

IN THE SENATE

SENATE BILL NO. 1099

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MANSLAUGHTER; AMENDING SECTION 18-4007, IDAHO CODE, TO REVISE
2 A PROVISION REGARDING A PENALTY AND TO MAKE A TECHNICAL CORRECTION;
3 AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE THAT THE COURT SHALL
4 INFORM A DEFENDANT OF CERTAIN INFORMATION; AMENDING SECTION 18-8006,
5 IDAHO CODE, TO PROVIDE THAT THE COURT SHALL INFORM A DEFENDANT OF CER-
6 TAIN INFORMATION; AMENDING SECTION 18-8004A, IDAHO CODE, TO PROVIDE
7 A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN
8 EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 18-4007, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 18-4007. PUNISHMENT FOR MANSLAUGHTER. Manslaughter is punishable as
14 follows:

15 (1) Voluntary -- by a fine of not more than fifteen thousand dollars
16 (\$15,000), or by a sentence to the custody of the state board of correction
17 not exceeding fifteen (15) years, or by both such fine and imprisonment.

18 (2) Involuntary -- by a fine of not more than ten thousand dollars
19 (\$10,000), or by a sentence to the custody of the state board of correction
20 not exceeding ten (10) years, or by both such fine and imprisonment.

21 (3) Vehicular -- in the operation of a motor vehicle:

22 (a) For a violation of section 18-4006(3) (a), Idaho Code, by a fine of
23 not more than ten thousand dollars (\$10,000), or by a sentence to the
24 custody of the state board of correction not exceeding ten (10) years,
25 or by both such fine and imprisonment.

26 (b) For a violation of section 18-4006(3) (b), Idaho Code:

27 (i) For a person who has not previously been found guilty of or
28 pled guilty to a violation of the provisions of section 18-8004
29 or 18-8006, Idaho Code, or any substantially conforming for-
30 foreign criminal violation, as described in section 18-8005(10),
31 Idaho Code, by a fine of not more than fifteen thousand dollars
32 (\$15,000), or by a sentence to the custody of the state board of
33 correction not exceeding fifteen (15) years, or by both such fine
34 and imprisonment.

35 (ii) For a person who has previously been found guilty of or pled
36 guilty once to a violation of the provisions of section 18-8004
37 or 18-8006, Idaho Code, or any substantially conforming foreign
38 criminal violation, as described in section 18-8005(10), Idaho
39 Code, notwithstanding the form of the judgment or withheld judg-
40 ment, by a fine of not more than twenty thousand dollars (\$20,000)
41 and by a sentence to the custody of the state board of correction

1 for a mandatory minimum fixed term of imprisonment of five (5)
2 years, not to exceed twenty-five (25) years.

3 (iii) For a person who has previously been found guilty of or
4 pled guilty two (2) or more times to a violation of the provisions
5 of section 18-8004 or 18-8006, Idaho Code, or any substantially
6 conforming foreign criminal violation, as described in section
7 18-8005(10), Idaho Code, notwithstanding the form of the judgment
8 or withheld judgment, by a fine of not more than twenty thousand
9 dollars (\$20,000) and by a sentence to the custody of the state
10 board of correction for a mandatory minimum fixed term of impris-
11 onment of ten (10) years, not to exceed twenty-five (25) years.

12 (c) For a violation of section 18-4006(3) (c), Idaho Code, by a fine of
13 not more than two thousand dollars (\$2,000), or by a jail sentence not
14 exceeding one (1) year, or by both such fine and jail sentence.

15 (d) In addition to the foregoing, any person convicted of a violation
16 of section 18-4006(3), Idaho Code, ~~which~~ that resulted in the death of
17 the parent or parents of minor children may be ordered by the court to
18 pay support for each such minor child until the child reaches the age of
19 eighteen (18) years. In setting the amount of support, the court shall
20 consider all relevant factors. The nonpayment of such support shall
21 be subject to enforcement and collection by the surviving parent or
22 guardian of the child in the same manner that other child support orders
23 are enforced as provided by law. In no event shall the child support
24 judgment or order imposed by the court under this section be paid or in-
25 demnified by the proceeds of any liability insurance policy.

