

1 SB90  
2 188300-1  
3 By Senators Orr and Reed  
4 RFD: Judiciary  
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, for purposes of enhanced  
9 criminal penalties, a court may only consider a  
10 defendant's driving under the influence convictions  
11 from the past five years.

12 This bill would require a court to consider  
13 a defendant's misdemeanor DUI convictions from the  
14 past 10 years.

15 This bill would require a court to consider  
16 all of a defendant's prior felony DUI convictions,  
17 regardless of the date.

18 Under existing law, the penalty for  
19 receiving a fourth or subsequent conviction for DUI  
20 is a Class C felony.

21 This bill would provide that if a person  
22 with a prior felony DUI conviction is subsequently  
23 convicted of DUI, the person would be guilty of a  
24 Class C felony.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official ReCompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Section 32-5A-191, Code of Alabama 1975,  
24 relating to driving under the influence; to provide for  
25 further consideration by a court of a defendant's prior  
26 misdemeanor driving under the influence convictions; to  
27 require a court to consider all of a defendant's prior felony

1 driving under the influence convictions when that defendant is  
2 convicted of driving under the influence; and in connection  
3 therewith would have as its purpose or effect the requirement  
4 of a new or increased expenditure of local funds within the  
5 meaning of Amendment 621 of the Constitution of Alabama of  
6 1901, now appearing as Section 111.05 of the Official  
7 Recompilation of the Constitution of Alabama of 1901, as  
8 amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 32-5A-191, Code of Alabama 1975,  
11 is amended to read as follows:

12 "§32-5A-191.

13 "(a) A person shall not drive or be in actual  
14 physical control of any vehicle while:

15 "(1) There is 0.08 percent or more by weight of  
16 alcohol in his or her blood;

17 "(2) Under the influence of alcohol;

18 "(3) Under the influence of a controlled substance  
19 to a degree which renders him or her incapable of safely  
20 driving;

21 "(4) Under the combined influence of alcohol and a  
22 controlled substance to a degree which renders him or her  
23 incapable of safely driving; or

24 "(5) Under the influence of any substance which  
25 impairs the mental or physical faculties of such person to a  
26 degree which renders him or her incapable of safely driving.

1           "(b) A person who is under the age of 21 years shall  
2 not drive or be in actual physical control of any vehicle if  
3 there is 0.02 percent or more by weight of alcohol in his or  
4 her blood. The Alabama State Law Enforcement Agency shall  
5 suspend or revoke the driver's license of any person,  
6 including, but not limited to, a juvenile, child, or youthful  
7 offender, convicted or adjudicated of, or subjected to a  
8 finding of, delinquency based on this subsection.

9 Notwithstanding the foregoing, upon the first violation of  
10 this subsection by a person whose blood alcohol level is  
11 between 0.02 and 0.08, the person's driver's license or  
12 driving privilege shall be suspended for a period of 30 days  
13 in lieu of any penalties provided in subsection (e) of this  
14 section, and there shall be no disclosure, other than to  
15 courts, law enforcement agencies, the person's attorney of  
16 record, and the person's employer, by any entity or person of  
17 any information, documents, or records relating to the  
18 person's arrest, conviction, or adjudication of or finding of  
19 delinquency based on this subsection.

20           "All persons, except as otherwise provided in this  
21 subsection for a first offense, including, but not limited to,  
22 a juvenile, child, or youthful offender, convicted or  
23 adjudicated of or subjected to a finding of delinquency based  
24 on this subsection shall be fined pursuant to this section,  
25 notwithstanding any other law to the contrary, and the person  
26 shall also be required to attend and complete a DUI or

1 substance abuse court referral program in accordance with  
2 subsection (k).

3 "(c) (1) A school bus or day care driver shall not  
4 drive or be in actual physical control of any vehicle while in  
5 performance of his or her duties if there is greater than 0.02  
6 percent by weight of alcohol in his or her blood. A person  
7 convicted pursuant to this subsection shall be subject to the  
8 penalties provided by this section, except that on the first  
9 conviction the Secretary of the Alabama State Law Enforcement  
10 Agency shall suspend the driving privilege or driver's license  
11 for a period of one year.

