

1 HB322
2 117719-2
3 By Representative McClendon
4 RFD: Public Safety
5 First Read: 19-JAN-10

1 ENGROSSED

2
3
4 A BILL

5 TO BE ENTITLED

6 AN ACT

7
8 Relating to motor vehicles and driving under the
9 influence; to amend Section 32-5A-191 of the Code of Alabama
10 1975, and to add Section 32-5A-191.4 to the Code of Alabama
11 1975; to increase the penalties for violations by requiring
12 certain persons authorized to drive a motor vehicle after a
13 conviction of driving under the influence to have installed
14 and operating an ignition interlock device for certain periods
15 of time; to provide for the installation and certification of
16 ignition interlock devices; to impose certain duties on the
17 Department of Forensic Sciences; to provide for fees and to
18 authorize the Department of Public Safety to set a fee for the
19 issuance of a restricted license and for the reissuance of a
20 regular license pursuant to this act; to provide penalties for
21 violations; to indemnify the state from liability related to
22 the installation of the devices; and in connection therewith
23 would have as its purpose or effect the requirement of a new
24 or increased expenditure of local funds within the meaning of
25 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§32-5A-191.

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

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

11 "(2) Under the influence of alcohol;

12 "(3) Under the influence of a controlled substance
13 to a degree which renders him or her incapable of safely
14 driving;

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

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

21 "(b) A person who is under the age of 21 years shall
22 not drive or be in actual physical control of any vehicle if
23 there is .02 percentage or more by weight of alcohol in his or
24 her blood. The Department of Public Safety shall suspend or
25 revoke the driver's license of any person, including, but not
26 limited to, a juvenile, child, or youthful offender, convicted

1 or adjudicated of, or subjected to a finding of delinquency
2 based on this subsection. Notwithstanding the foregoing, upon
3 the first violation of this subsection by a person whose blood
4 alcohol level is between .02 and .08, the person's driver's
5 license or driving privilege shall be suspended for a period
6 of 30 days in lieu of any penalties provided in subsection (e)
7 of this section and there shall be no disclosure, other than
8 to courts, law enforcement agencies, and the person's
9 employer, by any entity or person of any information,
10 documents, or records relating to the person's arrest,
11 conviction, or adjudication of or finding of delinquency based
12 on this subsection.

13 "All persons, except as otherwise provided in this
14 subsection for a first offense, including, but not limited to,
15 a juvenile, child, or youthful offender, convicted or
16 adjudicated of, or subjected to a finding of delinquency based
17 on this subsection shall be fined pursuant to this section,
18 notwithstanding any other law to the contrary, and the person
19 shall also be required to attend and complete a DUI or
20 substance abuse court referral program in accordance with
21 subsection (i).

22 "(c) (1) A school bus or day care driver shall not
23 drive or be in actual physical control of any vehicle while in
24 performance of his or her duties if there is greater than .02
25 percentage by weight of alcohol in his or her blood. A person
26 convicted pursuant to this subsection shall be subject to the

1 penalties provided by this section except that on the first
2 conviction the Director of Public Safety shall suspend the
3 driving privilege or driver's license for a period of one
4 year.

5 "(2) A person shall not drive or be in actual
6 physical control of a commercial motor vehicle as defined in
7 49 CFR Part ~~390.5~~ 383.5 of the Federal Motor Carrier Safety
8 Regulations as adopted pursuant to Section 32-9A-2, if there
9 is .04 percentage or greater by weight of alcohol in his or
10 her blood. Notwithstanding the other provisions of this
11 section, the commercial driver's license or commercial driving
12 privilege of a person convicted of violating this subdivision
13 shall be ~~suspended~~ disqualified for the period provided in
14 accordance with 49 CFR Part 383.51 ~~or 49 CFR Part 391.15~~, as
15 applicable, and the person's regular driver's license or
16 privilege to drive a regular motor vehicle shall be governed
17 by the remainder of this section if the person is guilty of a
18 violation of another provision of this section.

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

23 "(e) Upon first conviction, a person violating this
24 section shall be punished by imprisonment in the county or
25 municipal jail for not more than one year, or by fine of not
26 less than six hundred dollars (\$600) nor more than two

1 thousand one hundred dollars (\$2,100), or by both a fine and
2 imprisonment. In addition, on a first conviction, the Director
3 of Public Safety shall suspend the driving privilege or
4 driver's license of the person convicted for a period of 90
5 days and the offender may be required to have an ignition
6 interlock device installed and operating on the designated
7 motor vehicle driven by the offender for a period of one year.