26 (e) In addition to the foregoing, the driver's license of any person
27 convicted of a violation of section 18-4006(3), Idaho Code, may be sus-
28 pended for a time determined by the court.

29 SECTION 2. That Section 18-8005, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 18-8005. PENALTIES. (1) Any person who pleads guilty to or is found
32 guilty of a violation of the provisions of section 18-8004(1)(a), Idaho
33 Code, for the first time is guilty of a misdemeanor; and, except as provided
34 in section 18-8004C, Idaho Code:

35 (a) May be sentenced to jail for a term not to exceed six (6) months;

36 (b) May be fined an amount not to exceed one thousand dollars (\$1,000);

37 (c) Shall be advised by the court in writing at the time of sentencing
38 of the penalties that will be imposed for subsequent violations of the
39 provisions of section 18-8004, Idaho Code, which advice shall be signed
40 by the defendant, and a copy retained by the court and another copy re-
41 tained by the prosecuting attorney;

42 (d) Shall have his driving privileges suspended by the court for a pe-
43 riod of thirty (30) days, which shall not be reduced and during which
44 thirty (30) day period absolutely no driving privileges of any kind may
45 be granted. After the thirty (30) day period of absolute suspension of
46 driving privileges has passed, the defendant shall have driving privi-
47 leges suspended by the court for an additional period of at least sixty
48 (60) days, not to exceed one hundred fifty (150) days, during which
49 the defendant may request restricted driving privileges that the court

1 may allow, if the defendant shows by a preponderance of the evidence
2 that driving privileges are necessary for his employment or for family
3 health needs; and

4 (e) Unless an exception is granted pursuant to section 18-8002(12),
5 Idaho Code, shall within ten (10) days following the end of the period
6 of absolute suspension have a state-approved ignition interlock system
7 meeting the requirements of section 18-8008, Idaho Code, installed, at
8 his expense, on all motor vehicles operated by him for a period to end
9 one (1) year following the end of the suspension period. A court may
10 determine that an offender is eligible to utilize available funds from
11 the court interlock device and electronic monitoring device fund, as
12 outlined in section 18-8010, Idaho Code, for the installation and oper-
13 ation of an ignition interlock device, based on evidence of financial
14 hardship.

15 (2) Any person who pleads guilty to or is found guilty of a violation of
16 the provisions of section 18-8004(1) (b), Idaho Code, for the first time is
17 guilty of a misdemeanor and subject to:

18 (a) The provisions of subsection (1) (a), (b), (c) and (e) of this sec-
19 tion; and

20 (b) The provisions of section 49-335, Idaho Code.

21 (3) Any person who pleads guilty to or is found guilty of a violation of
22 the provisions of section 18-8004(1) (c), Idaho Code, for the first time is
23 guilty of a misdemeanor and is subject to:

24 (a) The provisions of subsection (1) (a), (b), (c) and (e) of this sec-
25 tion; and

26 (b) The provisions of section 49-335, Idaho Code.

27 (4) Any person who pleads guilty to or is found guilty of a violation of
28 the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, who previ-
29 ously has been found guilty of or has pled guilty to a violation of the provi-
30 sions of section 18-8004(1) (a), (b) or (c), Idaho Code, or any substantially
31 conforming foreign criminal violation within ten (10) years, notwithstand-
32 ing the form of the judgment(s) or withheld judgment(s), and except as pro-
33 vided in section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, ex-
34 cept as provided in section 18-8004C, Idaho Code:

35 (a) Shall be sentenced to jail for a mandatory minimum period of no less
36 than ten (10) days, the first forty-eight (48) hours of which must be
37 consecutive, and five (5) days of which must be served in jail, as re-
38 quired by 23 U.S.C. 164, and may be sentenced to no more than one (1)
39 year, provided however, that in the discretion of the sentencing judge,
40 the judge may authorize the defendant to be assigned to a work detail
41 program within the custody of the county sheriff during the period of
42 incarceration;

43 (b) May be fined an amount not to exceed two thousand dollars (\$2,000);