12 "(2) A person shall not drive or be in actual  
13 physical control of a commercial motor vehicle, as defined in  
14 49 CFR Part 383.5 of the Federal Motor Carrier Safety  
15 Regulations as adopted pursuant to Section 32-9A-2, if there  
16 is 0.04 percent or greater by weight of alcohol in his or her  
17 blood. Notwithstanding the other provisions of this section,  
18 the commercial driver's license or commercial driving  
19 privilege of a person convicted of violating this subdivision  
20 shall be disqualified for the period provided in accordance  
21 with 49 CFR Part 383.51, as applicable, and the person's  
22 regular driver's license or privilege to drive a regular motor  
23 vehicle shall be governed by the remainder of this section if  
24 the person is guilty of a violation of another provision of  
25 this section.

26 "(3) Any commutation of suspension or revocation  
27 time as it relates to a court order, approval, and

1 installation of an ignition interlock device shall not apply  
2 to commercial driving privileges or disqualifications.

3 "(d) The fact that any person charged with violating  
4 this section is or has been legally entitled to use alcohol or  
5 a controlled substance shall not constitute a defense against  
6 any charge of violating this section.

7 "(e) Upon first conviction, a person violating this  
8 section shall be punished by imprisonment in the county or  
9 municipal jail for not more than one year, or by fine of not  
10 less than six hundred dollars (\$600) nor more than two  
11 thousand one hundred dollars (\$2,100), or by both a fine and  
12 imprisonment. In addition, on a first conviction, the  
13 Secretary of the Alabama State Law Enforcement Agency shall  
14 suspend the driving privilege or driver's license of the  
15 person convicted for a period of 90 days. The 90-day  
16 suspension shall be stayed if the offender elects to have an  
17 approved ignition interlock device installed and operating on  
18 the designated motor vehicle driven by the offender for six  
19 months. The offender shall present proof of installation of  
20 the approved ignition interlock device to the Alabama State  
21 Law Enforcement Agency and obtain an ignition interlock  
22 restricted driver license. The remainder of the suspension  
23 shall be commuted upon the successful completion of the  
24 elected use, mandated use, or both, of the ignition interlock  
25 device. If, on a first conviction, any person refusing to  
26 provide a blood alcohol concentration or if a child under the  
27 age of 14 years was a passenger in the vehicle at the time of

1 the offense or if someone else besides the offender was  
2 injured at the time of the offense, the Secretary of the  
3 Alabama State Law Enforcement Agency shall suspend the driving  
4 privilege or driver's license of the person convicted for a  
5 period of 90 days and the person shall be required to have an  
6 ignition interlock device installed and operating on the  
7 designated motor vehicle driven by the offender for a period  
8 of two years from the date of issuance of a driver's license  
9 indicating that the person's driving privileges are subject to  
10 the condition of the installation and use of a certified  
11 ignition interlock device on a motor vehicle. After a minimum  
12 of 45 days of the license revocation or suspension pursuant to  
13 Section 32-5A-304 or this section, or both, is completed, upon  
14 receipt of a court order from the convicting court, upon  
15 issuance of an ignition interlock restricted driver license,  
16 and upon proof of installation of an operational approved  
17 ignition interlock device on the designated vehicle of the  
18 person convicted, the mandated ignition interlock period of  
19 two years provided in this subsection shall start and the  
20 suspension period, revocation period, or both, as required  
21 under this subsection shall be stayed. The remainder of the  
22 driver license revocation period, suspension period, or both,  
23 shall be commuted upon the successful completion of the period  
24 of time in which the ignition interlock device is mandated to  
25 be installed and operational.

26 "(f) On a second conviction ~~within a five-year~~  
27 ~~period~~, a person convicted of violating this section shall be

1 punished by a fine of not less than one thousand one hundred  
2 dollars (\$1,100) nor more than five thousand one hundred  
3 dollars (\$5,100) and by imprisonment, which may include hard  
4 labor in the county or municipal jail for not more than one  
5 year. The sentence shall include a mandatory sentence, which  
6 is not subject to suspension or probation, of imprisonment in  
7 the county or municipal jail for not less than five days or  
8 community service for not less than 30 days. In addition, the  
9 Secretary of the Alabama State Law Enforcement Agency shall  
10 revoke the driving privileges or driver's license of the  
11 person convicted for a period of one year and the offender  
12 shall be required to have an ignition interlock device  
13 installed and operating on the designated motor vehicle driven  
14 by the offender for a period of two years from the date of  
15 issuance of a driver's license indicating that the person's  
16 driving privileges are subject to the condition of the  
17 installation and use of a certified ignition interlock device  
18 on a motor vehicle. After a minimum of 45 days of the license  
19 revocation or suspension pursuant to Section 32-5A-304, this  
20 section, or both, is completed, upon receipt of a court order  
21 from the convicting court, upon issuance of an ignition  
22 interlock restricted driver license, and upon proof of  
23 installation or an operational approved ignition interlock  
24 device on the designated vehicle of the person convicted, the  
25 mandated ignition interlock period of two years approved in  
26 this subsection shall start and the suspension period,  
27 revocation period, or both, as required under this subsection

