

STATEMENT OF PURPOSE

RS25823C2

Consistent with studies showing that it will enhance public safety, this legislation requires, with some exceptions, the installation and operation of an ignition interlock device on all vehicles operated by a driving under the influence offender for a period of one year following the end of the license suspension period. Current law imposes an ignition interlock requirement on repeat offenders, but not first offenders.

The legislation provides that a court may, in its discretion, relieve an offender of the obligation to install an ignition interlock device if it finds by clear and convincing evidence that the person will not present a danger to the public or if there are exceptional or mitigating circumstances demonstrating that installation of the device is unnecessary or unwarranted. Financial hardship standing alone is not a mitigating circumstance.

This legislation expressly permits a court to determine that an offender may use available funds in the court interlock device and electronic monitoring device fund to procure the device. This fund already exists in each county, and is funded by a small, one-time surcharge paid by each offender.

FISCAL NOTE

This legislation does not change the scope of the Idaho Transportation Department's (ITD) duties, except to apply the processes that are already in place for repeat offenders to first-time offenders. The legislation will require the courts to rule on offender requests for an exemption from the ignition interlock requirements. It is expected that the minimal fiscal impact of this legislation will be absorbed within existing appropriations.

The legislation will take effect on January 1, 2019 to allow ITD time for implementation and include necessary changes in its new system, thereby avoiding updating costs. To the extent quantifiable, ITD costs are estimated to be follows: (i) \$16,000 for minor programming changes to ITD's new system to track the date on which the offender may remove the ignition interlock device; and (ii) \$20,000 for inclusion of the first-time offender ignition interlock requirement in advisory notices, audio tapes, training and instruction manuals used by law enforcement when a driver refuses or fails an evidentiary test. The potential impact to the court interlock device and electronic monitoring device fund is unknown. More offenders may request available funds, but a higher number of \$15 surcharges will be collected.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).