44 (c) Shall be advised by the court in writing at the time of sentencing
45 of the penalties that will be imposed for subsequent violations of the
46 provisions of section 18-8004, Idaho Code, which advice shall be signed
47 by the defendant, and a copy retained by the court and another copy re-
48 tained by the prosecuting attorney;

49 (d) Shall surrender his driver's license or permit to the court;

1 (e) Shall have his driving privileges suspended by the court for an
2 additional mandatory minimum period of one (1) year after release from
3 confinement, during which one (1) year period absolutely no driving
4 privileges of any kind may be granted; and

5 (f) Shall, while operating a motor vehicle, be required to drive only
6 a motor vehicle equipped with a functioning ignition interlock system,
7 as provided in section 18-8008, Idaho Code, following the one (1) year
8 mandatory license suspension period.

9 (5) If the person has pled guilty or was found guilty for the sec-
10 ond time within ten (10) years of a violation of the provisions of section
11 18-8004(1)(b) or (c), Idaho Code, then the provisions of section 49-335,
12 Idaho Code, shall apply.

13 (6) Except as provided in section 18-8004C, Idaho Code, any person who
14 pleads guilty to or is found guilty of a violation of the provisions of sec-
15 tion 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found
16 guilty of or has pled guilty to two (2) or more violations of the provisions
17 of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially con-
18 forming foreign criminal violation, or any combination thereof, or who has
19 completed a diversion program for driving under the influence, whether or
20 not the person has pled guilty or been found guilty, or any substantially
21 conforming foreign program, and has pled guilty or been found guilty of one
22 (1) or more violations of the provisions of section 18-8004(1)(a), (b), or
23 (c), Idaho Code, or any substantially conforming foreign criminal violation
24 within ten (10) years, notwithstanding the form of the judgment(s) or with-
25 held judgment(s), shall be guilty of a felony and:

26 (a) Shall be sentenced to the custody of the state board of correction
27 for not to exceed ten (10) years; provided that notwithstanding the pro-
28 visions of section 19-2601, Idaho Code, should the court impose any sen-
29 tence other than incarceration in the state penitentiary, the defendant
30 shall be sentenced to the county jail for a mandatory minimum period of
31 no less than thirty (30) days, the first forty-eight (48) hours of which
32 must be consecutive, and ten (10) days of which must be served in jail,
33 as required by 23 U.S.C. 164; and further provided that notwithstanding
34 the provisions of section 18-111, Idaho Code, a conviction under this
35 section shall be deemed a felony;

36 (b) May be fined an amount not to exceed five thousand dollars (\$5,000);

37 (c) Shall surrender his driver's license or permit to the court;

38 (d) Shall have his driving privileges suspended by the court for a
39 mandatory minimum period of one (1) year after release from imprison-
40 ment, during which time he shall have absolutely no driving privileges
41 of any kind, and may have his driving privileges suspended by the court
42 for an additional period not to exceed four (4) years, during which
43 the defendant may request restricted driving privileges that the court
44 may allow if the defendant shows by a preponderance of the evidence
45 that driving privileges are necessary for his employment or for family
46 health needs; and

47 (e) Shall, while operating a motor vehicle, be required to drive only
48 a motor vehicle equipped with a functioning ignition interlock system,
49 as provided in section 18-8008, Idaho Code, following the mandatory one
50 (1) year license suspension period.

1 (7) Notwithstanding the provisions of subsections (4) (e) and (6) (d)
2 of this section, any person who is enrolled in and is a participant in good
3 standing in a drug court or mental health court approved by the supreme
4 court drug court and mental health court coordinating committee under the
5 provisions of chapter 56, title 19, Idaho Code, or other similar problem
6 solving court utilizing community-based sentencing alternatives shall be
7 eligible for restricted noncommercial driving privileges for the purpose
8 of getting to and from work, school or an alcohol treatment program, which
9 may be granted by the presiding judge of the drug court or mental health
10 court or other similar problem solving court, provided that the offender
11 has served a period of absolute suspension of driving privileges of at least
12 forty-five (45) days, that a state-approved ignition interlock system is
13 installed, at his expense, on any motor vehicles operated by the offender
14 for a period to end one (1) year following the end of the suspension period
15 and that the offender has shown proof of financial responsibility as defined
16 and in the amounts specified in section 49-117, Idaho Code, provided that
17 the restricted noncommercial driving privileges may be continued if the of-
18 fender successfully completes the drug court, mental health court or other
19 similar problem solving court, and that the court may revoke such privileges
20 for failure to comply with the terms of probation or with the terms and condi-
21 tions of the drug court, mental health court or other similar problem solving
22 court program.

