



TEXAS JUSTICE COURT TRAINING CENTER

# TRAFFIC SAFETY INITIATIVE NEWSLETTER

May 2017

## GREETINGS FROM THE TRAINING CENTER

Greetings, and welcome to the most recent edition of the Texas Justice Court Training Center Traffic Safety Initiative’s annual newsletter, made possible by a grant from the Texas Department of Transportation in association with Texas State University and the Justices of the Peace and Constables Association.

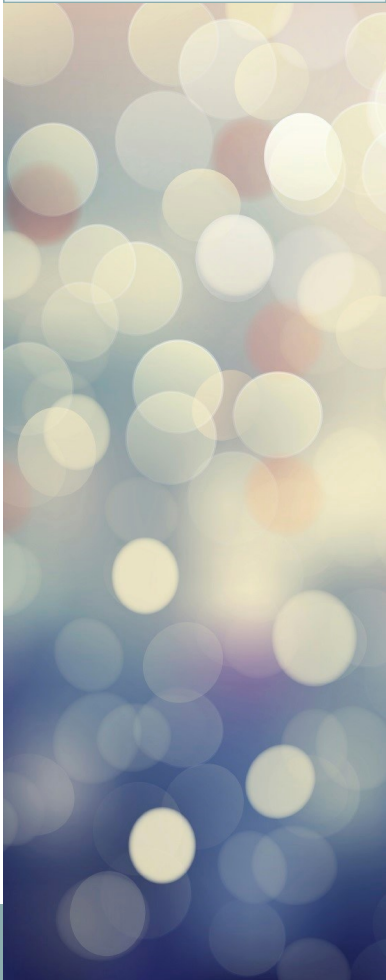
Under the leadership of our Executive Director, Thea Whalen, the Texas Justice Court Training Center is pleased to have this opportunity to bring all justices of the peace, constables, and court personnel up to date on the program’s ongoing plans during the current year and to provide information concerning recent developments in traffic safety.

During the current academic year the Training Center is continuing to provide training on traffic safety issues at all 20 hour justice of the peace seminars, all 16 hour court personnel seminars, and at 10 hour workshops on Criminal and Traffic Law (College Station) and at the Regional JPCA Conferences. Our education for judges has focused on occupational licenses and magistrate duties relating to DWI offenses, while our education for clerks has focused on occupational licenses and properly processing alcohol cases involving minors.

Thanks to the outstanding support of TxDot we will again be able to co-sponsor an Impaired Driving Symposium on DWI-related issues along with the Texas Association of Counties, the Texas Center for the Judiciary, and the

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**GREETINGS FROM  
THE TRAINING CENTER  
(CONTINUED)**

Texas Municipal Court Education Center, on July 24 -25 in Bastrop. As with last year's Symposium this program will include justices of the peace, municipal court judges, county judges, county court at law judges and district judges.

We are continuing to expand our efforts to improve the effectiveness of bond conditions in DWI cases through the DWI Bond Schematic Program, and include current information concerning the program. If you believe your county would be interested in participating in the program, please contact me and I will be happy to come to your county to meet with all persons involved in setting, monitoring and enforcing bond conditions in DWI cases in order to explain the benefits of this program.

We also offer articles on: (1) deferral conditions and alcohol awareness programs under ABC Chapter 106; (2) the significant role Ignition Interlock Devices play in saving lives; and (3) recent developments in addressing the ever-increasing problem of drugged driving. We also note some of the impaired driving issues the legislature is considering this session; we will have details on any bills enacted this session at our upcoming Legislative Updates seminars.

We look forward to seeing you at TJCTC programs in the coming months and greatly appreciate your comments and suggestions for areas of further judicial education relating to traffic safety matters.

