SENATE FILE 364
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1055)

(As Amended and Passed by the Senate March 25, 2019)

_____ = New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

901D.10 Report and repeal.

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

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

Sec. 4. 2017 Iowa Acts, chapter 76, section 17, is amended to read as follows:

SEC. 17. FUTURE REPEAL. This division of this Act is repealed July 1, ~~2022~~ 2024.