23 (8) For the purpose of computation of the enhancement period in subsec-
24 tions (4), (6) and (9) of this section, the time that elapses between the date
25 of commission of the offense and the date the defendant pleads guilty or is
26 found guilty for the pending offense shall be excluded. If the determination
27 of guilt against the defendant is reversed upon appeal, the time that elapsed
28 between the date of the commission of the offense and the date the defendant
29 pleads guilty or is found guilty following the appeal shall also be excluded.

30 (9) Notwithstanding the provisions of subsections (4) and (6) of this
31 section, any person who has pled guilty to or has been found guilty of a
32 felony violation of the provisions of section 18-8004, Idaho Code, a felony
33 violation of the provisions of section 18-8004C, Idaho Code, a violation
34 of the provisions of section 18-8006, Idaho Code, a violation of the provi-
35 sions of section 18-4006 3.(b), Idaho Code, notwithstanding the form of the
36 judgment(s) or withheld judgment(s) or any substantially conforming foreign
37 criminal felony violation, notwithstanding the form of the judgment(s) or
38 withheld judgment(s), and within fifteen (15) years pleads guilty to or is
39 found guilty of a further violation of the provisions of section 18-8004,
40 Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to
41 subsection (6) of this section.

42 (10) For the purpose of subsections (4), (6) and (9) of this section and
43 the provisions of section 18-8004C, Idaho Code, a substantially conforming
44 foreign criminal violation exists when a person has pled guilty to or has
45 been found guilty of a violation of any federal law or law of another state,
46 or any valid county, city, or town ordinance of another state substantially
47 conforming to the provisions of section 18-8004, Idaho Code. The determina-
48 tion of whether a foreign criminal violation is substantially conforming is
49 a question of law to be determined by the court.

1 (11) Any person who pleads guilty to or is found guilty of a violation of
2 the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall
3 undergo, at his own expense (or at county expense through the procedures set
4 forth in chapters 34 and 35, title 31, Idaho Code) and prior to the sentencing
5 date, an alcohol evaluation by a substance use disorders service provider
6 approved by the Idaho department of health and welfare; provided however, if
7 the defendant has no prior or pending charges with respect to the provisions
8 of section 18-8004, 18-8004C or 18-8006, Idaho Code, and the court has the
9 records and information required under subsection (12) (a), (b) and (c) of
10 this section or possesses information from other reliable sources relating
11 to the defendant's use or nonuse of alcohol or drugs that does not give the
12 court any reason to believe that the defendant regularly abuses alcohol or
13 drugs and is in need of treatment, the court may, in its discretion, waive the
14 evaluation with respect to sentencing for a violation of section 18-8004 or
15 18-8004C(1), Idaho Code, and proceed to sentence the defendant. The court
16 may also, in its discretion, waive the requirement of an alcohol evaluation
17 with respect to a defendant's first violation of the provisions of section
18 18-8004, 18-8004C or 18-8006, Idaho Code, and proceed to sentence the de-
19 fendant if the court has a presentence investigation report, substance use
20 disorder assessment, criminogenic risk assessment, or other assessment
21 that evaluates the defendant's degree of alcohol abuse and need for alcohol
22 treatment conducted within twelve (12) months preceding the date of the
23 defendant's sentencing. In the event an alcohol evaluation indicates the
24 need for alcohol treatment, the evaluation shall contain a recommendation
25 by the evaluator as to the most appropriate treatment program, together with
26 the estimated cost thereof, and recommendations for other suitable alter-
27 native treatment programs, together with the estimated costs thereof. The
28 person shall request that a copy of the completed evaluation be forwarded
29 to the court. The court shall take the evaluation into consideration in
30 determining an appropriate sentence. If a copy of the completed evaluation
31 has not been provided to the court, the court may proceed to sentence the
32 defendant; however, in such event, it shall be presumed that alcohol treat-
33 ment is required unless the defendant makes a showing by a preponderance of
34 evidence that treatment is not required. If the defendant has not made a good
35 faith effort to provide the completed copy of the evaluation to the court,
36 the court may consider the failure of the defendant to provide the report
37 as an aggravating circumstance in determining an appropriate sentence. If
38 treatment is ordered, in no event shall the person or facility doing the
39 evaluation be the person or facility that provides the treatment unless this
40 requirement is waived by the sentencing court, with the exception of fed-
41 erally recognized Indian tribes or federal military installations, where
42 diagnosis and treatment are appropriate and available. Nothing herein con-
43 tained shall preclude the use of funds authorized pursuant to the provisions
44 of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for
45 indigent defendants.

