

House File 2158 - Introduced

HOUSE FILE 2158

BY SALMON

A BILL FOR

1 An Act relating to the installation and use of ignition
2 interlock devices, establishing sobriety monitoring pilot
3 programs, and providing penalties.

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

1 Section 1. Section 321J.2, subsection 3, paragraph d, Code
2 2016, is amended to read as follows:

3 d. (1) Revocation of the person's driver's license for
4 a minimum period of one hundred eighty days up to a maximum
5 revocation period of one year, pursuant to section 321J.4,
6 subsection 1, section 321J.9, or section 321J.12, subsection
7 2. If a revocation occurs due to test refusal under section
8 321J.9, the defendant shall be ineligible for a temporary
9 restricted license for a minimum period of ninety days.

10 ~~(1)~~ (2) A defendant whose alcohol concentration is .08
11 or more ~~but not more than .10~~ shall not be eligible for any
12 temporary restricted license for at least thirty days if
13 a test was obtained and an accident resulting in personal
14 injury or property damage occurred or the defendant's alcohol
15 concentration exceeded .15. ~~The~~ There shall be no such
16 period of ineligibility if no such accident occurred and the
17 defendant's alcohol concentration did not exceed .15.

18 (3) Upon revocation, the department shall require the
19 defendant to install an ignition interlock device of a type
20 approved by the commissioner of public safety on all vehicles
21 owned or operated by the defendant if the defendant seeks a
22 temporary restricted license. There shall be no such period of
23 ineligibility if no such accident occurred, and the defendant
24 shall not be required to install an ignition interlock device.

25 ~~(2)~~ A defendant whose alcohol concentration is more than .10
26 shall not be eligible for any temporary restricted license for
27 at least thirty days if a test was obtained, and an accident
28 resulting in personal injury or property damage occurred or the
29 defendant's alcohol concentration exceeded .15. ~~There shall be~~
30 ~~no such period of ineligibility if no such accident occurred~~
31 ~~and the defendant's alcohol concentration did not exceed .15.~~
32 ~~In either case, where a defendant's alcohol concentration is~~
33 ~~more than .10, the department shall require the defendant to~~
34 ~~install an ignition interlock device of a type approved by the~~
35 ~~commissioner of public safety on all vehicles owned or operated~~

1 ~~by the defendant if the defendant seeks a temporary restricted~~
2 ~~license.~~

3 Sec. 2. Section 321J.4, subsection 1, paragraphs a and b,
4 Code 2016, are amended to read as follows:

5 a. A defendant whose alcohol concentration is .08 or
6 more ~~but not more than .10~~ shall not be eligible for any
7 temporary restricted license for at least thirty days if
8 a test was obtained and an accident resulting in personal
9 injury or property damage occurred or the defendant's alcohol
10 concentration exceeded .15. ~~The~~ There shall be no such
11 period of ineligibility if no such accident occurred and the
12 defendant's alcohol concentration did not exceed .15.

13 b. Upon revocation, the department shall require the
14 defendant to install an ignition interlock device of a type
15 approved by the commissioner of public safety on all vehicles
16 owned or operated by the defendant ~~if the defendant seeks a~~
17 ~~temporary restricted license. There shall be no such period of~~
18 ~~ineligibility if no such accident occurred, and the defendant~~
19 ~~shall not be required to install an ignition interlock device.~~

20 ~~b. A defendant whose alcohol concentration is more than .10~~
21 ~~shall not be eligible for any temporary restricted license for~~
22 ~~at least thirty days if a test was obtained and an accident~~
23 ~~resulting in personal injury or property damage occurred or the~~
24 ~~defendant's alcohol concentration exceeded .15. There shall be~~
25 ~~no such period of ineligibility if no such accident occurred~~
26 ~~and the defendant's alcohol concentration did not exceed .15.~~
27 ~~In either case, where a defendant's alcohol concentration is~~
28 ~~more than .10, the department shall require the defendant to~~
29 ~~install an ignition interlock device of a type approved by the~~
30 ~~commissioner of public safety on all vehicles owned or operated~~
31 ~~by the defendant if the defendant seeks a temporary restricted~~
32 ~~license.~~