1 shall be stayed. The remainder of the driver license  
2 revocation period, suspension period, or both, shall be  
3 commuted upon the successful completion of the period of time  
4 in which the ignition interlock device is mandated to be  
5 installed and operational.

6 "(g) On a third conviction, a person convicted of  
7 violating this section shall be punished by a fine of not less  
8 than two thousand one hundred dollars (\$2,100) nor more than  
9 ten thousand one hundred dollars (\$10,100) and by  
10 imprisonment, which may include hard labor, in the county or  
11 municipal jail for not less than 60 days nor more than one  
12 year, to include a minimum of 60 days which shall be served in  
13 the county or municipal jail and cannot be probated or  
14 suspended. In addition, the Secretary of the Alabama State Law  
15 Enforcement Agency shall revoke the driving privilege or  
16 driver's license of the person convicted for a period of three  
17 years and the offender shall be required to have an ignition  
18 interlock device installed and operating on the designated  
19 motor vehicle driven by the offender for a period of three  
20 years from the date of issuance of a driver's license  
21 indicating that the person's driving privileges are subject to  
22 the condition of the installation and use of a certified  
23 ignition interlock device on a motor vehicle. After a minimum  
24 of 180 days of the license revocation or suspension pursuant  
25 to Section 32-5A-304, this section, or both, is completed,  
26 upon receipt of a court order from the convicting court, upon  
27 issuance of an ignition interlock restricted driver license,

1 and upon proof of installation of an operational approved  
2 ignition interlock device on the designated vehicle of the  
3 person convicted, the mandated ignition interlock period of  
4 three years provided in this subsection shall start and the  
5 suspension period, revocation period, or both, as required  
6 under this subsection shall be stayed. The remainder of the  
7 driver license revocation period, suspension period, or both,  
8 shall be commuted upon the successful completion of the period  
9 of time in which the ignition interlock device is mandated to  
10 be installed and operational.

11 "(h) On a fourth or subsequent conviction, or if the  
12 person has a previous felony DUI conviction, a person  
13 convicted of violating this section shall be guilty of a Class  
14 C felony and punished by a fine of not less than four thousand  
15 one hundred dollars (\$4,100) nor more than ten thousand one  
16 hundred dollars (\$10,100) and by imprisonment of not less than  
17 one year and one day nor more than 10 years. Any term of  
18 imprisonment may include hard labor for the county or state,  
19 and where imprisonment does not exceed three years confinement  
20 may be in the county jail. Where imprisonment does not exceed  
21 one year and one day, confinement shall be in the county jail.  
22 The minimum sentence shall include a term of imprisonment for  
23 at least one year and one day, provided, however, that there  
24 shall be a minimum mandatory sentence of 10 days which shall  
25 be served in the county jail. The remainder of the sentence  
26 may be suspended or probated, but only if as a condition of  
27 probation the defendant enrolls and successfully completes a

1 state certified chemical dependency program recommended by the  
2 court referral officer and approved by the sentencing court.  
3 Where probation is granted, the sentencing court may, in its  
4 discretion, and where monitoring equipment is available, place  
5 the defendant on house arrest under electronic surveillance  
6 during the probationary term. In addition to the other  
7 penalties authorized, the Secretary of the Alabama State Law  
8 Enforcement Agency shall revoke the driving privilege or  
9 driver's license of the person convicted for a period of five  
10 years and the offender shall be required to have an ignition  
11 interlock device installed and operating on the designated  
12 motor vehicle driven by the offender for a period of five  
13 years from the date of issuance of a driver's license  
14 indicating that the person's driving privileges are subject to  
15 the condition of the installation and use of a certified  
16 ignition interlock device on a motor vehicle. After a minimum  
17 of one year of the license revocation or suspension pursuant  
18 to Section 32-5A-304, this section, or both, is completed,  
19 upon receipt of a court order from the convicting court, upon  
20 issuance of an ignition interlock restricted driver license,  
21 and upon proof of installation of an operational approved  
22 ignition interlock device on the designated vehicle of the  
23 person convicted, the mandated ignition interlock period of  
24 five years provided in this subsection shall start and the  
25 suspension period, revocation period, or both, as required  
26 under this subsection shall be stayed. The remainder of the  
27 driver license revocation period, suspension period, or both,