-- Randall L. Sarosdy  
General Counsel

**REHABILITATION FOR MINORS WHO  
HAVE COMMITTED ALCOHOL  
OFFENSES:  
USING COURT ORDERS TO REDUCE  
ALCOHOL DEPENDENCY  
BY REBECCA GLISAN  
STAFF ATTORNEY**

In Texas, there are specific alcohol offenses for "minors" (individuals under 21 years of age). All but one of these are Alcoholic Beverage Code offenses, and they are offenses *because* the individual is not yet 21. The one offense that can apply to any age (public intoxication) is treated as an Alcoholic Beverage Code offense when the individual is not yet 21. Here is a list of the ABC offenses in justice court:

- Purchase of Alcohol by a Minor – Alcoholic Beverage Code §106.02
- Attempt to Purchase Alcohol by a Minor – Alcoholic Beverage Code §106.025
- Consumption of Alcohol by a Minor – Alcoholic Beverage Code §106.04
- Possession of Alcohol by a Minor – Alcoholic Beverage Code §106.05
- Misrepresentation of Age by a Minor – Alcoholic Beverage Code §106.07
- Driving Under the Influence (DUI) by a Minor – Alcoholic Beverage Code §106.041
- Public Intoxication by a Minor – Penal Code § 49.02

CONTINUED ON PAGE 3



## Rehabilitation for Minors... (Continued)

If a defendant is 17 years old or older, then a justice court will not have jurisdiction of an ABC offense if it is shown at trial that the defendant has had two or more previous convictions. See Section 106.071(c), Alcoholic Beverage Code. When counting convictions for this and for determining what orders to enter on an ABC offense, we count previous orders of deferral and previous adjudications in juvenile court that a minor engaged in this conduct. See Section 104.041(h) 106.071(f), Alcoholic Beverage Code.

The Alcoholic Beverage Code emphasizes educating and rehabilitating minors. Beyond simple punishment, the goal should be to reduce behaviors that lead to worse alcohol-related consequences later in life. These consequences can include DWIs, health issues, and alcohol dependency. According to *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking*, published by the U.S. Department of Health and Human Services in 2007, underage drinking is a risk factor for alcoholism as an adult, and kids who drink before the age of 15 are four times more likely to become alcoholics.

In this article, we will be looking at the different requirements and options under the law that facilitate education and rehabilitation when processing ABC offenses.

### Orders on Conviction

When an individual is convicted of an ABC offense, the consequences vary depending on the offense and how many times the defendant has been "convicted" as defined above. The consequences include fines and license suspensions, but also additional required orders concerning education and rehabilitation.

For every ABC offense, the court must order an alcohol awareness program, a drug education program, or a drug and alcohol driving awareness program pursuant to the requirements of Section 106.115(a), Alcoholic Beverage Code, for the first conviction and the court may choose to order it for subsequent convictions.

The court must also order the following community service pursuant to Section 106.071 and 106.041, Alcoholic Beverage Code:

All ABC Offenses Other Than DUI by a Minor – §106.071	8-12 hours on the 1st conviction
	20-40 hours on the 2nd conviction
DUI by a minor - §106.041	20-40 hours on the 1st conviction
	40-60 hours on the 2nd or subsequent conviction.

Remember that a "conviction" here includes a prior deferred disposition and a prior juvenile adjudication.

In addition to these required orders, the court also has the option to add other orders upon conviction under Art. 45.057, Code of Criminal Procedure, if the offense was committed by a defendant who is under 17 years old. These optional orders include:

- Referring the child or the child's parent for early youth intervention services under Section 264.302, Family Code.
- Requiring that the child attend a special program that the court determines to be in the best interest of the child.
  - ◊ This can be any program that does one of the following: rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy, or mentoring.
  - ◊ If the program involves the expenditure of municipal or county funds, it must be approved by the governing body of the municipality or county commissioners court, as applicable.
- Requiring that the child's parent do any act or refrain from doing any act that the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of the child, including:

## Rehabilitation for Minors... (Continued)

- ◇ Attending a parenting class or parental responsibility program (parent/guardian/conservator can be ordered to pay up to \$100 for costs of the program).
- ◇ Attending the child's school classes or functions.

### Conditions on Deferral

For the offenses of consumption of alcohol by a minor or DWI by a minor, a defendant is not eligible for deferred disposition if they have had a conviction, deferred disposition, or juvenile adjudication at least twice previously for that offense.

If the court enters an order of deferred disposition for an eligible defendant on an ABC offense, then an alcohol awareness program, a drug education program, or a drug and alcohol driving awareness program pursuant to the requirements of Section 106.115(a), Alcoholic Beverage Code, must be included as a condition of that deferral. According to Section 106.071, Alcoholic Beverage Code, community service must also be ordered as a condition of deferral according to the same schedule as for a conviction for all ABC offenses other than DUI by a Minor:

All ABC Offenses Other Than DUI by a Minor – §106.071	8-12 hours on the 1st conviction
	20-40 hours on the 2nd conviction

Remember that a “conviction” here includes a prior deferred disposition and a prior juvenile adjudication.

