

Senate Study Bill 1055 - Introduced

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

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 for not less than ninety days, if the person's offense under
12 this chapter qualifies as an eligible offense as defined
13 in **section 901D.2**, and the person's offense occurred in a
14 participating jurisdiction, as defined in **section 901D.2**. A
15 person required to participate in and comply with a sobriety
16 and drug monitoring program must not have failed a test result
17 or have missed a required testing during the thirty-day period
18 immediately preceding the end of the person's participation in
19 the program. The department of public safety shall notify the
20 department when the person has completed participation in the
21 sobriety and drug monitoring program. **This subsection** shall
22 not apply if the court enters an order finding the person is
23 not required to participate in a sobriety and drug monitoring
24 program. The department, in consultation with the department
25 of public safety, may adopt rules for issuing and accepting a
26 certification of participation in and compliance with a program
27 established pursuant to **chapter 901D**. **This subsection** shall be
28 construed and implemented to comply with 23 U.S.C. §164(a), as
29 amended by the federal Fixing America's Surface Transportation
30 Act, Pub. L. No. 114-94, §1414, and shall not apply if such
31 application results in a finding of noncompliance with 23
32 U.S.C. §164 that results or will result in a reservation
33 or transfer of funds pursuant to 23 U.S.C. §164(b). This
34 subsection shall not authorize the operation of a motor vehicle
35 for any purpose not otherwise authorized by **this chapter**.

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

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

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

16 **901D.10 Report and repeal.**

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

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

25 EXPLANATION

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

28 This bill relates to the Iowa sobriety and drug monitoring
29 program.

30 The bill provides that an order or directive requiring a
31 person to participate in the sobriety and drug monitoring
32 program (Code chapter 901D) shall be for no less than 90 days
33 and requires a participant to have not failed a test result or
34 missed a required testing during the 30-day period immediately
35 preceding the end of participation in the program.

1 The bill requires the department of public safety to notify
2 the department of transportation when a participant has
3 completed participation in the sobriety and drug monitoring
4 program.

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

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