STATEMENT OF PURPOSE

RS23348

Idaho Code § 18-8005(6) requires a person convicted of felony DUI to serve a mandatory period of incarceration. Subsection (6)(d) states that the defendant "[s]hall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind." This appears to state that if the court imposes a license suspension of more than one year, the defendant cannot receive restricted driving privileges even for the period of suspension beyond the initial year. However, this does not appear to have been the intent of the Legislature because the very next subsection, (6)(e), states that the defendant shall "be required to drive only a motor vehicle equipped with a functioning interlock system . . . following the mandatory one (1) year license suspension period." This bill would amend subsection (6)(d) to provide that a court may, in its discretion, grant restricted driving privileges for employment and family health needs during the period of suspension following the one year mandatory suspension.

FISCAL NOTE

This bill would have no impact on the General Fund.

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