While community service is not a required condition for deferred disposition on DUI by a Minor or for deferred disposition on a 3<sup>rd</sup> or subsequent offense for any other offense, a judge could choose to require it as a “reasonable condition” under Art. 45.051(b), Code of Criminal Procedure. Here is the general list of deferred disposition conditions that a judge may choose to order if applicable, but which are not required for deferred disposition of ABC offenses:

- Post a bond in the amount of the fine to secure payment of the fine.
- Pay restitution to the victim in an amount not to exceed the fine.
- Submit to professional counseling.
- Submit to diagnostic testing for alcohol or a controlled substance or drug.
- Submit to a psychosocial assessment.
- Participate in an alcohol or drug abuse treatment or education program (other than the alcohol/drug awareness program that is required as mentioned above).
- Pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program.
- Complete Driver Safety Course or another course as directed by the judge.
- Present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge.
- Comply with any other reasonable condition. (Some examples of what may be considered a “reasonable condition” could include community service, a teen leadership program, or a scared straight program).

### Specific Information and Options for Alcohol/Drug Awareness Programs

When a defendant is required (as a result of either conviction or deferred disposition) to complete an alcohol/drug awareness program under Section 106.115, Alcoholic Beverage Code, the following rules apply:

- The course must be approved by the appropriate agency:
  - ◇ Alcohol Awareness Program – TX Department of Licensing and Regulation until 9/1/17, and then Department of State Health Services (DSHS).
  - ◇ Drug education program – Department of State Health Services (DSHS).

## Rehabilitation for Minors... (Continued)

- ◇ Drug and alcohol driving awareness program – Texas Education Agency (TEA).
- If the defendant resides in a county with less than 75,000 people, the court may allow the defendant to take an approved online course or *8 additional* hours of approved community service related to alcohol abuse prevention or treatment.
- ◇ The court should determine the defendant’s residence according to 106.115(b-2), Alcoholic Beverage Code:
  - \* If the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, the court **may** consider the defendant to be a resident of that county.
  - \* If no, then the residence is the residence that is listed on the first of the following that applies: 1) defendant’s driver’s license or personal identification certificate issued by DPS; 2) defendant’s voter registration certificate; 3) defendant’s file with the public school district on which the defendant’s enrollment is based.
  - \* If the defendant is not enrolled in public school, the defendant’s residence is determined as provided by commission rule.
- If the defendant is younger than 18, the court may require the parent/guardian/conservator to attend the program with the defendant.

Not sure where to find alcohol/drug awareness programs? Check out these links:

- Live database to search for approved programs throughout the state.
  - ◇ [http://www.dshs.texas.gov/offendered/oe\\_search.shtm](http://www.dshs.texas.gov/offendered/oe_search.shtm)
- DADAP: online drug and alcohol driving awareness program approved by TEA (\$45).
  - ◇ [http://www.dadaponline.com/state\\_approval.html](http://www.dadaponline.com/state_approval.html)

- Alive at 25 Texas: online and in person courses on alcohol, texting, and traffic.

◇ <http://aliveat25texas.com/>

More information and resources:

- <https://www.tabc.state.tx.us/education/>

### Specific Information and Ideas for Community Service Requirements

The requirements for community service depend on the circumstances under which it was ordered:

On conviction or deferred disposition for any offense other than DUI by a Minor as required under ABC § 106.071.	Must be related to education about or prevention of misuse of alcohol or drugs. If not available, may order something that is appropriate for rehabilitative purposes.
On conviction of DUI by a Minor as required under ABC § 106.041.	Must be related to education about or prevention of misuse of alcohol.
At court’s discretion on deferred disposition for DUI by a Minor or for an eligible 3 <sup>rd</sup> or subsequent offense. (CCP § 45.051)	Must be reasonable and related to the offense.
At court’s discretion on conviction for any offense other than DUI by a Minor where defendant is under 17 years old. (CCP § 45.057)	Must be in the best interest of the child and approved by the governing body of the municipality or county commissioners court if applicable.