8 "(f) On a second conviction within a five-year
9 period, a person convicted of violating this section shall be
10 punished by a fine of not less than one thousand one hundred
11 dollars (\$1,100) nor more than five thousand one hundred
12 dollars (\$5,100) and by imprisonment, which may include hard
13 labor in the county or municipal jail for not more than one
14 year. The sentence shall include a mandatory sentence, which
15 is not subject to suspension or probation, of imprisonment in
16 the county or municipal jail for not less than five days or
17 community service for not less than 30 days. In addition the
18 Director of Public Safety shall revoke the driving privileges
19 or driver's license of the person convicted for a period of
20 one year and the offender shall be required to have an
21 ignition interlock device installed and operating on the
22 designated motor vehicle driven by the offender for a period
23 of two years.

24 "(g) On a third conviction, a person convicted of
25 violating this section shall be punished by a fine of not less
26 than two thousand one hundred dollars (\$2,100) nor more than

1 ten thousand one hundred dollars (\$10,100) and by
2 imprisonment, which may include hard labor, in the county or
3 municipal jail for not less than 60 days nor more than one
4 year, to include a minimum of 60 days which shall be served in
5 the county or municipal jail and cannot be probated or
6 suspended. In addition, the Director of Public Safety shall
7 revoke the driving privilege or driver's license of the person
8 convicted for a period of three years and the offender shall
9 be required to have an ignition interlock device installed and
10 operating on the designated motor vehicle driven by the
11 offender for a period of three years.

12 "(h) On a fourth or subsequent 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

1 probation the defendant enrolls and successfully completes a
2 state certified chemical dependency program recommended by the
3 court referral officer and approved by the sentencing court.
4 Where probation is granted, the sentencing court may, in its
5 discretion, and where monitoring equipment is available, place
6 the defendant on house arrest under electronic surveillance
7 during the probationary term. In addition to the other
8 penalties authorized, the Director of Public Safety shall
9 revoke the driving privilege or driver's license of the person
10 convicted for a period of five years and the offender shall be
11 required to have an ignition interlock device installed and
12 operating on the designated motor vehicle driven by the
13 offender for a period of five years.

14 "The Alabama habitual felony offender law shall not
15 apply to a conviction of a felony pursuant to this subsection,
16 and a conviction of a felony pursuant to this subsection shall
17 not be a felony conviction for purposes of the enhancement of
18 punishment pursuant to Alabama's habitual felony offender law.

19 "(i) In addition to the penalties provided herein,
20 any person convicted of violating this section shall be
21 referred to the court referral officer for evaluation and
22 referral to appropriate community resources. The defendant
23 shall, at a minimum, be required to complete a DUI or
24 substance abuse court referral program approved by the
25 Administrative Office of Courts and operated in accordance
26 with provisions of the Mandatory Treatment Act of 1990,

1 Sections 12-23-1 to 12-23-19, inclusive. The Department of
2 Public Safety shall not reissue a driver's license to a person
3 convicted under this section without receiving proof that the
4 defendant has successfully completed the required program.

5 "(j) Neither reckless driving nor any other traffic
6 infraction is a lesser included offense under a charge of
7 driving under the influence of alcohol or of a controlled
8 substance.

9 "(k) Except for fines collected for violations of
10 this section charged pursuant to a municipal ordinance, fines
11 collected for violations of this section shall be deposited to
12 the State General Fund; however, beginning October 1, 1995, of
13 any amount collected over two hundred fifty dollars (\$250) for
14 a first conviction, over five hundred dollars (\$500) for a
15 second conviction within five years, over one thousand dollars
16 (\$1,000) for a third conviction within five years, and over
17 two thousand dollars (\$2,000) for a fourth or subsequent
18 conviction within five years, the first one hundred dollars
19 (\$100) of that additional amount shall be deposited to the
20 Alabama Chemical Testing Training and Equipment Trust Fund,
21 after three percent of the one hundred dollars (\$100) is
22 deducted for administrative costs, and beginning October 1,
23 1997, and thereafter, the second one hundred dollars (\$100) of
24 that additional amount shall be deposited in the Impaired
25 Drivers Trust Fund after deducting five percent of the one
26 hundred dollars (\$100) for administrative costs and the

