

1 SB53
2 115275-1
3 By Senators Dunn, Ross and Little (Z)
4 RFD: Judiciary
5 First Read: 12-JAN-10
6 PFD: 12/16/2009

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8 SYNOPSIS: Under existing law, a person convicted of
9 driving under the influence is subject to certain
10 penalties of increasing severity based on
11 subsequent convictions.

12 Existing law does not require a person
13 convicted of driving under the influence to have
14 installed and operating an ignition interlock
15 device on any motor vehicle driven by the offender
16 for certain periods of time.

17 This bill would require under certain
18 conditions for a person convicted of driving under
19 the influence to have installed and operating an
20 ignition interlock device on any motor vehicle
21 driven by the offender for increasing periods of
22 time based on a conviction or subsequent
23 convictions.

24 This bill would also require as condition
25 for bail after an arrest for a second or subsequent
26 violation that a defendant have an ignition
27 interlock installed.

1 The bill would require the Department of
2 Forensic Sciences to certify ignition interlock
3 devices. The Department of Public Safety would be
4 required to issue restricted driver's licenses for
5 persons required to drive only with an ignition
6 interlock device and would authorize a fee for the
7 issuance of the license and reinstatement of a
8 regular license.

9 This bill would also indemnify the state
10 from liability related to the installation of the
11 devices.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

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

1 111.05 of the Official Recompilation of the Constitution of
2 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
27 or adjudicated of, or subjected to a finding of delinquency

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

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

21 "(c) (1) A school bus or day care driver shall not
22 drive or be in actual physical control of any vehicle while in
23 performance of his or her duties if there is greater than .02
24 percentage by weight of alcohol in his or her blood. A person
25 convicted pursuant to this subsection shall be subject to the
26 penalties provided by this section except that on the first
27 conviction the Director of Public Safety shall suspend the

1 driving privilege or driver's license for a period of one
2 year.

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

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

21 "(e) Upon first conviction, a person violating this
22 section shall be punished by imprisonment in the county or
23 municipal jail for not more than one year, or by fine of not
24 less than six hundred dollars (\$600) nor more than two
25 thousand one hundred dollars (\$2,100), or by both a fine and
26 imprisonment. In addition, on a first conviction, the Director
27 of Public Safety shall suspend the driving privilege or

1 driver's license of the person convicted for a period of 90
2 days and the offender may be required to have an ignition
3 interlock device installed and operating on the designated
4 motor vehicle driven by the offender for a period of one year.

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

21 "(g) On a third conviction, a person convicted of
22 violating this section shall be punished by a fine of not less
23 than two thousand one hundred dollars (\$2,100) nor more than
24 ten thousand one hundred dollars (\$10,100) and by
25 imprisonment, which may include hard labor, in the county or
26 municipal jail for not less than 60 days nor more than one
27 year, to include a minimum of 60 days which shall be served in

1 the county or municipal jail and cannot be probated or
2 suspended. In addition, the Director of Public Safety shall
3 revoke the driving privilege or driver's license of the person
4 convicted for a period of three years and the offender shall
5 be required to have an ignition interlock device installed and
6 operating on the designated motor vehicle driven by the
7 offender for a period of three years.

8 (h) On a fourth or subsequent conviction, a person
9 convicted of violating this section shall be guilty of a Class
10 C felony and punished by a fine of not less than four thousand
11 one hundred dollars (\$4,100) nor more than ten thousand one
12 hundred dollars (\$10,100) and by imprisonment of not less than
13 one year and one day nor more than 10 years. Any term of
14 imprisonment may include hard labor for the county or state,
15 and where imprisonment does not exceed three years confinement
16 may be in the county jail. Where imprisonment does not exceed
17 one year and one day, confinement shall be in the county jail.
18 The minimum sentence shall include a term of imprisonment for
19 at least one year and one day, provided, however, that there
20 shall be a minimum mandatory sentence of 10 days which shall
21 be served in the county jail. The remainder of the sentence
22 may be suspended or probated, but only if as a condition of
23 probation the defendant enrolls and successfully completes a
24 state certified chemical dependency program recommended by the
25 court referral officer and approved by the sentencing court.
26 Where probation is granted, the sentencing court may, in its
27 discretion, and where monitoring equipment is available, place