If finding community service options is difficult in your county, here are some creative ideas for what the defendant could be ordered to do:

- Write letters based on hypothetical scenarios and potentially read them in open court:
  - ◇ You were killed in an alcohol/drug related accident. Write a letter to your parents and read it to them.
  - ◇ You caused an accident while using alcohol/drugs and the other driver is paralyzed for life. Write an apology letter to that person.



## Rehabilitation for Minors...(Continued)

- ◇ Your parents were killed by a drunk driver. Write a statement about how this will impact you and what you think the sentence should be for the drunk driver.
- Watch an assigned documentary or do research on an assigned topic and then write an essay regarding the dangers of misuse of alcohol and/or drugs.
- Attend an AA Open Meeting and write an essay.

Here are some links with examples where the above ideas have been implemented:

- City of Cedar Park
  - ◇ <http://www.cedarparktexas.gov/modules/showdocument.aspx?documentid=410>
- Community Service Project Options -- Council on Alcohol and Drug Abuse (Dallas):

<http://dallascouncil.org/programs/community-service-project-options/>

## IMPROVING BOND CONDITIONS IN DWI CASES THROUGH THE TEXAS DWI BOND SCHEMATIC PROGRAM

The DWI Bond Schematic Program is part of a statewide plan to reduce the incidence of DWI offenses in Texas by assisting Texas counties in improving procedures for setting, monitoring and enforcing bond conditions in DWI cases. The program is designed to reduce the number of DWI drivers on Texas roads and highways, thereby improving public safety throughout the state.

We will work with all justices of the peace and other criminal magistrates, prosecutors and monitoring agencies (such as the Community Supervision and Corrections Department) to create forms specific to each county to be used in administering the program. These forms may be based on TJCTC's Universal DWI Bond Schematic (available at [www.tjctc.org](http://www.tjctc.org)) or forms that a county currently uses in setting bond conditions. Forms will be modified to meet the bond conditions that county officials agree are appropriate in DWI cases.

The program: (1) provides county officials with an opportunity to develop a system for setting, monitoring, and enforcing DWI bond conditions to ensure community safety and protect victims; (2) increases consistency in setting bond conditions by a magistrate and a trial court; (3) promotes the use of bond conditions (such as ignition interlock devices) that reduce the incidence of DWI recidivism; and (4) ensures that bond conditions required by law are set, monitored and enforced.

Currently, Rockwall, Matagorda and Bandera Counties participate in the program, and we have had or are planning meetings with Jim Wells, Duvall, Jim Hogg, Kleberg, Polk and Angelina Counties concerning the program. We would greatly appreciate the opportunity to come in person to your county to discuss the benefits of the program.

The program is administered by the TJCTC Traffic Safety Initiative through funding provided by the Texas Department of Transportation. If you would like further information concerning the program, please feel free to contact me at [rsarosdy@txstate.edu](mailto:rsarosdy@txstate.edu).

—Randall L. Sarosdy  
General Counsel

# LATEST REPORT ON DRUGGED DRIVING

-- From the Governors Highway Safety Association  
Drugged Driving Report

Drug-impaired driving is an increasingly critical issue for states and state highway safety offices. In 2015, NHTSA's Fatality Analysis Reporting System (FARS) reported that drugs were present in 43% of the fatally-injured drivers with a known test result -- more frequently than alcohol was present. NHTSA's 2013–2014 roadside survey found drugs in 22% of all drivers both on weekend nights and during the daytime on weekdays.

Marijuana use is especially on the rise. As of April 2017, marijuana may be used for medical purposes in 29 states and the District of Columbia. The most recent state to do so is West Virginia, which authorized medical marijuana in April 2017, with use to begin in July 2019. Recreational use is allowed in Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Washington and the District of Columbia. And 13 other states have decriminalized possession of small amounts of marijuana.

Congress identified drug-impaired driving as a priority in the Fixing America's Surface Transportation (FAST) Act of 2015. This multi-year highway bill directed NHTSA to develop education campaigns to increase public awareness about the dangers associated with drugged driving. The Act also requires the Department of Transportation to study the relationship between marijuana use and driving impairment and to identify effective methods to detect marijuana-impaired drivers. Legislatures, law enforcement, and highway safety offices in many states are urged to "do something" about drug-impaired driving, but what to do is far from clear.

Drug-impaired driving is more complex than alcohol-impaired driving for many reasons:

- Hundreds of different drugs can impair drivers.
- Some drugs that can impair driving are illegal to use, some are legal to use under certain conditions, and some are freely available over-the-counter.