1 remainder of the funds shall be deposited to the State General
2 Fund. Fines collected for violations of this section charged
3 pursuant to a municipal ordinance where the total fine is paid
4 at one time shall be deposited as follows: The first three
5 hundred fifty dollars (\$350) collected for a first conviction,
6 the first six hundred dollars (\$600) collected for a second
7 conviction within five years, the first one thousand one
8 hundred dollars (\$1,100) collected for a third conviction, and
9 the first two thousand one hundred dollars (\$2,100) collected
10 for a fourth or subsequent conviction shall be deposited to
11 the State Treasury with the first one hundred dollars (\$100)
12 collected for each conviction credited to the Alabama Chemical
13 Testing Training and Equipment Trust Fund and the second one
14 hundred dollars (\$100) to the Impaired Drivers Trust Fund
15 after deducting five percent of the one hundred dollars (\$100)
16 for administrative costs and depositing this amount in the
17 general fund of the municipality, and the balance credited to
18 the State General Fund. Any amounts collected over these
19 amounts shall be deposited as otherwise provided by law. Fines
20 collected for violations of this section charged pursuant to a
21 municipal ordinance, where the fine is paid on a partial or
22 installment basis, shall be deposited as follows: The first
23 two hundred dollars (\$200) of the fine collected for any
24 conviction shall be deposited to the State Treasury with the
25 first one hundred dollars (\$100) collected for any conviction
26 credited to the Alabama Chemical Testing Training and

1 Equipment Trust Fund and the second one hundred dollars (\$100)
2 for any conviction credited to the Impaired Drivers Trust Fund
3 after deducting five percent of the one hundred dollars (\$100)
4 for administrative costs and depositing this amount in the
5 general fund of the municipality. The second three hundred
6 dollars (\$300) of the fine collected for a first conviction,
7 the second eight hundred dollars (\$800) collected for a second
8 conviction, the second one thousand eight hundred dollars
9 (\$1,800) collected for a third conviction, and the second
10 three thousand eight hundred dollars (\$3,800) collected for a
11 fourth conviction shall be divided with 50 percent of the
12 funds collected to be deposited to the State Treasury to be
13 credited to the State General Fund and 50 percent deposited as
14 otherwise provided by law for municipal ordinance violations.
15 Any amounts collected over these amounts shall be deposited as
16 otherwise provided by law for municipal ordinance violations.
17 Notwithstanding any provision of law to the contrary, 90
18 percent of any fine assessed and collected for any DUI offense
19 charged by municipal ordinance violation in district or
20 circuit court shall be computed only on the amount assessed
21 over the minimum fine authorized, and upon collection shall be
22 distributed to the municipal general fund with the remaining
23 10 percent distributed to the State General Fund.

24 "(1) 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

1 of alcohol in his or her blood as specified in subsection
2 (a) (1) or, in the case of a person who is under the age of 21
3 years, subsection (b) hereof.

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

11 "(n) When any person over the age of 21 years is
12 convicted pursuant to this section and a child under the age
13 of 14 years was present in the vehicle at the time of the
14 offense, the defendant shall be sentenced to double the
15 minimum punishment that the person would have received if the
16 child had not been present in the motor vehicle.

17 "(o) A prior conviction within a five-year period
18 for driving under the influence of alcohol or drugs from this
19 state, a municipality within this state, or another state or
20 territory or a municipality of another state or territory
21 shall be considered by a court for imposing a sentence
22 pursuant to this section.

23 "(p) Any person convicted of driving under the
24 influence of alcohol, or a controlled substance, or both, or
25 any substance which impairs the mental or physical faculties
26 in violation of this section, a municipal ordinance adopting

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

15 "(g) Any person ordered by the court to have an
16 ignition interlock device installed on a designated vehicle
17 shall pay to the court, during the period his or her license
18 is suspended, seventy-five dollars (\$75) per month for 12
19 months which shall be deposited into the Alabama Interlock
20 Indigent Fund in the State Treasury to be used toward the
21 installation of an ignition interlock device on
22 the designated vehicle of the person. Monies paid into the
23 fund shall be paid to the ignition interlock device provider
24 designated to install the device on the designated vehicle of
25 the person pursuant to rules of the Department of Forensic
26 Sciences.

1 "(r) The defendant shall designate the vehicle to be
2 used by identifying the vehicle by the Vehicle Identification
3 Number to the court.

4 "(s) (1) Any person who is required to comply with
5 the ignition interlock provisions of this section as a
6 condition of restoration or reinstatement of his or her
7 driver's license, shall only operate the designated vehicle
8 equipped with a functioning ignition interlock device for the
9 period of time consistent with the offense for which he or she
10 was convicted as provided for in this section.

11 "(2) The duration of the time an ignition interlock
12 device is required by this section shall be doubled if the
13 offender refused the prescribed chemical test for
14 intoxication, or if the offender's blood alcohol concentration
15 (BAC) was 0.15 grams percent or greater.