46 (12) At the time of sentencing, the court shall be provided with the fol-
47 lowing information:

48 (a) The results, if administered, of any evidentiary test for alcohol
49 and/or drugs;

1 (b) A computer or teletype or other acceptable copy of the person's
2 driving record;

3 (c) Information as to whether the defendant has pled guilty to or
4 been found guilty of a violation of the provisions of section 18-8004,
5 18-8004C or 18-8006, Idaho Code, or a similar offense within the past
6 five (5) years, notwithstanding the form of the judgment(s) or withheld
7 judgment(s); and

8 (d) The alcohol evaluation required in subsection (11) of this section,
9 if any.

10 (13) At the time of sentencing, the court shall inform the defendant
11 that a second or subsequent offense of driving while under the influence of
12 alcohol, drugs, or any other intoxicating substances that results in death
13 may be considered vehicular manslaughter and may result in stricter pun-
14 ishment, including a mandatory fixed term of imprisonment of at least five
15 (5) years for a second offense and a mandatory fixed term of imprisonment
16 of at least ten (10) years for a third or subsequent offense, as provided in
17 section 18-4007(3)(b)(ii) and (iii), Idaho Code. Failure by the court to
18 inform the defendant of such information shall not prohibit the imposition
19 of a mandatory fixed term of imprisonment, and proof of knowledge of the
20 mandatory fixed term of imprisonment shall not be required for such term to
21 be imposed.

22 ~~(13)~~ (14) A minor may be prosecuted for a violation of the provisions of
23 section 18-8004 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho
24 Code. In addition to any other penalty, if a minor pleads guilty to or is
25 found guilty of a violation of the provisions of section 18-8004(1)(a),
26 (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges
27 suspended or denied for an additional one (1) year following the end of any
28 period of suspension or revocation existing at the time of the violation,
29 or until he reaches the age of twenty-one (21) years, whichever period is
30 greater. During the period of additional suspension or denial, absolutely
31 no driving privileges shall be allowed.

32 ~~(14)~~ (15) In the event that the alcohol evaluation required in subsec-
33 tion (11) of this section recommends alcohol treatment, the court shall
34 order the person to complete a treatment program in addition to any other
35 sentence that may be imposed, unless the court determines that alcohol
36 treatment would be inappropriate or undesirable, in which event the court
37 shall enter findings articulating the reasons for such determination on
38 the record. The court shall order the defendant to complete the preferred
39 treatment program set forth in the evaluation, or a comparable alternative,
40 unless it appears that the defendant cannot reasonably obtain adequate fi-
41 nancial resources for such treatment. In that event, the court may order
42 the defendant to complete a less costly alternative set forth in the evalua-
43 tion, or a comparable program. Such treatment shall, to the greatest extent
44 possible, be at the expense of the defendant. In the event that funding is
45 provided for or on behalf of the defendant by an entity of state government,
46 restitution shall be ordered to such governmental entity in accordance with
47 the restitution procedure for crime victims, as specified under chapter
48 53, title 19, Idaho Code. Nothing contained herein shall be construed as
49 requiring a court to order that a governmental entity shall provide alcohol
50 treatment at government expense unless otherwise required by law.