33 Sec. 3. Section 321J.4, subsection 2, Code 2016, is amended
34 to read as follows:

35 2. If a defendant is convicted of a violation of section

1 321J.2, and the defendant's driver's license or nonresident
2 operating privilege has not already been revoked under section
3 321J.9 or 321J.12 for the occurrence from which the arrest
4 arose, the department shall revoke the defendant's driver's
5 license or nonresident operating privilege for one year if the
6 defendant submitted to chemical testing and has had a previous
7 conviction or revocation under this chapter and shall revoke
8 the defendant's driver's license or nonresident operating
9 privilege for two years if the defendant refused to submit to
10 chemical testing and has had a previous revocation under this
11 chapter. The defendant shall not be eligible for any temporary
12 restricted license for forty-five days after the effective date
13 of revocation if the defendant submitted to chemical testing
14 and shall not be eligible for any temporary restricted license
15 for ninety days after the effective date of revocation if the
16 defendant refused chemical testing. The temporary restricted
17 license shall be issued in accordance with section 321J.20,
18 subsection 2. ~~The~~ Upon revocation, the department shall
19 require the defendant to install an ignition interlock device
20 of a type approved by the commissioner of public safety on all
21 vehicles owned or operated by the defendant ~~if the defendant~~
22 ~~seeks a temporary restricted license at the end of the minimum~~
23 ~~period of ineligibility.~~ A temporary restricted license shall
24 not be granted by the department until the defendant installs
25 the ignition interlock device.

26 Sec. 4. Section 321J.4, subsection 3, paragraphs a and b,
27 Code 2016, are amended to read as follows:

28 a. A defendant whose alcohol concentration is .08 or
29 more ~~but not more than .10~~ shall not be eligible for any
30 temporary restricted license for at least thirty days if
31 a test was obtained and an accident resulting in personal
32 injury or property damage occurred or the defendant's alcohol
33 concentration exceeded .15. ~~The~~ There shall be no such
34 period of ineligibility if no such accident occurred and the
35 defendant's alcohol concentration did not exceed .15.

1 b. Upon revocation, the department shall require the
2 defendant to install an ignition interlock device of a type
3 approved by the commissioner of public safety on all vehicles
4 owned or operated by the defendant ~~if the defendant seeks a~~
5 ~~temporary restricted license. There shall be no such period of~~
6 ~~ineligibility if no such accident occurred, and the defendant~~
7 ~~shall not be required to install an ignition interlock device.~~

8 ~~b. A defendant whose alcohol concentration is more than .10~~
9 ~~shall not be eligible for any temporary restricted license for~~
10 ~~at least thirty days if a test was obtained and an accident~~
11 ~~resulting in personal injury or property damage occurred or the~~
12 ~~defendant's alcohol concentration exceeded .15. There shall be~~
13 ~~no such period of ineligibility if no such accident occurred~~
14 ~~and the defendant's alcohol concentration did not exceed .15.~~
15 ~~In either case, where a defendant's alcohol concentration is~~
16 ~~more than .10, the department shall require the defendant to~~
17 ~~install an ignition interlock device of a type approved by the~~
18 ~~commissioner of public safety on all vehicles owned or operated~~
19 ~~by the defendant if the defendant seeks a temporary restricted~~
20 ~~license.~~

21 Sec. 5. Section 321J.4, subsection 4, Code 2016, is amended
22 to read as follows:

23 4. Upon a plea or verdict of guilty of a third or subsequent
24 violation of [section 321J.2](#), the department shall revoke the
25 defendant's driver's license or nonresident operating privilege
26 for a period of six years. The defendant shall not be eligible
27 for a temporary restricted license for one year after the
28 effective date of the revocation. ~~The~~ Upon revocation, the
29 department shall require the defendant to install an ignition
30 interlock device of a type approved by the commissioner
31 of public safety on all vehicles owned or operated by the
32 defendant ~~if the defendant seeks a temporary restricted license~~
33 ~~at the end of the minimum period of ineligibility.~~ A temporary
34 restricted license shall not be granted by the department until
35 the defendant installs the ignition interlock device.

1 Sec. 6. Section 321J.4, subsection 8, paragraph a, Code
2 2016, is amended to read as follows:

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

12 Sec. 7. Section 321J.4, subsection 8, paragraph c, Code
13 2016, is amended to read as follows:

14 c. The order to install ignition interlock devices shall
15 remain in effect for ~~a period of time as determined by the~~
16 ~~court which shall not exceed the maximum term of imprisonment~~
17 ~~which the court could have imposed according to the nature of~~
18 ~~the violation~~ the period of time required by section 321.20A.
19 While the order is in effect, the defendant shall not operate
20 a motor vehicle which does not have an approved ignition
21 interlock device installed.