1 shall be commuted upon the successful completion of the period  
2 of time in which the ignition interlock device is mandated to  
3 be installed and operational.

4 "The Alabama habitual felony offender law shall not  
5 apply to a conviction of a felony pursuant to this subsection,  
6 and a conviction of a felony pursuant to this subsection shall  
7 not be a felony conviction for purposes of the enhancement of  
8 punishment pursuant to Alabama's habitual felony offender law.  
9 However, prior misdemeanor or felony convictions for driving  
10 under the influence may be considered as part of the  
11 sentencing calculations or determinations under the Alabama  
12 Sentencing Guidelines or rules promulgated by the Alabama  
13 Sentencing Commission.

14 "(i) When any person convicted of violating this  
15 section is found to have had at least 0.15 percent or more by  
16 weight of alcohol in his or her blood while operating or being  
17 in actual physical control of a vehicle, he or she shall be  
18 sentenced to at least double the minimum punishment that the  
19 person would have received if he or she had had less than 0.15  
20 percent by weight of alcohol in his or her blood. Upon the  
21 first violation of this subsection, the offender shall be  
22 ordered by the court to have an ignition interlock device  
23 installed and operating on his or her designated motor vehicle  
24 for a period of two years from the date of issuance of an  
25 ignition interlock-restricted driver's license. If the  
26 adjudicated offense is a misdemeanor, the minimum punishment  
27 shall be imprisonment for one year, all of which may be

1 suspended except as otherwise provided for in subsections (f)  
2 and (g).

3 "(j) When any person over the age of 21 years is  
4 convicted of violating this section and it is found that a  
5 child under the age of 14 years was a passenger in the vehicle  
6 at the time of the offense, the person shall be sentenced to  
7 at least double the minimum punishment that the person would  
8 have received if the child had not been a passenger in the  
9 motor vehicle.

10 "(k) (1) In addition to the penalties provided  
11 herein, any person convicted of violating this section shall  
12 be referred to the court referral officer for evaluation and  
13 referral to appropriate community resources. The defendant  
14 shall, at a minimum, be required to complete a DUI or  
15 substance abuse court referral program approved by the  
16 Administrative Office of Courts and operated in accordance  
17 with provisions of the Mandatory Treatment Act of 1990,  
18 Sections 12-23-1 to 12-23-19, inclusive. The Alabama State Law  
19 Enforcement Agency shall not reissue a driver's license to a  
20 person convicted under this section without receiving proof  
21 that the defendant has successfully completed the required  
22 program.

23 "(2) Upon conviction, the court shall notify the  
24 Alabama State Law Enforcement Agency if the person convicted  
25 is required to install and maintain an approved ignition  
26 interlock device. The agency shall suspend or revoke a  
27 person's driving privileges until completion of the mandatory

1 suspension or revocation period required by this section, and  
2 clearance of all other suspensions, revocations,  
3 cancellations, or denials, and proof of installation of an  
4 approved ignition interlock device is presented to the agency.  
5 The agency shall not reissue a driver's license to a person  
6 who has been ordered by a court or is required by law to have  
7 the ignition interlock device installed until proof is  
8 presented that the person is eligible for reinstatement of  
9 driving privileges. Upon presentation of proof and compliance  
10 with all ignition interlock requirements, the agency shall  
11 issue a driver's license with a restriction indicating that  
12 the licensee may operate a motor vehicle only with the  
13 certified ignition interlock device installed and properly  
14 operating. If the licensee fails to maintain the approved  
15 ignition interlock device as required or is otherwise not in  
16 compliance with any order of the court, the court shall notify  
17 the agency of the noncompliance and the agency shall suspend  
18 the person's driving privileges until the agency receives  
19 notification from the court that the licensee is in  
20 compliance. The requirement that the licensee use the ignition  
21 interlock device may be removed only when the court of  
22 conviction confirms to the agency that the licensee is no  
23 longer subject to the ignition interlock device requirement.

