

House File 713 - Introduced

HOUSE FILE 713

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 585)

(COMPANION TO SF 364 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the Iowa sobriety and drug monitoring
2 program.

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

1 Section 1. Section 321J.20, subsection 9, Code 2019, is
2 amended to read as follows:

3 9. Notwithstanding any other provision of law to the
4 contrary, in any circumstance in which **this chapter** requires
5 the installation of an ignition interlock device in all
6 vehicles owned or operated by a person as a condition of
7 the person's license or privilege to operate noncommercial
8 motor vehicles, the department shall require the person to
9 be a participant in and in compliance with a sobriety and
10 drug monitoring program established pursuant to **chapter 901D**
11 if the person's offense under **this chapter** qualifies as an
12 eligible offense as defined in **section 901D.2**, and the person's
13 offense occurred in a participating jurisdiction, as defined
14 in **section 901D.2**. The requirement to participate in and
15 comply with a sobriety and drug monitoring program shall
16 continue for the time period required pursuant to section
17 901D.7. The department of public safety shall notify the
18 department when the person has completed participation in the
19 sobriety and drug monitoring program. **This subsection** shall
20 not apply if the court enters an order finding the person is
21 not required to participate in a sobriety and drug monitoring
22 program. The department, in consultation with the department
23 of public safety, may adopt rules for issuing and accepting a
24 certification of participation in and compliance with a program
25 established pursuant to **chapter 901D**. **This subsection** shall be
26 construed and implemented to comply with 23 U.S.C. §164(a), as
27 amended by the federal Fixing America's Surface Transportation
28 Act, Pub. L. No. 114-94, §1414, and shall not apply if such
29 application results in a finding of noncompliance with 23
30 U.S.C. §164 that results or will result in a reservation
31 or transfer of funds pursuant to 23 U.S.C. §164(b). This
32 subsection shall not authorize the operation of a motor vehicle
33 for any purpose not otherwise authorized by **this chapter**.

34 Sec. 2. Section 901D.7, subsection 2, Code 2019, is amended
35 to read as follows:

1 2. An order or directive placing a participant in the
2 program shall include the type of testing required to be
3 administered in the program and the length of time that the
4 participant is required to remain in the program which shall
5 be for no less than ninety days. The order or directive
6 shall additionally require that the participant not have
7 failed a test result or have missed a required testing during
8 the thirty-day period immediately preceding the end of
9 participation in the program. The person issuing the order or
10 directive shall send a copy of the order or directive to the
11 law enforcement agency of the participating jurisdiction.

12 Sec. 3. Section 901D.10, Code 2019, is amended to read as
13 follows:

14 **901D.10 Report and repeal.**

15 1. The department, in consultation with the judicial branch
16 and the department of transportation, shall by December 1,
17 ~~2021~~ 2023, submit a report to the general assembly detailing
18 the effectiveness of the program established pursuant to
19 this chapter and shall make recommendations concerning the
20 continued implementation of the program or the elimination of
21 the program.

22 2. **This chapter** is repealed July 1, ~~2022~~ 2024.

23 EXPLANATION

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

26 This bill relates to the Iowa sobriety and drug monitoring
27 program.

28 The bill provides that an order or directive requiring a
29 person to participate in the sobriety and drug monitoring
30 program (Code chapter 901D) shall continue for the time period
31 required pursuant to Code section 901D.7.

32 The bill requires the department of public safety to notify
33 the department of transportation when a participant has
34 completed participation in the sobriety and drug monitoring
35 program.

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1 The bill requires the department of public safety to submit
2 a report to the general assembly by December 1, 2023, detailing
3 the effectiveness of the program and to make recommendations
4 concerning the continued implementation of the program or the
5 elimination of the program.

6 The bill repeals Code chapter 901D on July 1, 2024.