1 the defendant on house arrest under electronic surveillance
2 during the probationary term. In addition to the other
3 penalties authorized, the Director of Public Safety shall
4 revoke the driving privilege or driver's license of the person
5 convicted for a period of five years and the offender shall be
6 required to have an ignition interlock device installed and
7 operating on the designated motor vehicle driven by the
8 offender for a period of five years.

9 "The Alabama habitual felony offender law shall not
10 apply to a conviction of a felony pursuant to this subsection,
11 and a conviction of a felony pursuant to this subsection shall
12 not be a felony conviction for purposes of the enhancement of
13 punishment pursuant to Alabama's habitual felony offender law.

14 "(i) In addition to the penalties provided herein,
15 any person convicted of violating this section shall be
16 referred to the court referral officer for evaluation and
17 referral to appropriate community resources. The defendant
18 shall, at a minimum, be required to complete a DUI or
19 substance abuse court referral program approved by the
20 Administrative Office of Courts and operated in accordance
21 with provisions of the Mandatory Treatment Act of 1990,
22 Sections 12-23-1 to 12-23-19, inclusive. The Department of
23 Public Safety shall not reissue a driver's license to a person
24 convicted under this section without receiving proof that the
25 defendant has successfully completed the required program.

26 "(j) Neither reckless driving nor any other traffic
27 infraction is a lesser included offense under a charge of

1 driving under the influence of alcohol or of a controlled
2 substance.

3 "(k) Except for fines collected for violations of
4 this section charged pursuant to a municipal ordinance, fines
5 collected for violations of this section shall be deposited to
6 the State General Fund; however, beginning October 1, 1995, of
7 any amount collected over two hundred fifty dollars (\$250) for
8 a first conviction, over five hundred dollars (\$500) for a
9 second conviction within five years, over one thousand dollars
10 (\$1,000) for a third conviction within five years, and over
11 two thousand dollars (\$2,000) for a fourth or subsequent
12 conviction within five years, the first one hundred dollars
13 (\$100) of that additional amount shall be deposited to the
14 Alabama Chemical Testing Training and Equipment Trust Fund,
15 after three percent of the one hundred dollars (\$100) is
16 deducted for administrative costs, and beginning October 1,
17 1997, and thereafter, the second one hundred dollars (\$100) of
18 that additional amount shall be deposited in the Impaired
19 Drivers Trust Fund after deducting five percent of the one
20 hundred dollars (\$100) for administrative costs and the
21 remainder of the funds shall be deposited to the State General
22 Fund. Fines collected for violations of this section charged
23 pursuant to a municipal ordinance where the total fine is paid
24 at one time shall be deposited as follows: The first three
25 hundred fifty dollars (\$350) collected for a first conviction,
26 the first six hundred dollars (\$600) collected for a second
27 conviction within five years, the first one thousand one

1 hundred dollars (\$1,100) collected for a third conviction, and
2 the first two thousand one hundred dollars (\$2,100) collected
3 for a fourth or subsequent conviction shall be deposited to
4 the State Treasury with the first one hundred dollars (\$100)
5 collected for each conviction credited to the Alabama Chemical
6 Testing Training and Equipment Trust Fund and the second one
7 hundred dollars (\$100) to the Impaired Drivers Trust Fund
8 after deducting five percent of the one hundred dollars (\$100)
9 for administrative costs and depositing this amount in the
10 general fund of the municipality, and the balance credited to
11 the State General Fund. Any amounts collected over these
12 amounts shall be deposited as otherwise provided by law. Fines
13 collected for violations of this section charged pursuant to a
14 municipal ordinance, where the fine is paid on a partial or
15 installment basis, shall be deposited as follows: The first
16 two hundred dollars (\$200) of the fine collected for any
17 conviction shall be deposited to the State Treasury with the
18 first one hundred dollars (\$100) collected for any conviction
19 credited to the Alabama Chemical Testing Training and
20 Equipment Trust Fund and the second one hundred dollars (\$100)
21 for any conviction credited to the Impaired Drivers Trust Fund
22 after deducting five percent of the one hundred dollars (\$100)
23 for administrative costs and depositing this amount in the
24 general fund of the municipality. The second three hundred
25 dollars (\$300) of the fine collected for a first conviction,
26 the second eight hundred dollars (\$800) collected for a second
27 conviction, the second one thousand eight hundred dollars