16 "(t) (1) The Department of Public Safety may set a
17 fee of not more than one hundred fifty dollars (\$150) for the
18 issuance of a driver's license indicating that the person's
19 driving privileges are subject to the condition of the
20 installation and use of a certified ignition interlock device
21 on a motor vehicle. ~~Fifteen percent of the fee shall be~~
22 ~~distributed to the general fund of the county where the person~~
23 ~~was convicted to be utilized for law enforcement purposes.~~ In
24 addition, at the end of the time the person's driving
25 privileges are subject to the above conditions, the department
26 shall set a fee of not more than seventy-five dollars (\$75) to

1 reissue a regular driver's license. The fee shall be deposited
2 in the Department of Public Safety Highway Traffic Safety Fund
3 and shall be continuously appropriated to the Department of
4 Public Safety for the costs of issuance of the licenses and
5 for the operation of the department. as provided for in
6 Sections 32-6-5, 32-6-6, and 32-6-6.1, Code of Alabama 1975.

7 "(2) The defendant shall provide proof of
8 installation of an approved ignition interlock device to the
9 Department of Public Safety as a condition of the reissuance
10 of a driver's license.

11 "(3) Any ignition interlock driving violation
12 committed by the offender during the mandated ignition
13 interlock period shall extend the duration of ignition
14 interlock use for six months from the date of violation.
15 Ignition interlock driving violations include any of the
16 following:

17 "a. A breath sample at or above a minimum BAC level
18 of 0.02.

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

21 "c. Failure to comply with the servicing or
22 calibration requirements of the ignition interlock device."

23 Section 2. Section 32-5A-191.4 is added to the Code
24 of Alabama 1975, to read as follows:

25 §32-5A-191.4.

1 (a) As used in the term, "ignition interlock device"
2 means a constant monitoring device that prevents a motor
3 vehicle from being started at any time without first
4 determining the equivalent blood alcohol level of the operator
5 through the taking of a breath sample for testing. The system
6 shall be calibrated so that the motor vehicle may not be
7 started if the blood alcohol level of the operator, as
8 measured by the test, reaches a BAC level of ~~0.03~~ 02.

9 (b) The ignition interlock device shall be
10 installed, calibrated, and monitored directly by trained
11 technicians who shall train the offender for whom the device
12 is being installed in the proper use of the device. The use of
13 a "mail in" or remote calibration system where the technician
14 is not in the immediate proximity of the vehicle being
15 calibrated is prohibited.

16 (c) The Department of Forensic Sciences shall
17 formulate and promulgate rules for the proper approval,
18 installation, and use of ignition interlock devices.

19 (d) The Department of Forensic Sciences may adopt in
20 whole or relevant part the guidelines, rules, regulations,
21 studies, or independent laboratory tests performed or relied
22 upon by other states, their agencies, or commissions.

23 (e) The Department of Forensic Sciences shall charge
24 an application fee of two thousand dollars (\$2,000) to any
25 ignition interlock provider to evaluate the instrument.

1 (f) In the absence of negligence, wantonness, or
2 willful conduct, no person or employer or agent of a person
3 who installs an ignition interlock device pursuant to Section
4 32-5A-191 shall be liable for any occurrence related to the
5 device, including, but not limited to, occurrences resulting
6 from or related to a malfunction of the device or use of,
7 misuse of, or failure to use the device or the vehicle in
8 which the device was installed.

9 (g) (1) When the court imposes the use of an ignition
10 interlock device as required by Section 32-5A-191, the court
11 shall require that the person provide proof of installation of
12 a device to the court or a probation officer ~~within 30 days~~.
13 If the person fails to provide proof of installation ~~within~~
14 ~~that period~~, absent a finding by the court of good cause for
15 that failure which is entered into the court record, the court
16 shall revoke the person's probation.

17 (2) Proof of installation for the purpose of this
18 subsection may be furnished by either a certificate of
19 installation or a copy of the lease agreement with an approved
20 ignition interlock device company.

21 (3) A defendant who is determined by the court to be
22 indigent may have an ignition interlock device installed by an
23 ignition interlock provider as provided in this subsection.
24 Criteria for determining indigency shall be the same criteria
25 as set forth in Section 15-12-5(b). In determining whether the
26 defendant is indigent, the judge shall require an

1 investigation and report by a sheriff, probation officer, or
2 other officer of the court. The report shall include input
3 from the district attorney. The accused shall execute an
4 affidavit of substantial hardship on a form approved by the
5 Supreme Court. The completed affidavit of substantial hardship
6 and the subsequent order of the court either denying or
7 granting indigency status to the offender shall become a part
8 of the official court record in the case and shall be
9 submitted by the offender to the interlock provider.

