

**Alabama's Revised DUI Law  
Effective July 1, 2014**

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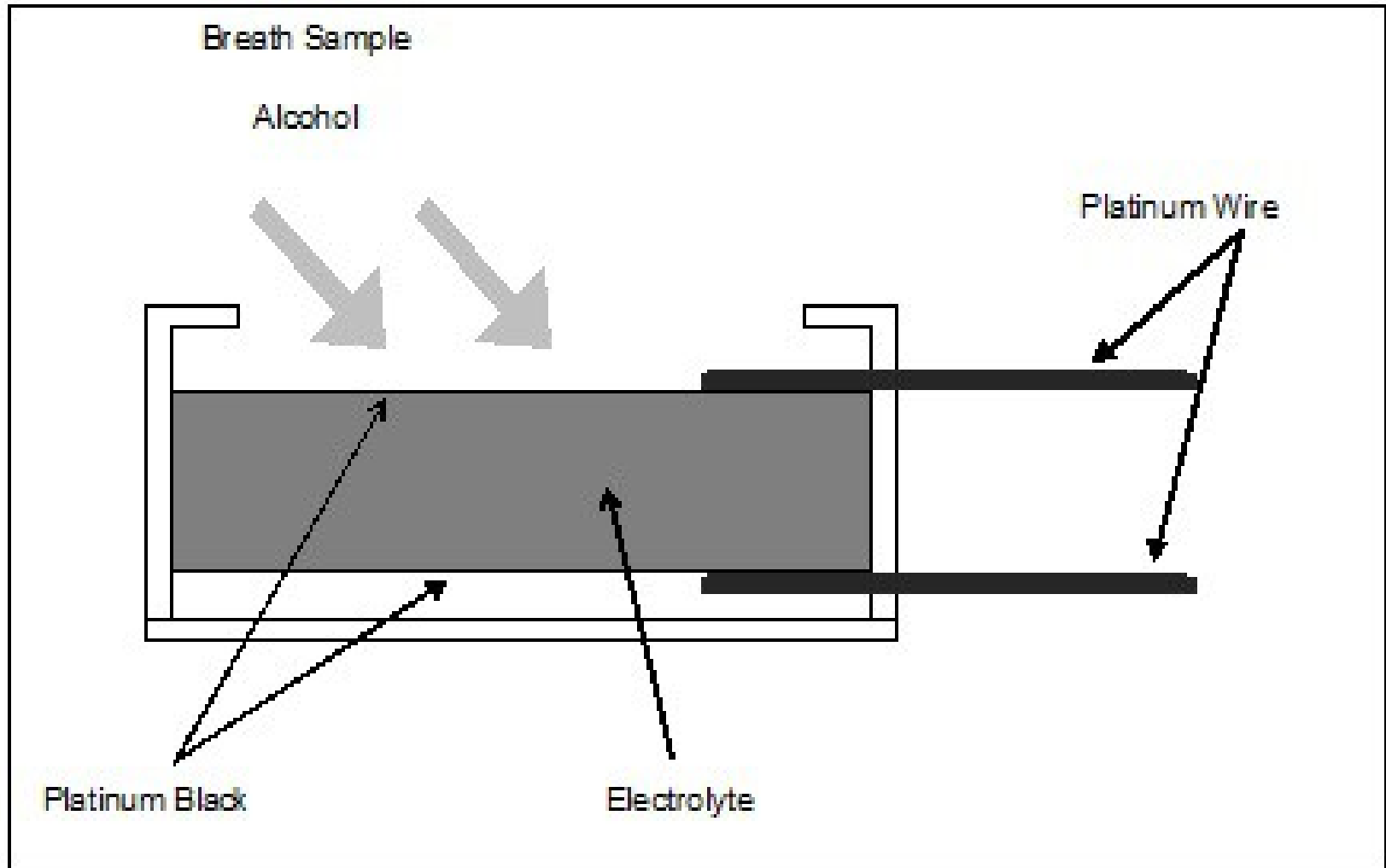
# “Gentlemen, This is a Football”



# Gentlemen, This is an Ignition Interlock!



# Fuel Cell Schematic



Draeger Safety Diagnostics, Inc.  
4040 W. Royal Lane, Ste. 136  
Irving, TX 75063