24 "(1) Neither reckless driving nor any other traffic  
25 infraction is a lesser included offense under a charge of  
26 driving under the influence of alcohol or of a controlled  
27 substance.

1           "(m) Except for fines collected for violations of  
2 this section charged pursuant to a municipal ordinance, fines  
3 collected for violations of this section shall be deposited to  
4 the State General Fund; however, beginning October 1, 1995, of  
5 any amount collected over two hundred fifty dollars (\$250) for  
6 a first conviction, over five hundred dollars (\$500) for a  
7 second conviction within ~~five~~ 10 years, over one thousand  
8 dollars (\$1,000) for a third conviction within ~~five~~ 10 years,  
9 and over two thousand dollars (\$2,000) for a fourth or  
10 subsequent conviction within ~~five~~ 10 years, the first one  
11 hundred dollars (\$100) of that additional amount shall be  
12 deposited to the Alabama Chemical Testing Training and  
13 Equipment Trust Fund, after three percent of the one hundred  
14 dollars (\$100) is deducted for administrative costs, and  
15 beginning October 1, 1997, and thereafter, the second one  
16 hundred dollars (\$100) of that additional amount shall be  
17 deposited in the Alabama Head and Spinal Cord Injury Trust  
18 Fund after deducting five percent of the one hundred dollars  
19 (\$100) for administrative costs and the remainder of the funds  
20 shall be deposited to the State General Fund. Fines collected  
21 for violations of this section charged pursuant to a municipal  
22 ordinance where the total fine is paid at one time shall be  
23 deposited as follows: The first three hundred fifty dollars  
24 (\$350) collected for a first conviction, the first six hundred  
25 dollars (\$600) collected for a second conviction within ~~five~~  
26 10 years, the first one thousand one hundred dollars (\$1,100)  
27 collected for a third conviction, and the first two thousand

1 one hundred dollars (\$2,100) collected for a fourth or  
2 subsequent conviction shall be deposited to the State Treasury  
3 with the first one hundred dollars (\$100) collected for each  
4 conviction credited to the Alabama Chemical Testing Training  
5 and Equipment Trust Fund and the second one hundred dollars  
6 (\$100) to the Alabama Head and Spinal Cord Injury Trust Fund  
7 after deducting five percent of the one hundred dollars (\$100)  
8 for administrative costs and depositing this amount in the  
9 general fund of the municipality, and the balance credited to  
10 the State General Fund. Any amounts collected over these  
11 amounts shall be deposited as otherwise provided by law. Fines  
12 collected for violations of this section charged pursuant to a  
13 municipal ordinance, where the fine is paid on a partial or  
14 installment basis, shall be deposited as follows: The first  
15 two hundred dollars (\$200) of the fine collected for any  
16 conviction shall be deposited to the State Treasury with the  
17 first one hundred dollars (\$100) collected for any conviction  
18 credited to the Alabama Chemical Testing Training and  
19 Equipment Trust Fund and the second one hundred dollars (\$100)  
20 for any conviction credited to the Alabama Head and Spinal  
21 Cord Injury Trust Fund after deducting five percent of the one  
22 hundred dollars (\$100) for administrative costs and depositing  
23 this amount in the general fund of the municipality. The  
24 second three hundred dollars (\$300) of the fine collected for  
25 a first conviction, the second eight hundred dollars (\$800)  
26 collected for a second conviction, the second one thousand  
27 eight hundred dollars (\$1,800) collected for a third

1 conviction, and the second three thousand eight hundred  
2 dollars (\$3,800) collected for a fourth conviction shall be  
3 divided with 50 percent of the funds collected to be deposited  
4 to the State Treasury to be credited to the State General Fund  
5 and 50 percent deposited as otherwise provided by law for  
6 municipal ordinance violations. Any amounts collected over  
7 these amounts shall be deposited as otherwise provided by law  
8 for municipal ordinance violations. Notwithstanding any  
9 provision of law to the contrary, 90 percent of any fine  
10 assessed and collected for any DUI offense charged by  
11 municipal ordinance violation in district or circuit court  
12 shall be computed only on the amount assessed over the minimum  
13 fine authorized, and upon collection shall be distributed to  
14 the municipal general fund with the remaining 10 percent  
15 distributed to the State General Fund. In addition to fines  
16 imposed pursuant to this subsection, a mandatory fee of one  
17 hundred dollars (\$100) shall be collected from any individual  
18 that successfully completes any pretrial diversion or deferral  
19 program in any municipal, district, or circuit court where the  
20 individual was charged with a violation of this section or a  
21 corresponding municipal ordinance. The one hundred dollars  
22 (\$100) shall be deposited into the Alabama Chemical Testing  
23 Training and Equipment Fund.

