

House File 112 - Introduced

HOUSE FILE _____
BY SMITH

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

A BILL FOR

1 An Act relating to the wearing of an alcohol monitoring device as
2 a condition of probation for certain
3 operating=while=intoxicated and related offenses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1867HH 83
6 rh/nh/14

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1 1 Section 1. Section 321J.1, Code 2009, is amended by adding
1 2 the following new paragraph:
1 3 NEW PARAGRAPH. 3A. "Continuous alcohol monitoring device"
1 4 means a portable device that automatically tests breath,
1 5 blood, or transdermal alcohol concentration levels at least
1 6 once every thirty minutes, detects tamper attempts regarding
1 7 such device, and automatically transmits such data to the
1 8 appropriate judicial district department of correctional
1 9 services, regardless of the location of the person being
1 10 monitored.

1 11 Sec. 2. Section 321J.2, subsection 2, paragraph b, Code
1 12 2009, is amended to read as follows:

1 13 b. An aggravated misdemeanor for a second offense, and
1 14 shall be imprisoned in the county jail or community-based
1 15 correctional facility not less than seven days, and assessed a
1 16 fine of not less than one thousand eight hundred seventy-five
1 17 dollars nor more than six thousand two hundred fifty dollars.
1 18 In addition, as a condition of probation, the court may order
1 19 the defendant to abstain from consuming or using alcohol or
1 20 any product containing alcohol and to wear a continuous
1 21 alcohol monitoring device for a period of time not to exceed
1 22 the defendant's period of probation.

1 23 Sec. 3. Section 321J.2, subsection 2, paragraph c, is
1 24 amended by adding the following new subparagraph:
1 25 NEW SUBPARAGRAPH. (3) In addition, as a condition of
1 26 probation, the court may order the defendant to abstain from
1 27 consuming or using alcohol or any product containing alcohol
1 28 and to wear a continuous alcohol monitoring device for a
1 29 period of time not to exceed the defendant's period of
1 30 probation.

1 31 Sec. 4. Section 321J.4, subsection 8, paragraph f, Code
1 32 2009, is amended to read as follows:

1 33 f. A person who tampers with or circumvents an ignition
1 34 interlock device installed under a court order while an order
1 35 is in effect commits a serious misdemeanor. In addition to
2 1 any other penalty for such violation, as a condition of
2 2 probation, the court may require the person to refrain from
2 3 consuming or using alcohol or any other products containing
2 4 alcohol and to wear a continuous alcohol monitoring device for
2 5 a period of time not to exceed the defendant's period of
2 6 probation.

2 7 Sec. 5. Section 321J.21, subsection 1, Code 2009, is
2 8 amended to read as follows:

2 9 1. A person whose driver's license or nonresident
2 10 operating privilege has been suspended, denied, revoked, or
2 11 barred due to a violation of this chapter and who drives a
2 12 motor vehicle while the license or privilege is suspended,
2 13 denied, revoked, or barred commits a serious misdemeanor. In
2 14 addition to any other penalties, the punishment imposed for a
2 15 violation of this subsection shall include assessment of a
2 16 fine of one thousand dollars. In addition, as a condition of
2 17 probation, the court may require the person to refrain from
2 18 consuming or using alcohol or any other products containing
2 19 alcohol and to wear a continuous alcohol monitoring device for

2 20 a period of time not to exceed the defendant's period of
2 21 probation.

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EXPLANATION

2 24 This bill provides that a person who is placed on probation
2 25 for a conviction of a second or subsequent
2 26 operating-while-intoxicated offense, who tampers with or
2 27 circumvents an ignition interlock device installed under a
2 28 court order while an order is in effect, or who drives a motor
2 29 vehicle while the person's driver's license or nonresident
2 30 operating privilege is suspended, denied, revoked, or barred
2 31 may be required by the court to refrain from consuming or
2 32 using alcohol or any other products containing alcohol and to
2 33 wear a continuous alcohol monitoring device for a period of
2 34 time not to exceed the defendant's period of probation.

2 35 The bill defines a continuous alcohol monitoring device as
3 1 a portable device that automatically tests breath, blood, or
3 2 transdermal alcohol concentration levels at least once every
3 3 30 minutes, detects tamper attempts regarding such device, and
3 4 automatically transmits such data to the appropriate judicial
3 5 district department of correctional services, regardless of
3 6 the location of the person being monitored.

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