1 (\$1,800) collected for a third conviction, and the second
2 three thousand eight hundred dollars (\$3,800) collected for a
3 fourth conviction shall be divided with 50 percent of the
4 funds collected to be deposited to the State Treasury to be
5 credited to the State General Fund and 50 percent deposited as
6 otherwise provided by law for municipal ordinance violations.
7 Any amounts collected over these amounts shall be deposited as
8 otherwise provided by law for municipal ordinance violations.
9 Notwithstanding any provision of law to the contrary, 90
10 percent of any fine assessed and collected for any DUI offense
11 charged by municipal ordinance violation in district or
12 circuit court shall be computed only on the amount assessed
13 over the minimum fine authorized, and upon collection shall be
14 distributed to the municipal general fund with the remaining
15 10 percent distributed to the State General Fund.

16 "(1) A person who has been arrested for violating
17 this section shall not be released from jail under bond or
18 otherwise, until there is less than the same percent by weight
19 of alcohol in his or her blood as specified in subsection
20 (a) (1) or, in the case of a person who is under the age of 21
21 years, subsection (b) hereof.

22 "In addition, the court shall require as a condition
23 of release from jail under bond or otherwise, that any person
24 who is arrested for a second or subsequent violation of this
25 section have an ignition interlock device installed on the
26 designated vehicle that he or she operates. The arrested
27 person shall have 15 days from the date of release to comply

1 with this requirement, and the ignition interlock device shall
2 remain on the designated vehicle during the pendency of the
3 criminal proceedings. Failure to comply with this condition of
4 release shall result in the revocation of bond and
5 reincarceration of the defendant. Under exceptional
6 circumstances such as a medical condition with the
7 authorization of a doctor, the court may waive the provisions
8 of this section.

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

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

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

1 "(p) Any person convicted of driving under the
2 influence of alcohol, or a controlled substance, or both, or
3 any substance which impairs the mental or physical faculties
4 in violation of this section, a municipal ordinance adopting
5 this section, or a similar law from another state or territory
6 or a municipality of another state or territory more than once
7 in a five-year period shall have his or her motor vehicle
8 registration for all vehicles owned by the repeat offender
9 suspended by the Alabama Department of Revenue for the
10 duration of the offender's driver's license suspension period,
11 unless such action would impose an undue hardship to any
12 individual, not including the repeat offender, who is
13 completely dependent on the motor vehicle for the necessities
14 of life, including any family member of the repeat offender
15 and any co-owner of the vehicle or, in the case of a repeat
16 offender, if the repeat offender has a functioning ignition
17 interlock device installed on the designated vehicle for the
18 duration of the offender's driver's license suspension period.

19 "(q) The defendant shall designate the vehicle to be
20 used by identifying the vehicle by the Vehicle Identification
21 Number to the court.

22 "(r) (1) Any person who is required to comply with
23 the ignition interlock provisions of this section as a
24 condition of restoration or reinstatement of his or her
25 driver's license, shall only operate the designated vehicle
26 equipped with a functioning ignition interlock device for the

1 period of time consistent with the offense for which he or she
2 was convicted as provided for in this section.