22 Sec. 8. Section 321J.4B, subsection 5, paragraph d, Code
23 2016, is amended to read as follows:

24 d. The period of impoundment or immobilization of a motor
25 vehicle under [this section](#) shall be the period of license
26 revocation imposed upon the person convicted of the offense
27 or one hundred eighty days, whichever period is longer. The
28 impoundment or immobilization period shall commence on the day
29 that the vehicle is first impounded or immobilized. However,
30 the period of time required to have an ignition interlock
31 device installed in the vehicle shall be as provided in section
32 321J.20A.

33 Sec. 9. Section 321J.9, subsection 2, paragraph b, Code
34 2016, is amended to read as follows:

35 b. The Upon revocation, the department shall require the

1 defendant to install an ignition interlock device of a type
2 approved by the commissioner of public safety on all vehicles
3 owned or operated by the defendant ~~if the defendant seeks a~~
4 ~~temporary restricted license at the end of the minimum period~~
5 ~~of ineligibility~~. A temporary restricted license shall not
6 be granted by the department until the defendant installs the
7 ignition interlock device.

8 Sec. 10. Section 321J.12, subsection 2, Code 2016, is
9 amended to read as follows:

10 2. *a.* A person whose driver's license or nonresident
11 operating privileges have been revoked under [subsection 1](#),
12 paragraph "a", whose alcohol concentration is .08 ~~or more but~~
13 ~~not more than .10~~ shall not be eligible for any temporary
14 restricted license for at least thirty days after the effective
15 date of the revocation if a test was obtained and an accident
16 resulting in personal injury or property damage occurred or
17 the defendant's alcohol concentration exceeded .15. There
18 shall be no such period of ineligibility if no such accident
19 occurred and the defendant's alcohol concentration did not
20 exceed .15.

21 b. Upon revocation, the department shall require the
22 defendant to install an ignition interlock device of a
23 type approved by the commissioner of public safety on all
24 vehicles owned or operated by the defendant ~~if the defendant~~
25 ~~seeks a temporary license. There shall be no such period of~~
26 ~~ineligibility if no such accident occurred, and the defendant~~
27 ~~shall not be required to install an ignition interlock device.~~

28 ~~b.~~ A defendant whose alcohol concentration is more than .10
29 shall not be eligible for any temporary restricted license for
30 at least thirty days if a test was obtained and an accident
31 resulting in personal injury or property damage occurred or the
32 defendant's alcohol concentration exceeded .15. There shall be
33 no such period of ineligibility if no such accident occurred
34 and the defendant's alcohol concentration did not exceed .15.
35 In either case, where a defendant's alcohol concentration is

1 ~~more than .10, the department shall require the defendant to~~
2 ~~install an ignition interlock device of a type approved by the~~
3 ~~commissioner of public safety on all vehicles owned or operated~~
4 ~~by the defendant if the defendant seeks a temporary restricted~~
5 ~~license.~~

6 c. If the person is under the age of twenty-one, the person
7 shall not be eligible for a temporary restricted license for at
8 least sixty days after the effective date of the revocation.

9 d. A person whose license or privileges have been revoked
10 under [subsection 1](#), paragraph "b", for one year shall not be
11 eligible for any temporary restricted license for forty-five
12 days after the effective date of the revocation, and upon
13 revocation the department shall require the person to install
14 an ignition interlock device of a type approved by the
15 commissioner of public safety on all vehicles owned or operated
16 by the defendant ~~if the defendant seeks a temporary restricted~~
17 ~~license at the end of the minimum period of ineligibility.~~
18 The temporary restricted license shall be issued in accordance
19 with [section 321J.20, subsection 2](#). A temporary restricted
20 license shall not be granted by the department until the
21 defendant installs the ignition interlock device.

22 Sec. 11. Section 321J.17, subsection 3, Code 2016, is
23 amended to read as follows:

24 3. The department shall also require certification of
25 installation of an ignition interlock device of a type approved
26 by the commissioner of public safety on all motor vehicles
27 owned or operated by any person seeking reinstatement following
28 a second or subsequent revocation under [section 321J.4](#),
29 [321J.9](#), or [321J.12](#). The requirement for the installation of
30 an approved ignition interlock device shall be for ~~one year~~
31 ~~from the date of reinstatement unless a longer time period is~~
32 ~~required by statute~~ the period of time required under section
33 321J.20A. ~~The one-year period a person is required to maintain~~
34 ~~an ignition interlock device under~~ [this subsection](#) ~~shall be~~
35 ~~reduced by any period of time the person held a valid temporary~~

1 ~~restricted license during the period of the revocation for~~
2 ~~the occurrence from which the arrest arose.~~ The person shall
3 not operate any motor vehicle which is not equipped with an
4 approved ignition interlock device during the period in which
5 an ignition interlock device must be maintained, and the
6 department shall not grant reinstatement unless the person
7 certifies installation of an ignition interlock device as
8 required in [this subsection](#).