24 "(n) A person who has been arrested for violating  
25 this section shall not be released from jail under bond or  
26 otherwise, until there is less than the same percent by weight  
27 of alcohol in his or her blood as specified in subsection

1 (a) (1) or, in the case of a person who is under the age of 21  
2 years, subsection (b) hereof.

3 "(o) Upon verification that a defendant arrested  
4 pursuant to this section is currently on probation from  
5 another court of this state as a result of a conviction for  
6 any criminal offense, the prosecutor shall provide written or  
7 oral notification of the defendant's subsequent arrest and  
8 pending prosecution to the court in which the prior conviction  
9 occurred.

10 "(p) (1) Except as provided in subdivision (2), a  
11 prior conviction within a five-year period for driving under  
12 the influence of alcohol or drugs from this state, a  
13 municipality within this state, or another state or territory  
14 or a municipality of another state or territory shall be  
15 considered by a court for imposing a sentence pursuant to this  
16 section if the prior conviction occurred within 10 years of  
17 the date of the current offense.

18 "(2) If the person has a previous felony DUI  
19 conviction, then all of the person's subsequent DUI  
20 convictions shall be treated as felonies regardless of the  
21 date of the previous felony DUI conviction.

22 "(q) Any person convicted of driving under the  
23 influence of alcohol, or a controlled substance, or both, or  
24 any substance which impairs the mental or physical faculties  
25 in violation of this section, a municipal ordinance adopting  
26 this section, or a similar law from another state or territory  
27 or a municipality of another state or territory more than once

1 in a ~~five-year~~ 10-year period shall have his or her motor  
2 vehicle registration for all vehicles owned by the repeat  
3 offender suspended by the Alabama Department of Revenue for  
4 the duration of the offender's driver's license suspension  
5 period, unless such action would impose an undue hardship to  
6 any individual, not including the repeat offender, who is  
7 completely dependent on the motor vehicle for the necessities  
8 of life, including any family member of the repeat offender  
9 and any co-owner of the vehicle or, in the case of a repeat  
10 offender, if the repeat offender has a functioning ignition  
11 interlock device installed on the designated vehicle for the  
12 duration of the offender's driver's license suspension period.

13 "(r) (1) Any person ordered by the court to have an  
14 ignition interlock device installed on a designated vehicle,  
15 and any person who elects to have the ignition interlock  
16 device installed on a designated vehicle for the purpose of  
17 reducing a period of suspension or revocation of his or her  
18 driver's license, shall pay to the court, for each of the  
19 first four months following his or her conviction or the first  
20 four months following the installation of the ignition  
21 interlock device on his or her vehicle, seventy-five dollars  
22 (\$75) per month, which shall be divided as follows:

23 "a. Forty-five percent to the Alabama Interlock  
24 Indigent Fund.

25 "b. Twenty percent to the State Judicial  
26 Administration Fund administered by the Administrative Office  
27 of Courts.

1            "c. Twenty percent to the Highway Traffic Safety  
2 Fund administered by the Alabama State Law Enforcement Agency.

3            "d. Fifteen percent to the District Attorney's  
4 Solicitor Fund.

5            "(2) In addition to paying the court clerk  
6 seventy-five dollars (\$75) per month for the first four months  
7 following the conviction or the voluntary installation of the  
8 ignition interlock device, the defendant shall pay all costs  
9 associated with the installation, purchase, maintenance, or  
10 lease of the ignition interlock devices to an approved  
11 ignition interlock provider pursuant to the rules of the  
12 Department of Forensic Sciences, unless the defendant is  
13 subject to Section 32-5A-191.4(g)(4) during which he or she  
14 shall pay one-half the cost for the available indigency  
15 period.

