

Moved by Burgoyne

Seconded by Cheatham

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 78, As Amended

AMENDMENT TO SECTION 1

1
2 On page 3 of the engrossed bill, in line 20, delete "and" and insert:
3 "~~and~~"; and in line 21, following "(f)" insert: "However, if you are admitted
4 to a diversion program under section 19-3509, Idaho Code, you may be eligible
5 for a restricted permit for the purpose of getting to and from work, school,
6 medical appointments, or a treatment program, but only if you install, at
7 your expense, a state-approved ignition interlock system on all motor vehi-
8 cles you operate; and

9 (g)".

10 On page 8, delete lines 2 through 9, and insert: "case orders to the con-
11 trary."

AMENDMENT TO SECTION 4

12
13 On page 15, in line 17, delete "pay for drug testing for an indigent di-";
14 and in line 18, delete "version participant or to".

AMENDMENT TO SECTION 7

15
16 On page 16, in line 16, following "program" insert: "created pursuant
17 to sections 19-3508 and 19-3509, Idaho Code,"; delete lines 19 and 20, and
18 insert: "enhances public safety and reduces recidivism, while also saving
19 taxpayer dollars,"; in line 24, following "individuals;" insert: "and"; in
20 line 27, delete "; and" and insert: "."; and delete lines 28 through 30.

AMENDMENT TO SECTION 9

21
22 On page 17, in line 22, delete "A person" and insert: "All persons";
23 in line 23, delete "for an alcohol-related charge"; in line 28, following
24 "shall" insert: ", in addition to installing and maintaining an ignition in-
25 terlock system,"; in line 32, delete "or" and insert: "."; in line 33, delete
26 "to pay for drug testing."; and delete lines 44 through 47, and insert:

27 "(2) A prosecuting attorney may require, as a condition of entering a
28 diversion program, that a person execute a sworn affidavit stating the facts
29 that gave rise to the charge of driving under the influence. Such affidavit
30 may be used as evidence of guilt during an adjudicative proceeding in a re-
31 filed case. No other statement made by the person in diversion activities or
32 proceedings, such as in a counseling or therapy session, is admissible as ev-
33 idence of guilt during an adjudicative proceeding in a refiled case."

34 On page 18, in line 32, following "(5)" insert: "A participant in a di-
35 version program whose driving privileges have been suspended may be granted
36 driving privileges by the administrator of the diversion program, in which
37 case the participant shall be issued a restricted driving permit by the Idaho
38 transportation department. Prior to being granted restricted driving priv-

1 illeges, the participant must show to the administrator proof of financial
2 responsibility as defined and in the amounts specified in section 49-117,
3 Idaho Code."; also in line 32, delete "due to a charge"; and in line 33,
4 delete "involving alcohol" and insert: "under this section".
5 On page 19, delete lines 4 through 6.

6 CORRECTION TO TITLE

7 On page 1, delete lines 3 and 4, and insert: "TO PROVIDE THAT CERTAIN IN-
8 FORMATION SHALL BE GIVEN TO PERSONS UNDERGOING EVIDENTIARY TESTING FOR AL-
9 COHOL, DRUGS, OR OTHER INTOXICATING SUBSTANCES AND TO MAKE TECHNICAL CORREC-
10 TIONS; AMENDING".