.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 321J.4, subsection 8, Code Supplement
2 1997, is amended to read as follows:

3 8. a. (1) On a conviction for or as a condition of a
4 deferred-judgment-for probation or parole associated with a
5 violation of section 321J.2, the court may shall order the
6 defendant to install ignition interlock devices of a type
7 approved by the commissioner of public safety on all motor
8 vehicles owned or operated by the defendant which, without
9 tampering or the intervention of another person, would prevent
10 the defendant from operating the motor vehicle with an alcohol
11 concentration greater than a level set by rule of the
12 commissioner of public safety.

13 (2) Prior to completion of the mandatory minimum sentence
14 imposed pursuant to section 321J.2, the defendant may enter
15 into an agreement with the court stating all of the following:

16 (a) That the defendant will install an ignition interlock
17 device of a type approved by the commissioner of public safety
18 in all motor vehicles owned or operated by the defendant, if
19 such devices are not already installed. The defendant shall
20 provide proof of installation of such devices when applying
21 for a temporary restricted license.

22 (b) That, unless and until the defendant has obtained a
23 temporary restricted license, the defendant will not drive a
24 motor vehicle. After obtaining a temporary restricted
25 license, the defendant will not drive, except in accordance
26 with the terms of the temporary restricted license, and only
27 in a motor vehicle in which an ignition interlock device has
28 been installed.

29 (3) If the defendant signs such an agreement, and provides
30 proof to the court that such devices have been installed as
31 agreed, the court shall reduce a fine imposed under section
32 321J.2, subsection 2, by five hundred dollars.

33 (4) If the defendant violates any provision of the
34 agreement entered into under this subparagraph, the court
35 shall hold the defendant in criminal contempt and impose a

1 jail sentence; shall order that the department revoke any
2 temporary restricted license and not issue another to the
3 defendant during the period of the defendant's suspension,
4 denial, revocation, or bar of motor vehicle operating
5 privileges under this chapter; and shall find that the
6 defendant has violated the conditions of any probation or
7 parole, if applicable.

8 b. The commissioner of public safety shall adopt rules to
9 approve certain ignition interlock devices and the means of
10 installation of the devices, and shall establish the level of
11 alcohol concentration beyond which an ignition interlock
12 device will not allow operation of the motor vehicle in which
13 it is installed.

14 c. (1) The order to install ignition interlock devices
15 shall remain in effect for a period of time as determined by
16 the court ~~which shall not exceed the maximum term of~~
17 ~~imprisonment which the court could have imposed according to~~
18 ~~the nature of the violation,~~ which may extend through any of
19 the following time periods:

20 (a) The period of the defendant's temporary restricted
21 license, following the minimum period of ineligibility imposed
22 under this chapter.

23 (b) The time period of the defendant's suspension,
24 revocation, denial, or bar of motor vehicle operating
25 privileges for any violation of this chapter.

26 (c) Any term of probation ordered by the court for a
27 violation of this chapter, or during any term of parole
28 ordered by the board of parole after serving a sentence for a
29 violation of this chapter.

30 (2) While the order is in effect, the defendant shall not
31 operate a motor vehicle which does not have an approved
32 ignition interlock device installed.

33 d. If the defendant's motor vehicle license or nonresident
34 operating privilege has been revoked, the department shall not
35 issue a temporary permit or a motor vehicle license to the

1 person without certification that approved ignition interlock
2 devices have been installed in all motor vehicles owned or
3 operated by the defendant while the order is in effect.

4 e. A defendant who fails within a reasonable time to
5 comply with an order to install an approved ignition interlock
6 device may be declared in contempt of court and punished
7 accordingly.

8 f. A person who tampers with or circumvents an ignition
9 interlock device installed under a court order while an order
10 is in effect commits a serious misdemeanor.

11 g. A defendant shall submit proof of deinstallation of
12 ignition interlock devices installed on all motor vehicles
13 owned or operated by the defendant as a precondition to
14 reinstatement of the defendant's license.

15 Sec. 2. Section 321J.17, subsection 2, unnumbered
16 paragraph 3, Code Supplement 1997, is amended to read as
17 follows:

18 3. If the person has installed ignition interlock devices
19 on motor vehicles owned or operated by the person, the person
20 shall submit to the department proof of deinstallation of all
21 ignition interlock devices installed pursuant to section
22 321J.4 prior to reinstatement of motor vehicle operating
23 privileges by the department.

24 4. A motor vehicle license or nonresident operating
25 privilege shall not be reinstated until proof of completion of
26 the requirements of this subsection section is presented to
27 the department.

28 Sec. 3. Section 321J.21, Code Supplement 1997, is amended
29 to read as follows:

30 321J.21 DRIVING WHILE LICENSE SUSPENDED, DENIED, REVOKED,
31 OR BARRED.