1 ~~(15)~~ (16) Any person who is disqualified, or whose driving privileges
2 have been suspended, revoked or canceled under the provisions of this chap-
3 ter, shall not be granted restricted driving privileges to operate a commer-
4 cial motor vehicle.

5 ~~(16)~~ (17) As used in this section, "at his expense" includes the cost of
6 obtaining, installing, using and maintaining an ignition interlock system.

7 SECTION 3. That Section 18-8006, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 18-8006. AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL,
10 DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) Any person causing great
11 bodily harm, permanent disability or permanent disfigurement to any person
12 other than himself in committing a violation of the provisions of section
13 18-8004(1) (a) or (1) (c), Idaho Code, is guilty of a felony, and upon convic-
14 tion:

15 (a) Shall be sentenced to the state board of correction for not to ex-
16 ceed fifteen (15) years, provided that notwithstanding the provisions
17 of section 19-2601, Idaho Code, should the court impose any sentence
18 other than incarceration in the state penitentiary, the defendant shall
19 be sentenced to the county jail for a mandatory minimum period of not
20 less than thirty (30) days, the first forty-eight (48) hours of which
21 must be consecutive; and further provided that notwithstanding the pro-
22 visions of section 18-111, Idaho Code, a conviction under this section
23 shall be deemed a felony;

24 (b) May be fined an amount not to exceed five thousand dollars (\$5,000);

25 (c) Shall surrender his driver's license or permit to the court; and

26 (d) Shall have his driving privileges suspended by the court for a
27 mandatory minimum period of one (1) year after release from imprison-
28 ment, and may have his driving privileges suspended by the court for not
29 to exceed five (5) years after release from imprisonment, during which
30 time he shall have absolutely no driving privileges of any kind; and

31 (e) Shall be ordered by the court to pay restitution in accordance with
32 chapter 53, title 19, Idaho Code.

33 (2) At the time of sentencing, the court shall inform the defendant that
34 a second or subsequent offense of driving while under the influence of alco-
35 hol, drugs, or any other intoxicating substances that results in death may
36 be considered vehicular manslaughter and may result in stricter punishment,
37 including a mandatory fixed term of imprisonment of at least five (5) years
38 for a second offense and a mandatory fixed term of imprisonment of at least
39 ten (10) years for a third or subsequent offense, as provided in section
40 18-4007(3) (b) (ii) and (iii), Idaho Code. Failure by the court to inform the
41 defendant of such information shall not prohibit the imposition of a manda-
42 tory fixed term of imprisonment, and proof of knowledge of the mandatory
43 fixed term of imprisonment shall not be required for such term to be imposed.

44 ~~(2)~~ (3) Notwithstanding any other provision of law, any evidence of
45 conviction under this section shall be admissible in any civil action for
46 damages resulting from the occurrence. A conviction for the purposes of
47 this section means that the person has pled guilty or has been found guilty,
48 notwithstanding the form of the judgment(s) or withheld judgment(s).

1 SECTION 4. That Section 18-8004A, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 18-8004A. PENALTIES -- PERSONS UNDER 21 WITH LESS THAN 0.08 ALCOHOL
4 CONCENTRATION. (1) Any person found guilty of a violation of subsection
5 (1) (d) of section 18-8004, Idaho Code, shall be guilty of a misdemeanor; and,
6 for a first offense:

7 (a) Shall be fined an amount not to exceed one thousand dollars
8 (\$1,000);

9 (b) Shall have his driving privileges suspended by the court for a pe-
10 riod of one (1) year, ninety (90) days of which shall not be reduced and
11 during which period absolutely no driving privileges of any kind may be
12 granted. After the period of absolute suspension of driving privileges
13 has passed, the defendant may request restricted driving privileges
14 which the court may allow, if the defendant shows by a preponderance of
15 the evidence that driving privileges are necessary as deemed appropri-
16 ate by the court;

17 (c) Shall be advised by the court in writing at the time of sentencing of
18 the penalties that will be imposed for any subsequent violation of the
19 provisions of this section or any violation of section 18-8004, Idaho
20 Code, which advice shall be signed by the defendant, and a copy retained
21 by the court and another copy retained by the prosecuting attorney;

22 (d) Shall be required to undergo an alcohol evaluation and otherwise
23 comply with the requirements of section 18-8005(11) and ~~(14)~~ (15),
24 Idaho Code, as ordered by the court.