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

8 "(s) (1) The Department of Public Safety may set a
9 fee of not more than one hundred fifty dollars (\$150) for the
10 issuance of a driver's license indicating that the person's
11 driving privileges are subject to the condition of the
12 installation and use of a certified ignition interlock device
13 on a motor vehicle. In addition, at the end of the time the
14 person's driving privileges are subject to the above
15 conditions, the department shall set a fee of not more than
16 seventy-five dollars (\$75) to reissue a regular driver's
17 license. The fee shall be deposited in the Department of
18 Public Safety Highway and Traffic Safety Fund and shall be
19 continuously appropriated to the Department of Public Safety
20 for the costs of issuance of the licenses and for the
21 operation of the department.

22 "(2) Any ignition interlock driving violation
23 committed by the offender during the mandated ignition
24 interlock period shall extend the duration of ignition
25 interlock use for six months from the date of violation.
26 Ignition interlock driving violations include any of the
27 following:

1 "a. A breath sample at or above a minimum BAC level
2 of 0.03.

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

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

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

9 §32-5A-191.4.

10 (a) As used in the term, "ignition interlock device"
11 means a constant monitoring device that prevents a motor
12 vehicle from being started at any time without first
13 determining the equivalent blood alcohol level of the operator
14 through the taking of a breath sample for testing. The system
15 shall be calibrated so that the motor vehicle may not be
16 started if the blood alcohol level of the operator, as
17 measured by the test, reaches a BAC level of 0.03.

18 (b) The ignition interlock device shall be
19 installed, calibrated, and monitored directly by trained
20 technicians who shall train the offender for whom the device
21 is being installed in the proper use of the device. The use of
22 a "mail in" or remote calibration system where the technician
23 is not in the immediate proximity of the vehicle being
24 calibrated is prohibited.

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

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

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

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

21 (2) Proof of installation for the purpose of this
22 subsection may be furnished by either a certificate of
23 installation or a copy of the lease agreement with an approved
24 ignition interlock device company.

25 (3) A defendant who is determined by the court to be
26 indigent may have an ignition interlock device installed by an
27 ignition interlock provider as provided in this subsection.

1 Criteria for determining indigency shall be the same criteria
2 as set forth in Section 15-12-5(b). In determining whether the
3 defendant is indigent, the judge shall require an
4 investigation and report by a sheriff, probation officer, or
5 other officer of the court. The report shall include input
6 from the district attorney. The accused shall execute an
7 affidavit of substantial hardship on a form approved by the
8 Supreme Court. The completed affidavit of substantial hardship
9 and the subsequent order of the court either denying or
10 granting indigency status to the offender shall become a part
11 of the official court record in the case and shall be
12 submitted by the offender to the interlock provider.

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

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

1 providers pursuant to this subdivision shall be made every
2 three months. If the amount of money in the fund at the time
3 payments are made is not sufficient to pay all requests for
4 reimbursement submitted during that three-month period, the
5 state Comptroller shall make payments on a pro rata basis and
6 those payments shall be considered payment in full for the
7 requests submitted.

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

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

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

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

1 (h) (1) Any person who operates a motor vehicle in
2 violation of subsection (g) shall be immediately removed from
3 the vehicle and taken into custody. The vehicle, regardless of
4 ownership or possessory interest of the operator or person
5 present in the vehicle, except when the owner of the vehicle
6 or another family member of the owner is present in the
7 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) on the first
13 offense is a Class A misdemeanor and punishable as provide by
14 law. In addition, the time the defendant is required to use an
15 ignition interlock device shall be extended by six months.
16 Upon second conviction of a violation of subsection (g), the
17 sentence shall include a mandatory sentence, which is not
18 subject to suspension or probation, of imprisonment in the
19 county or municipal jail for not less than 48 hours and the
20 time the defendant is required to use an ignition interlock
21 device shall be extended by six months. Upon a third or
22 subsequent conviction of a violation of subsection (g), the
23 sentence shall include a mandatory sentence, which is not
24 subject to suspension or probation, of imprisonment in the
25 county or municipal jail for not less than five days and the
26 time the defendant shall be required to use an ignition
27 interlock device shall be extended by one year.

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

6 (j) No person shall intentionally attempt to tamper
7 with, defeat, or circumvent the operation of an ignition
8 interlock device.

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

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

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