32 1. A person whose motor vehicle license or nonresident
33 operating privilege has been suspended, denied, revoked, or
34 barred due to a violation of this chapter and who drives a
35 motor vehicle while the license or privilege is suspended,

1 denied, revoked, or barred commits the following offenses:

2 a. For a first offense, a serious misdemeanor, punishable
3 with a mandatory fine of one thousand dollars.

4 b. For a second offense, a serious misdemeanor, punishable
5 with a fine of one thousand five hundred dollars and a
6 mandatory minimum sentence of imprisonment in the county jail
7 for not less than forty-eight hours, judgment on which shall
8 not be deferred, and which minimum sentence for imprisonment
9 shall not be suspended or deferred, notwithstanding the
10 provisions of sections 901.5 and 907.3.

11 c. For a third or subsequent offense, an aggravated
12 misdemeanor, punishable with a fine of two thousand dollars,
13 and a mandatory minimum sentence of imprisonment in the county
14 jail or community-based correctional facility of not less than
15 seven days, judgment on which shall not be deferred, and which
16 minimum sentence for imprisonment shall not be suspended or
17 deferred, notwithstanding the provisions of sections 901.5 and
18 907.3.

19 2. In addition to the fine and any mandatory minimum
20 sentence of imprisonment, the department, upon receiving the
21 record of the conviction of a person under this section upon a
22 charge of driving a motor vehicle while the license of the
23 person was suspended, denied, revoked, or barred shall extend
24 the period of suspension, denial, revocation, or bar for an
25 additional like period, and the department shall not issue a
26 new license during the additional period.

27 Sec. 4. Section 907.3, subsection 1, Code Supplement 1997,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. k. The offense is a violation of section
30 321J.21.

31 Sec. 5. Section 907.3, subsection 2, Code Supplement 1997,
32 is amended by adding the following new paragraph:

33 NEW PARAGRAPH. e. A mandatory minimum sentence imposed
34 under section 321J.21.

35 Sec. 6. Section 907.3, subsection 3, Code Supplement 1997,

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. e. A mandatory minimum sentence imposed
3 under section 321J.21.

4 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
5 3, shall not apply to this Act.

6 EXPLANATION

7 This bill amends the Code sections regarding the use of
8 ignition interlock devices and punishment for driving while a
9 license is suspended, denied, revoked, or barred for an
10 operating while intoxicated (OWI) violation.

11 The bill requires all persons convicted of, or placed on
12 probation or parole in connection with, an OWI offense to
13 install an ignition interlock device. The court may set the
14 duration of the installation according to the period of the
15 defendant's temporary restricted license; the time of the
16 defendant's suspension, denial, revocation, or bar of motor
17 vehicle operating privileges for violations of Code chapter
18 321J; or for the duration of any term of parole or probation
19 arising from a violation of Code chapter 321J.

20 Prior to completion of the mandatory minimum sentence
21 imposed under Code section 321J.2, the defendant may execute
22 an agreement with the court that promises that the defendant
23 will install an interlock device on all vehicles owned or
24 possessed by the defendant, will provide proof of installation
25 of the interlock device when applying for a temporary
26 restricted license following the minimum period of
27 ineligibility under the Code chapter, will not drive without a
28 temporary restricted license, will abide by the conditions of
29 the temporary restricted license, and will only drive vehicles
30 equipped with an interlock device when using the temporary
31 restricted license. Agreement to these conditions will result
32 in a \$500 reduction in the fine imposed under Code section
33 321J.2. Violation of any of the conditions will result in a
34 finding of contempt of court and a jail sentence; a revocation
35 of any temporary restricted license and a bar against issuance

1 of a temporary restricted license during the period of
2 suspension, denial, revocation, or bar of motor vehicle
3 operating privileges under Code chapter 321J; and, if
4 applicable, a finding that the defendant has violated the
5 conditions of probation or parole.

6 The defendant shall submit proof of deinstallation of the
7 interlock device prior to reinstatement of the defendant's
8 driver's license following the period of suspension, denial,
9 revocation, or bar of operating privileges under Code chapter
10 321J. A corresponding amendment is made to Code section
11 321J.17 to require such proof as a prerequisite to license
12 reinstatement.

13 Code section 321J.21 is amended to create a graduated
14 punishment scheme for driving while a license is suspended,
15 denied, revoked, or barred for an OWI violation. A first
16 offense is punishable by a current \$1,000 fine. For a second
17 offense, the fine is \$1,500, plus the requirement that the
18 court impose a mandatory minimum sentence of imprisonment of
19 48 hours in the county jail. A third offense is punishable by
20 a fine of \$2,000, and a mandatory minimum sentence of seven
21 days.

22 This bill may include a state mandate as defined in Code
23 section 25B.3. This bill makes inapplicable Code section
24 25B.2, subsection 3, which would relieve a political
25 subdivision from complying with a state mandate if funding for
26 the cost of the state mandate is not provided or specified.
27 Therefore, political subdivisions are required to comply with
28 any state mandate included in this bill.

29
30
31
32
33
34
35