9 Sec. 12. Section 321J.20, subsection 1, paragraph d, Code
10 2016, is amended to read as follows:

11 *d.* Following the applicable minimum period of ineligibility,
12 a temporary restricted license under [this subsection](#) shall not
13 be issued ~~until~~ unless the applicant ~~installs~~ has installed
14 an ignition interlock device of a type approved by the
15 commissioner of public safety on all motor vehicles owned or
16 operated by the applicant in accordance with [section 321J.2](#),
17 [321J.4](#), [321J.9](#), or [321J.12](#). Installation of an ignition
18 interlock device under [this subsection](#) shall be required for
19 the period of time ~~for which the temporary restricted license~~
20 ~~is issued and for such additional period of time following~~
21 ~~reinstatement as is required under section 321J.17, subsection~~
22 ~~3~~ provided under section 321J.20A.

23 Sec. 13. Section 321J.20, subsection 2, paragraph b, Code
24 2016, is amended to read as follows:

25 *b.* A temporary restricted license issued under this
26 subsection shall not be issued ~~until~~ unless the applicant
27 ~~installs~~ has installed an approved ignition interlock device
28 on all motor vehicles owned or operated by the applicant.
29 Installation of an ignition interlock device under this
30 subsection shall be required for the period of time ~~for~~
31 ~~which the temporary restricted license is issued, and for~~
32 ~~such additional period of time following reinstatement as is~~
33 ~~required under~~ [section 321J.17, subsection 3](#) provided under
34 section 321J.20A. However, a person whose driver's license or
35 nonresident operating privilege has been revoked under section

1 321J.21 may apply to the department for a temporary restricted
2 license without the requirement of an ignition interlock device
3 if at least twelve years have elapsed since the end of the
4 underlying revocation period for a first violation of section
5 321J.2.

6 Sec. 14. NEW SECTION. 321J.20A Ignition interlock devices
7 — duration of requirements — indigent user fund.

8 1. a. An ignition interlock device installed in a motor
9 vehicle pursuant to this chapter shall be installed in the
10 vehicle for as long as the defendant is the owner or operator
11 of the vehicle, except as follows:

12 (1) If the ignition interlock device was installed as a
13 result of the defendant's first offense or revocation under
14 this chapter and a test was obtained, the device shall be
15 uninstalled one hundred eighty days after the later of the
16 following:

17 (a) The date the defendant's license was revoked.

18 (b) The date the defendant last failed a test or retest
19 by the device because the defendant's alcohol concentration
20 exceeded the limit established under 661 IAC 158.6.

21 (c) The date the defendant last failed to maintain the
22 device as required under 661 IAC ch. 158.

23 (2) If the ignition interlock device was installed as a
24 result of the defendant's first offense or revocation under
25 this chapter and a test was refused, the device shall be
26 uninstalled one hundred eighty days after the later of the
27 following:

28 (a) The date the defendant's license revocation period
29 ends.

30 (b) The date the defendant last failed a test or retest
31 by the device because the defendant's alcohol concentration
32 exceeded the limit established under 661 IAC 158.6.

33 (c) The date the defendant last failed to maintain the
34 device as required by 661 IAC ch. 158.

35 b. An ignition interlock device shall not be uninstalled

1 under this section if the defendant has been convicted of
2 a second or subsequent violation of section 321J.2, if the
3 defendant's license has been revoked for a second or subsequent
4 time under this chapter, or if the defendant has been convicted
5 of tampering with or circumventing an ignition interlock
6 device.

7 *c.* The department of public safety, in consultation with the
8 department, may adopt rules to administer this subsection.