Device: Draeger Interlock XT

Website:

<http://www.dsdi4life.com/interlock-xt/>

Service Contact: 1-866-385-5900



SmartStart  
4850 Plaza Drive  
Irving, TX 75063

Devices: SSI 20/20 and SSI 20/30  
Website:  
<http://www.smartstartinc.com/>  
Service Contact: 1-800-880-3394



Sens-O-Lock of  
America, LLC  
39 Mohawk Trail  
Slingerlands, NY 12159

Device: FR9000

Website:

<http://www.sensolockamerica.com/>

Service Contact: 1-800-  
219-9936



# “Interlock for All”

- ❖ Act 2014 – 222 re-writes Act 2011 – 613
- ❖ Effective **July 1, 2014**
- ❖ Primary Change: Long-term duration driver license suspension or revocation is replaced by mandatory ignition interlock



# Ignition Interlock Statutes/Regs

- *Code of Alabama*, 1975, section 32-5A-191
- *Code of Alabama*, 1975, section 32-5A-191.4
- Alabama Administrative Code, Rule 370-3-1-.01

# Caveat – CDL Holders

“Any commutation of suspension or revocation time as it relates to a court order, approval, and installation of an ignition interlock device ***shall not apply*** to commercial driving privileges or disqualification.” [New, eff. July 1, 2014] Section 32-5A-191(c)(3).

# 'First Offense' DUI - Test Result Under . **15%**

- **Old:** 90 day suspension after conviction
- **New:** No suspension ***IF*** offender “elects” to install interlock for six (6) months
- **Change:** Immediate issuance of interlock restricted driver license – no mandatory loss of driving privileges

# 'First Offense' DUI – Test Result **.15%** or greater

- **Old:** One year license revocation then two years of mandatory interlock
- **New:** No revocation period, but court “shall order” ignition interlock for a period two years.
- **Change:** Eligible for immediate issuance of interlock restricted driver license without revocation order.

# 'First Offense' DUI –with Test Refusal (or other 'Aggravating Factor')

On first offense conviction *if*:

- “any person refusing to provide a blood alcohol concentration” (sic) [**breath test refusal**] or
- “if a child under the age of 14 years was present in the vehicle at the time of the offense” or
- “if someone else besides the offender was injured at the time of the offense.” **Code section 32-5A-191(e)**

**Old:** Mandatory interlock for two years after full 90 days of suspension

**New:** Convicted offender must serve **45 days** of license suspension then eligible to install interlock and obtain restricted driver license. **Two year interlock requirement.**

# Second Offense DUI

- **Old:** One year revocation order by operation of law, then mandatory interlock for two years.
- **New:** 45 days of license revocation\* then eligible to install interlock for the remainder of two years.

\*Revocation order requires SR-22 certificate of insurance for three years from the date of the revocation order to obtain a reinstated driver license!

# Third Offense DUI

- **Old:** Three year revocation order by operation of law, then mandatory interlock for three years following reinstatement.
- **New:** 180 days of license revocation, then three years of interlock.

# Fourth Offense

- **Old:** Five years of license revocation, then mandatory interlock for five years.
- **New:** One year of license revocation, then five year interlock requirement.



# Ignition Interlock: Out of State Conviction

- Will an Alabama licensee be required to install ignition interlock as a consequence of an out-of-state conviction?
- Answer: ***Only if*** the sentencing court requires ignition interlock as a condition of sentencing.

# Other Changes – Act 2014 -222

- Additional vehicles authorized
- Mandatory reporting by the trial court to DPS
- \$100 Chemical Test fee applies to all DUI arrests (unless acquitted)
- Probation revocation changed from “shall” to “may” for failure to install interlock
- \$75 monthly fee for vehicle non-ownership is expanded for duration of entire mandatory time

# Violations for Failure to Comply

- **Failure to install:** The convicted DUI offender has thirty (30) days to install the device *after* the required license removal period is served – failure to comply will result in court ordered hearing with possible probation revocation.
- **Driving Violations:**
  - A breath sample of .02% or more four (4) times in a monthly reporting period
  - Any tampering, circumvention, or bypassing the device
  - Failure to comply with the every 30 day service and calibration requirement
- **Operating a vehicle without the device:**
  - “... shall be immediately removed from the vehicle and taken into custody....” The vehicle shall be towed and impounded.