10 (4) Any offender granted indigency status shall pay
11 one-half of the costs associated with installing and
12 maintaining an interlock device. This section shall not affect
13 any fees associated with the driver's license of the
14 defendant.

15 (5) All interlock providers will be required to pay
16 three percent of all payments collected to the Alabama
17 Interlock Indigent Fund in the State Treasury. All of the
18 money in the fund will be used to reimburse ignition interlock
19 device providers who have installed devices in vehicles of
20 indigent persons pursuant to court orders issued under this
21 section. No provider will be reimbursed for an interlock
22 device installed without the completed affidavit of
23 substantial hardship and the subsequent order of the court
24 granting indigency status. Payments to interlock device
25 providers pursuant to this subdivision shall be made every
26 three months. If the amount of money in the fund at the time

1 payments are made is not sufficient to pay all requests for
2 reimbursement submitted during that three-month period, the
3 state Comptroller shall make payments on a pro rata basis and
4 those payments shall be considered payment in full for the
5 requests submitted.

6 (6) Any defendant who does not own a vehicle or
7 otherwise have an ignition interlock device installed on the
8 vehicle shall be required to pay the same costs the defendant
9 would have paid to an ignition interlock provider if the
10 defendant had an interlock device installed. Any monies paid
11 pursuant to this subdivision shall be paid to the court clerk
12 and shall be deposited in the Alabama Impaired Driving
13 Prevention and Enforcement Fund in the State Treasury to be
14 used by the Department of Public Safety for impaired driving
15 education and enforcement.

16 (h) No person who is prohibited from operating a
17 motor vehicle unless it is equipped with an ignition interlock
18 device as provided in Section 32-5A-191 shall knowingly:

19 (1) Operate, lease, or borrow a motor vehicle unless
20 that vehicle is equipped with a functioning ignition interlock
21 device.

22 (2) Request or solicit any other person to blow into
23 an ignition interlock device or to start a motor vehicle
24 equipped with the device for the purpose of providing the
25 person so restricted with an operable motor vehicle.

1 (i) (1) Any person who operates a motor vehicle in
2 violation of subsection (g h) shall be immediately removed
3 from the vehicle and taken into custody. The vehicle,
4 regardless of ownership or possessory interest of the operator
5 or person present in the vehicle, except when the owner of the
6 vehicle or another family member of the owner is present in
7 the vehicle and presents a valid driver's license, shall be
8 impounded by any duly sworn law enforcement officer pursuant
9 to Section 32-6-19(c). If there is an emergency or medical
10 necessity jeopardizing life or limb, the law enforcement
11 officer may elect not to impound the vehicle.

12 (2) A violation of subsection (g h) on the first
13 offense is a Class A misdemeanor and punishable as ~~provide~~
14 provided by law. In addition, the time the defendant is
15 required to use an ignition interlock device shall be extended
16 by six months. Upon second conviction of a violation of
17 subsection (g h), the sentence shall include a mandatory
18 sentence, which is not subject to suspension or probation, of
19 imprisonment in the county or municipal jail for not less than
20 48 hours and the time the defendant is required to use an
21 ignition interlock device shall be extended by six months.
22 Upon a third or subsequent conviction of a violation of
23 subsection (g h), the sentence shall include a mandatory
24 sentence, which is not subject to suspension or probation, of
25 imprisonment in the county or municipal jail for not less than

1 five days and the time the defendant shall be required to use
2 an ignition interlock device shall be extended by one year.

3 (j) No person shall blow into an ignition interlock
4 device or start a motor vehicle equipped with the device for
5 the purpose of providing an operable motor vehicle to a person
6 who is prohibited from operating a motor vehicle without an
7 ignition interlock device.

8 (k) No person shall intentionally attempt to tamper
9 with, defeat, or circumvent the operation of an ignition
10 interlock device.

11 (l) Any person convicted of a violation of this
12 section other than subsection by law within (g h) shall be
13 punished by imprisonment for not more than six months or a
14 fine of not more than five hundred dollars (\$500), or both.

15 Section 3. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill defines a new crime or amends the definition of an
22 existing crime.

23 Section 4. The substantive provisions of this act
24 shall be operative 12 months after the effective date of this
25 act. Any agency affected by this act may adopt rules and

1 expend funds prior to that date in order for this act to
2 become operative on that date.

3 Section 5. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety 19-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 04-FEB-10

Read for the third time and passed
as amended 11-FEB-10

Yeas 98, Nays 0, Abstains 0

Greg Pappas
Clerk