- For many drugs the relation between a drug's presence in the body, its effect on driving, and its effect on crash risk are complex, not understood well, and vary from driver to driver.
- Data on drug presence in crash-involved drivers is incomplete in most jurisdictions, inconsistent from state to state, and sometimes inconsistent across jurisdictions within states.
- It is more difficult for law enforcement to detect drug impairment at the roadside than alcohol impairment.
- Laws regarding driving while under the influence of drugs (DUID) vary across the states.
- It is more difficult to prosecute and convict a driver for DUID than for alcohol-impaired driving (DUI).

The Governors Highway Safety Association's latest report (April 2017) summarizes the current state of knowledge on drug impaired driving and identifies actions states can take to reduce drug-impaired driving. The recommended actions for the states include the following:

1. **Education:** Develop and implement education campaigns on drugged driving, addressing the size of the problem, the risks of drugged driving, and the laws and penalties for DUID. The public currently knows little about drugged driving – what drugs can impair and how they impair, the risks of driving while impaired, the contribution of drugged driving to crashes, injuries, and fatalities, and the laws and penalties for DUID. The education campaign should include prescription medicines.
2. **Laws and Sanctions:** Establish a zero tolerance law for illegal drugs; and a zero tolerance law for all drugs, including marijuana, for drivers under 21. DUID already is illegal in all states. A zero tolerance law for illegal drugs can help DUID enforcement, prosecution, and adjudication, in much the same way that .08 BAC per se laws help DUI enforcement, prosecution, and adjudication.

## Drugged Driving... (Continued)

3. **Testing:** Test all fatally-injured drivers for drugs, and all DUID arrestees for drugs; and ensure that drug laboratories provide drug test results for timely prosecution of DUID cases.
4. **Prosecution and Adjudication:** Screen and assess all DUID and DUI offenders to identify drug and alcohol problems and any co-occurring mental health issues; address offender drug problems through drug courts, intensive supervision, and drug treatment.
5. **Data:** Track DUID and DUI separately in crash, arrest, licensing and court data to the extent possible; use surveys to gauge public knowledge and attitudes regarding drugged driving and attitudes.

Driving under the influence of drugs is a complex and ever-increasing problem. There is no simple solution or easy-to-administer test to determine whether a person's driving has been impaired due to drugs. The measures identified in the Governors Highway Safety Association report are the latest step in coming to terms with this problem.

The full report can be accessed on the link below for your viewing:

[http://www.ghsa.org/sites/default/files/2017-04/GHSA\\_DruggedDriving2017\\_FINAL.pdf](http://www.ghsa.org/sites/default/files/2017-04/GHSA_DruggedDriving2017_FINAL.pdf)

## Remaining 2016-2017 TJCTC Training Schedule

### **20-HOUR**

#### **JUSTICE OF THE PEACE SEMINARS**

**May 30-June 2: Lubbock**

### **16-HOUR**

#### **COURT PERSONNEL SEMINARS**

**July 10-12: Rockwall**

### **10-HOUR WORKSHOPS**

**August 24-25: San Marcos (Truancy and Juvenile Law)**

### **IMPAIRED DRIVING SYMPOSIUM**

**July 24-25: Bastrop**

### **LEGISLATIVE UPDATE WORKSHOPS**

**July 17: San Antonio**

**July 24: San Marcos**

**August 1: Tyler**

**August 7: Corpus Christi**

**August 11: League City**



# LEGISLATIVE SESSION

ON

—Randall L. Sarosdy  
General Counsel

## Bills to Watch

The 85<sup>th</sup> Legislative Session of the Texas State Legislature is roaring to its finale with the end of the session (sine die) set on May 29, 2017. We have been tracking bills related to impaired driving issues. Any bills affecting justice courts that are enacted into law will be discussed at our Legislative Updates conferences in July and August. (If you have not already signed up, you may do so by going to this link: <http://www.tjctc.org/legeupdate.html>) In the meantime you might want to keep an eye on the following bills, although it is still too early to say with certainty which ones will pass or if they do pass what their final form will be.