25 (2) Any person who pleads guilty to or is found guilty of a violation
26 of the provisions of subsection (1) (d) of section 18-8004, Idaho Code, who
27 previously has been found guilty of or has pled guilty to a violation of the
28 provisions of section 18-8004(1) (a), (b), (c) or (d), Idaho Code, or any
29 substantially conforming foreign criminal violation, as defined in section
30 18-8005(10), Idaho Code, notwithstanding the form of the judgment or with-
31 held judgment, is guilty of a misdemeanor; and:

32 (a) Shall be sentenced to jail for a mandatory minimum period of five
33 (5) days, as required by 23 U.S.C. section 164, not to exceed thirty (30)
34 days;

35 (b) Shall be fined an amount of not less than five hundred dollars
36 (\$500) nor more than two thousand dollars (\$2,000);

37 (c) Shall have his driving privileges suspended by the court for a pe-
38 riod not to exceed two (2) years, one (1) year of which shall be absolute
39 and shall not be reduced and during which period absolutely no driving
40 privileges of any kind may be granted;

41 (d) Shall, while operating a motor vehicle, be required to drive only
42 a motor vehicle equipped with a functioning ignition interlock system,
43 as provided in section 18-8008, Idaho Code, following the mandatory one
44 (1) year license suspension period;

45 (e) Shall be advised by the court in writing at the time of sentencing
46 of the penalties that will be imposed for subsequent violations of the
47 provisions of this section or section 18-8004, Idaho Code, which advice
48 shall be signed by the defendant, and a copy retained by the court and
49 another copy retained by the prosecuting attorney; and

1 (f) Shall undergo an alcohol evaluation and comply with the other re-
2 quirements of ~~subsections (11) and (14)~~ of section 18-8005 (11) and
3 (15), Idaho Code.

4 (3) Any person who pleads guilty to or is found guilty of a violation
5 of the provisions of subsection (1) (d) of section 18-8004, Idaho Code, who
6 previously has been found guilty of or has pled guilty to two (2) or more vi-
7 olations of the provisions of section 18-8004(1) (a), (b), (c) or (d), Idaho
8 Code, or any substantially conforming foreign criminal violation, within
9 five (5) years, notwithstanding the form of the judgment or withheld judg-
10 ment, shall be guilty of a misdemeanor; and:

11 (a) Shall be sentenced to jail for a mandatory minimum period of ten
12 (10) days, as required by 23 U.S.C. section 164, not to exceed six (6)
13 months;

14 (b) Shall be fined an amount of not less than one thousand dollars
15 (\$1,000) nor more than two thousand dollars (\$2,000);

16 (c) Shall surrender his driver's license or permit to the court;

17 (d) Shall have his driving privileges suspended by the court for a
18 mandatory minimum period of one (1) year, during which period abso-
19 lutely no driving privileges of any kind may be granted, or until such
20 person reaches the age of twenty-one (21) years, whichever is greater;

21 (e) Shall, while operating a motor vehicle, be required to drive only
22 a motor vehicle equipped with a functioning ignition interlock system,
23 as provided in section 18-8008, Idaho Code, following the mandatory one
24 (1) year license suspension period; and

25 (f) Shall undergo an alcohol evaluation and comply with all other re-
26 quirements imposed by the court pursuant to section 18-8005(11) and
27 ~~(14)~~ (15), Idaho Code.

28 (4) All provisions of section 18-8005, Idaho Code, not otherwise in
29 conflict with or provided for in this section shall apply to any sentencing
30 imposed under the provisions of this section.

31 (5) A person violating the provisions of section 18-8004(1) (d), Idaho
32 Code, may be prosecuted under title 20, Idaho Code.

33 (6) Any person whose driving privileges are suspended, revoked, can-
34 celed or disqualified under the provisions of this chapter shall not be
35 granted privileges to operate a commercial motor vehicle during the period
36 of suspension, revocation, cancellation or disqualification.

37 SECTION 5. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after
39 July 1, 2025.