# Penalties for the Convicted Offender

- **First conviction**

- Class A misdemeanor (fine)
- Required to maintain the ignition interlock device and additional six (6) months

- **Second conviction**

- Class A misdemeanor (fine)
- Mandatory jail sentence of not less than 48 hours
- Required to maintain the ignition interlock device and additional six (6) months

- **Third conviction**

- Class A misdemeanor (fine)
- Mandatory jail sentence of not less than five days
- Required to maintain the ignition interlock device for an additional one year

# Additional Violations for the Non-Offender

- ❖ Blowing into the device for another person (i.e., the required user)
  - Single vehicle/multiple operators – unstated issue
  
- ❖ Tampering or circumventing the device for any person
  
- ❖ Any person convicted of such violation shall be punished by a fine of up to \$500 and jail sentence of up to six months, or both, at the discretion of the sentencing court.

# Unstated & Gap Areas

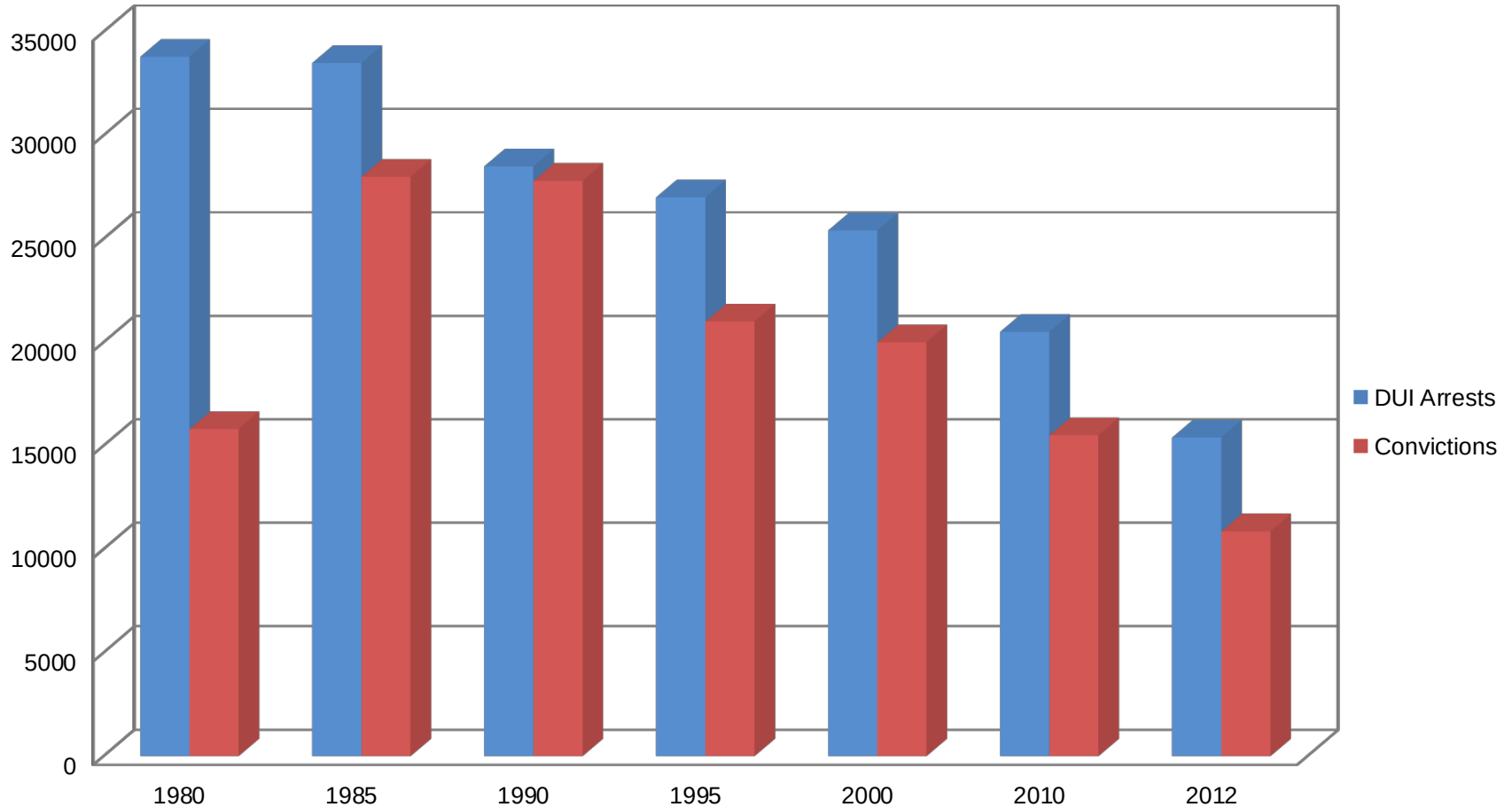
Alabama Administrative License Suspension Act (Code section 32-5A-300 et. seq.) remains in effect, **but**....