16            "(s) The defendant shall designate the vehicle to be  
17 used by identifying the vehicle by the vehicle identification  
18 number to the court. The defendant, at his or her own expense,  
19 may designate additional motor vehicles on which an ignition  
20 interlock device may be installed for the use of the  
21 defendant.

22            "(t) (1) Any person who is required to comply with  
23 the ignition interlock provisions of this section as a  
24 condition of restoration or reinstatement of his or her  
25 driver's license, shall only operate the designated vehicle  
26 equipped with a functioning ignition interlock device for the

1 period of time consistent with the offense for which he or she  
2 was convicted as provided for in this section.

3 "(2) The duration of the time an ignition interlock  
4 device is required by this section shall be doubled if the  
5 offender refused the prescribed chemical test for  
6 intoxication, or if the offender's blood alcohol concentration  
7 was 0.15 grams percent or greater unless already doubled by a  
8 previous section.

9 "(u) (1) The Alabama State Law Enforcement Agency may  
10 set a fee of not more than one hundred fifty dollars (\$150)  
11 for the issuance of a driver's license indicating that the  
12 person's driving privileges are subject to the condition of  
13 the installation and use of a certified ignition interlock  
14 device on a motor vehicle. Fifteen percent of the fee shall be  
15 distributed to the general fund of the county where the person  
16 was convicted to be utilized for law enforcement purposes.  
17 Eighty-five percent shall be distributed to the State General  
18 Fund. In addition, at the end of the time the person's driving  
19 privileges are subject to the above conditions, the agency  
20 shall set a fee of not more than seventy-five dollars (\$75) to  
21 reissue a regular driver's license. The fee shall be deposited  
22 as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1.

23 "(2) The defendant shall provide proof of  
24 installation of an approved ignition interlock device to the  
25 Alabama State Law Enforcement Agency as a condition of the  
26 issuance of a restricted driver's license.

1           "(3) Any ignition interlock driving violation  
2 committed by the offender during the mandated ignition  
3 interlock period shall extend the duration of ignition  
4 interlock use for six months from the date of violation.  
5 Ignition interlock driving violations include any of the  
6 following:

7           "a. A breath sample at or above a minimum blood  
8 alcohol concentration level of 0.02 recorded more than four  
9 times during the monthly reporting period.

10          "b. Any tampering, circumvention, or bypassing of  
11 the ignition interlock device, or attempt thereof.

12          "c. Failure to comply with the servicing or  
13 calibration requirements of the ignition interlock device  
14 every 30 days.

15          "(v) Nothing in this section and Section 32-5A-191.4  
16 shall require an employer to install an ignition interlock  
17 device in a vehicle owned or operated by the employer for use  
18 by an employee required to use the device as a condition of  
19 driving pursuant to this section and Section 32-5A-191.4.

20          "(w) The provisions in this section and Section  
21 32-5A-191.4 relating to ignition interlock devices shall not  
22 apply to persons who commit violations of this section while  
23 under 19 years of age and who are adjudicated in juvenile  
24 court, unless specifically ordered otherwise by the court.

25          "(x) (1) The amendatory language in Act 2014-222 to  
26 this section, authorizing the Alabama State Law Enforcement  
27 Agency to stay a driver's license suspension or revocation

1 upon compliance with the ignition interlock requirement shall  
2 apply retroactively if any of the following occurs:

3 "a. The offender files an appeal with the court of  
4 jurisdiction requesting all prior suspensions or revocation,  
5 or both, be stayed upon compliance with the ignition interlock  
6 requirement.

7 "b. The offender wins appeal with the court of  
8 jurisdiction relating to this section.

9 "c. The court of jurisdiction notifies the Alabama  
10 State Law Enforcement Agency that the offender is eligible to  
11 have the driver's license stayed.

12 "d. The Alabama State Law Enforcement Agency issues  
13 an ignition interlock restricted driver's license.

14 "e. The offender remains in compliance of ignition  
15 interlock requirements.

16 "(2) The remainder of the driver license revocation,  
17 suspension, or both, shall be commuted upon the successful  
18 completion of the period of time in which the ignition  
19 interlock device is mandated to be installed and operational."

20 Section 2. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621, now  
24 appearing as Section 111.05 of the Official Recompilation of  
25 the Constitution of Alabama of 1901, as amended, because the  
26 bill defines a new crime or amends the definition of an  
27 existing crime.

1                   Section 3. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.