9 2. *a.* An ignition interlock indigent user fund is created
10 in the state treasury. The fund shall be administered by
11 the department and shall consist of moneys collected by the
12 department under this subsection. The moneys in the fund are
13 appropriated to and shall be used by the department to assist
14 indigent users of ignition interlock devices in paying for the
15 use of the devices. Notwithstanding section 8.33, moneys in
16 the fund at the end of each fiscal year shall not revert to any
17 other fund but shall remain in the fund for expenditure for
18 subsequent fiscal years.

19 *b.* Each month, the department shall assess an ignition
20 interlock user fee to each user of an ignition interlock
21 device. All ignition interlock user fees shall be collected by
22 the department and deposited in the ignition interlock indigent
23 user fund. The amount of the monthly ignition interlock user
24 fee shall be set by the department so that the moneys in the
25 ignition interlock indigent user fund are sufficient to assist
26 all indigent users of ignition interlock devices in paying for
27 the use of the devices.

28 *c.* A person is indigent for the purposes of this subsection
29 if any of the following apply:

30 (1) The person has an income level at or below one hundred
31 twenty-five percent of the United States poverty level as
32 defined by the most recently revised poverty income guidelines
33 published by the United States department of health and human
34 services, and the department determines that the person is
35 unable to pay for the cost of an ignition interlock device. In

1 making the determination of a person's ability to pay for the
2 cost of a device, the department shall consider not only the
3 person's income, but also the person's other assets, including
4 but not limited to cash, stocks, bonds, and any other property.

5 (2) The person has an income level greater than one hundred
6 twenty-five percent, but at or below two hundred percent, of
7 the most recently revised poverty income guidelines published
8 by the United States department of health and human services,
9 and the department determines that paying for the ignition
10 interlock device would cause the person substantial hardship.
11 In determining whether substantial hardship would result, the
12 department shall consider not only the person's income, but
13 also the person's other assets, including but not limited to
14 cash, stocks, bonds, and any other property.

15 d. The department shall adopt rules to administer this
16 subsection, including but not limited to the manner used to
17 determine the monthly ignition interlock user fee and the
18 accepted form and manner in which a person may demonstrate
19 indigency.

20 Sec. 15. SOBRIETY MONITORING PILOT PROGRAMS.

21 1. The department of public health, in collaboration
22 with the department of corrections, the department of public
23 safety, and the department of transportation, may approve an
24 application from a county for a countywide sobriety monitoring
25 pilot program that is available twenty-four hours per day,
26 seven days per week, in an effort to reduce the number of
27 crimes related to operating while intoxicated. One application
28 shall be approved for a county with a population of two hundred
29 thousand people or more, one application shall be approved
30 for a county with a population of one hundred thousand people
31 or more but less than two hundred thousand people, and one
32 application shall be approved for a county with a population of
33 less than one hundred thousand people.

34 2. A sobriety monitoring pilot program shall do all of the
35 following:

1 a. Require a person who has been charged with, pled guilty
2 to, or been convicted of a violation of section 321J.2 to
3 abstain from all chemical substances for a period of time.

4 b. Require the person to be subject to testing to determine
5 whether a chemical substance is present in the person's body
6 in the following manner:

7 (1) At least twice per day at a central location where an
8 immediate sanction can be applied.

9 (2) Where testing under subparagraph (1) is impractical, by
10 continuous transdermal or electronic monitoring.

11 c. Apply sanctions when test results definitively, and
12 without presumption, indicate the presence of chemical
13 substances.

14 d. Require a person participating in the program to pay
15 program costs, including costs of installation, monitoring, and
16 deactivation of any testing devices.

17 e. Require the person to install an ignition interlock
18 device of a type approved by the commissioner of public safety
19 on all vehicles owned or operated by the person, and require
20 the person to pay the costs associated with the installation
21 and use of the ignition interlock device.

22 3. A court in a county that has established a pilot program
23 pursuant to this section may order a defendant, as a condition
24 of pretrial release, probation, or bond, to participate in the
25 program.

26 4. An approved pilot program shall begin on January 15,
27 2017, or upon the effective date of department rules, whichever
28 is earlier, and shall be conducted for a minimum of one year.

29 5. The department of public health shall adopt rules
30 pursuant to chapter 17A to implement this section including
31 but not limited to provisions relating to applications for,
32 approval of, costs of, and oversight of the pilot programs and
33 reporting requirements for participating counties.

34 6. The department of public health shall submit a report on
35 the results of the pilot programs and make recommendations to

1 the general assembly by December 15, 2018.