- “Credit” is given to any time served under an administrative suspension to reduce mandatory license removal period prior to re-licensing.
- ***There is no provision under the revised Act to allow a licensee held to an administrative suspension to elect to install an interlock device in lieu of the mandatory suspension periods set out in Code section 32-5A-304.***

# 'Retroactivity' for Prior Offenses?

- Statutory language of Act 2014 – 222 seemingly supports *retroactive application*, but...
- Statutory language of Act 2014-222 limits retroactive installation of interlock to five (5) specific conditions.
- The Department of Public Safety is seeking a formal Attorney General Opinion to determine scope of retroactivity clause of Act 2014-222.

**DUI arrest and conviction rate continues downward: State population increased 20% over the past 30 years, but DUI arrests declined by more than 50% during the same period.**





# DUI Arrests Continue to Decline

- **DUI arrests drop to record low: DUI arrest and conviction rate continues downward. State population increased 20% over the past 30 years, but DUI arrests declined by more than 50% during the same period.** [Source: Alabama Department of Public Safety, Public Information Unit, June 2013]
- Statewide arrests for DUI in 2012 were the lowest reported total arrests since the Department of Public Safety automated the driver license records system in 1980. The total reported DUI arrests in 2012 were 15,392 resulting in 10,861 convictions (70%).
- The sharpest drop has occurred during the past two years when total DUI arrests in 2010 were reported as 20,570 versus the preliminary 2012 arrest total of 15,392. The 2012 arrest rate is more than a 50% decrease in total DUI/DWI arrests since 1980.

# How Many Individuals Will be Mandated to Interlock Requirement?

The state of Alabama averages **20,000** DUI arrests each year.

- 75% of all arrests result in conviction [15,000]
- Of the total number of convictions:
  - 35% refused the breath test
  - 40% were tested at .15% or greater

[Either event on first offense will mandate interlock; ***all second and subsequent*** offense convictions will mandate interlock.]

**Result:** Estimated **11,250** interlock requirements ***per year*** with a two year (min.) duration.

**Plus** – All ‘first offense’ DUI convictions with a test result of less than .15% can “elect” to install interlock to avoid license suspension. **Result:** An additional **3,750** interlock devices (for 6 months)

# On the horizon....

- (2015 or later): The “**five year look back**” provision replaced by a **ten year period** or removed altogether.
  - **Result:** A significantly increased pool of previously convicted DUI offenders, including potential felony defendants
  
- (2015 or later): Alabama DUI statute is changed to a **two part statute**: *.08% per se* and “any substance” that impairs vehicle operation (HB 357)
  
- (2015): Jury composition changed from 12 jurors to 6 jurors in all misdemeanor criminal cases (SB 112)
  
- (2015 or later): **Mandatory custodial arrest** and “tow & impound” statute for all driving while suspended/revoked operators.
  - **Result:** Significantly expand scope of current 32-6-19(b).
  
- (Long-term) Significant federal money offered to states to adopt the **.05% per se** standard in place of the current .08%.

# End of Materials What Are Your Questions?

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