

Senate File 2190 - Introduced

SENATE FILE 2190
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3008)

(COMPANION TO HF 2245)

A BILL FOR

1 An Act establishing a statewide chemical substance abuse
2 monitoring pilot program.

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

1 Section 1. STATEWIDE CHEMICAL SUBSTANCE ABUSE MONITORING
2 PILOT PROGRAM.

3 1. The department of public safety, in collaboration
4 with the governor's traffic safety bureau, may approve an
5 application from a county for a countywide chemical substance
6 abuse monitoring pilot program that is available twenty-four
7 hours per day, seven days per week, in an effort to reduce the
8 number of crimes that have a nexus with chemical substance
9 abuse.

10 2. A chemical substance abuse monitoring pilot program
11 shall do all of the following:

12 a. Require a person who has been charged with, pled guilty
13 to, or been convicted of a crime that has a nexus with chemical
14 substance abuse to abstain from all chemical substances for
15 a period of time. However, this paragraph does not apply to
16 a person who has been charged with, pled guilty to, or been
17 convicted of a first offense of operating while intoxicated
18 in violation of section 321J.2 or 321J.2A where the person's
19 alcohol concentration was lower than .15 and no accident
20 resulting in personal injury or property damage occurred.

21 b. Require the person to be subject to testing to determine
22 whether a chemical substance is present in the person's body
23 in the following manner:

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

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

28 c. Apply sanctions when test results definitively, and
29 without presumption, indicate the presence of chemical
30 substances.

31 d. Require a person participating in the program to pay
32 program costs, including costs of installation, monitoring, and
33 deactivation of any testing devices.

34 3. A court in a county that has established a pilot program
35 pursuant to this section may order a defendant, as a condition

1 of pretrial release, probation, or bond, to participate in the
2 program.

3 4. An approved pilot program shall begin on October 1, 2016,
4 or upon the effective date of department rules, whichever is
5 earlier, and shall be conducted for a minimum of one year.

6 5. The department of public safety shall adopt rules
7 pursuant to chapter 17A to implement this section including
8 but not limited to provisions relating to applications for,
9 approval of, costs of, and oversight of the pilot programs and
10 reporting requirements for participating counties.

11 6. The department of public safety shall pursue federal
12 funding opportunities for the chemical substance abuse
13 monitoring pilot programs. Implementation of the programs
14 shall be contingent on the availability of funding.

15 7. The department of public safety shall submit a report on
16 the results of the pilot programs and make recommendations to
17 the general assembly by December 15, 2017.

18 8. For the purposes of this section, "chemical substance"
19 means alcohol, wine, spirits, and beer as defined in section
20 123.3 and controlled substances as defined in section 124.101.

21

EXPLANATION

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

24 This bill establishes a statewide chemical substance abuse
25 monitoring pilot program. The bill allows the department of
26 public safety, in collaboration with the governor's traffic
27 safety bureau, to approve applications from counties for
28 countywide chemical substance abuse monitoring pilot programs.
29 The programs are to be available 24 hours per day, seven days
30 per week, in an effort to reduce the number of crimes that have
31 a nexus with chemical substance abuse. "Chemical substance"
32 includes alcohol, wine, spirits, beer, and controlled
33 substances as those terms are defined in the Code.

34 The programs shall require persons charged with or convicted
35 of a crime involving chemical substance abuse to abstain

1 from all chemical substances for a period of time. However,
2 persons with a first offense of operating while intoxicated
3 where the person's alcohol concentration was lower than .15 and
4 no accident resulting in personal injury or property damage
5 occurred are excluded. The programs shall also require testing
6 to 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 apply sanctions when test results definitively indicate
11 the presence of a chemical substance. The programs shall
12 require participants to pay program costs.

13 A court in a county that has established a pilot program
14 may order a defendant, as a condition of pretrial release,
15 probation, or bond, to participate in the program.

16 Approved pilot programs shall begin October 1, 2016, or
17 upon the effective date of department rules, whichever is
18 earlier, and shall be conducted for a minimum of one year. The
19 department of public safety is to adopt rules to implement the
20 programs, including but not limited to provisions relating to
21 applications for, approval of, costs of, and oversight of the
22 pilot programs and reporting requirements for participating
23 counties. The department is also directed to pursue federal
24 funding opportunities for the programs. Implementation of the
25 programs shall be contingent on the availability of funding.
26 The department is directed to submit a report on the results
27 of the pilot programs and make recommendations to the general
28 assembly by December 15, 2017.