2 7. For the purposes of this section, "chemical substance"
3 means alcohol, wine, spirits, and beer as defined in section
4 123.3 and controlled substances as defined in section 124.101.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 Current law requires a person guilty of operating while
9 intoxicated (OWI) to install an ignition interlock device in
10 the person's vehicle if the person seeks a temporary restricted
11 license, unless the person's alcohol concentration was less
12 than .10 and no accident occurred. This bill strikes that
13 exception, and also requires a person guilty of OWI to install
14 an ignition interlock device in the person's vehicle upon the
15 revocation of the person's driver's license rather than upon
16 the person's application for a temporary restricted license.

17 Under current law, an ignition interlock device is required
18 to be installed in a person's vehicle for the period of time
19 for which the person's temporary restricted license is issued,
20 and up to one additional year after license reinstatement if
21 the person has two or more OWI revocations. The bill requires
22 the permanent installation of an ignition interlock device with
23 two exceptions. If the ignition interlock device was installed
24 as a result of the person's first OWI offense or revocation and
25 a test was obtained, the device shall be uninstalled 180 days
26 after the person's license was revoked, the person last failed
27 a test by the ignition interlock device, or the defendant last
28 failed to maintain the device as required, whichever is latest.
29 If the ignition interlock device was installed as a result of
30 the person's first OWI offense or revocation and a test was
31 refused, the device shall be uninstalled 180 days after the
32 person's license revocation period is over, the person last
33 failed a test by the ignition interlock device, or the person
34 last failed to maintain the device as required, whichever is
35 latest.

1 The bill provides an ignition interlock device shall not
2 be uninstalled if the person has been convicted of a second
3 or subsequent OWI violation, if the person's license has been
4 revoked for a second or subsequent time, or if the person has
5 been convicted of tampering with or circumventing an ignition
6 interlock device.

7 The bill requires the department of transportation (DOT)
8 to assess a monthly ignition interlock user fee to each user
9 of an ignition interlock device. All ignition interlock user
10 fees will be collected by the DOT and deposited in an ignition
11 interlock indigent user fund (IIIUF). The bill requires the
12 DOT to use the moneys in the IIIUF to assist indigent users
13 of ignition interlock devices in paying for the use of the
14 devices. The amount of the monthly ignition interlock user fee
15 shall be set by the DOT so that the moneys in the IIIUF are
16 sufficient to assist all indigent users of ignition interlock
17 devices in paying for the use of the devices.

18 Under the bill, a person is indigent if the person has an
19 income level at or below 125 percent of the U.S. poverty level
20 and the person is unable to pay for the cost of an ignition
21 interlock device. A person is also indigent if the person has
22 an income level greater than 125 percent, but at or below 200
23 percent, of the U.S. poverty level and paying for the ignition
24 interlock device would cause the person substantial hardship.

25 The bill provides for county sobriety monitoring pilot
26 programs. The bill allows the department of public health
27 (DPH), in collaboration with the department of corrections,
28 the department of public safety, and the DOT, to approve
29 applications from counties for countywide sobriety monitoring
30 pilot programs. The programs are to be available 24 hours per
31 day, seven days per week, in an effort to reduce the number
32 of crimes related to OWI. One application shall be approved
33 for a county with a population of 200,000 people or more, one
34 application shall be approved for a county with a population of
35 100,000 people or more but less than 200,000 people, and one

1 application shall be approved for a county with a population of
2 less than 100,000 people.

3 The programs shall require individuals charged with or
4 convicted of OWI to abstain from all chemical substances for
5 a period of time. The programs are to require testing to
6 determine whether a chemical substance is present at least
7 twice per day at a central location where an immediate sanction
8 can be applied or, where such testing is impractical, by
9 continuous transdermal or electronic monitoring. The programs
10 shall also apply sanctions when test results definitively
11 indicate the presence of a chemical substance. The programs
12 shall require participants to pay program costs and to install
13 an ignition interlock device.

14 A court in a county that has established a pilot program
15 may order a defendant, as a condition of pretrial release,
16 probation, or bond, to participate in the program. Approved
17 pilot programs shall begin January 15, 2017, or upon the
18 effective date of DPH rules, whichever is earlier, and shall
19 be conducted for a minimum of one year. The DPH is to adopt
20 rules to implement the programs, including but not limited to
21 provisions relating to applications for, approval of, costs of,
22 and oversight of the pilot programs and reporting requirements
23 for participating counties. The DPH is directed to submit
24 a report on the results of the pilot programs and make
25 recommendations to the general assembly by December 15, 2018.