### **HB 117 (Ethyl Alcohol Monitoring Device)**

This bill amends Chapter 42A of the Code of Criminal Procedure (Community Supervision) by permitting a judge to require a defendant to use an ethyl alcohol monitoring device in cases in which a judge may order a defendant to install an ignition interlock device. Under new Art. 42A.4081, a judge could require a defendant to submit to ethyl alcohol monitoring “in lieu of or in addition to requiring a defendant to install and use an ignition interlock device under Art. 42A.408. If the defendant has failed to comply with an order requiring the installation and use of an ignition interlock device, the judge must consider requiring the defendant to submit to ethyl alcohol monitoring. The judge may revoke community supervision and order the defendant to the term of confinement if the defendant refuses to wear or use the monitoring device, tampers with or disables the monitoring device, if the device shows the defendant has violated a condition of community supervision, or if the defendant fails to pay the cost of the device (provided the defendant was ordered to pay the cost and is not indigent). The judge may order the defendant to pay the cost of the device or waive or reduce the cost based on the defendant’s ability to pay. The judge may appoint an agency to verify that the defendant is properly using the device. The judge may not order ethyl alcohol monitoring in lieu of ignition interlock on second and subsequent offenders but may order it in addition to the interlock device.

### **HB 1275 (Criminal Penalty for Violating Bond Conditions)**

This bill amends Chapter 49 of the Penal Code (Intoxication and Alcoholic Beverage Offenses) by creating a criminal penalty for violating a bond condition, a condition of community supervision or a court order requiring a defendant to install an ignition interlock device. Under new Section 49.091, a person commits an offense if the person violates a bond condition imposed under Art. 17.441 of the Code of Criminal Procedure (requiring an ignition interlock device), a condition of community supervision under Art. 42A.408 of the Code of Criminal Procedure, or a court order under Section 49.09(h) of the Penal Code. The offense is a Class B misdemeanor unless it is shown at trial that the defendant was previously convicted of this offense in which case it is a Class A misdemeanor.

### **SB 966 (Exempting Certain Persons from Prosecution Under ABC Chapter 106)**

This bill amends Chapter 106 of the Alcoholic Beverage Code (Provisions Relating to Age) by exempting from prosecution for consumption or possession offenses a minor who reports a sexual assault of the minor or another person. Under new Sections 106.04(f) and 106.05(e), a minor who reports the sexual assault of the minor or another person to (1) a health care provider treating the victim of the sexual assault, (2) an employee of a law enforcement agency (including campus police) or (3) a Title IX coordinator at an institution of higher education at which the minor is enrolled or another employee responsible for responding to reports of sexual assault may not be prosecuted for consumption or possession of alcohol by a minor.

### **HB 1322 (Blood Search Warrants)**

This bill would allow any justice of the peace in any county to issue a blood search warrant.

## Legislative Session (Continued)

### **HB 1999 (Minor Purchasing or Consuming Alcohol)**

This bill would amend Chapter 106 of the Alcoholic Beverage Code to permit a minor to purchase an alcoholic beverage under the immediate supervision of a peace officer engaged in enforcing the Code; and it would allow a minor to consume an alcoholic beverage in the visible presence of the minor's adult parent, guardian or spouse.

### **HB 67 (Driver Responsibility Program)**

This bill would repeal the Driver Responsibility (surcharge) Program. (At this point it seems unlikely to be enacted.)

### **SB 875 (Drunk Driver Liability Act)**

This bill would provide a cause of action against a provider of alcohol to a person who is obviously intoxicated and then injures another person.

Stay tuned!! And come to Legislative Updates to learn the happy (or unhappy) ending to these and other bills!!



### **TRAFFIC SAFETY WEBSITES**

<http://www.nhtsa.gov/Impaired>

National Highway Traffic Safety Administration Impaired Driving Website

<http://tti.tamu.edu/group/cts/>

Texas Transportation Institute Center for Traffic Safety

<http://www.nsc.org/pages/home.aspx>

National Safety Council

<http://www.texas trafficsafety coalition.com/>

Texas Traffic Safety Coalition

<http://www.tjctc.org/tjctc-resources/traffic-safety-initiative.html>

TJCTC Traffic Safety Initiative

<https://www.txdot.gov/apps/eGrants/eGrantsHelp/Reports/TexasTrafficSafetyAnnualReport-2015.pdf>

Texas Department of Transportation

[http://www.ghsa.org/sites/default/files/2017-04/GHSA\\_DruggedDriving2017\\_FINAL.pdf](http://www.ghsa.org/sites/default/files/2017-04/GHSA_DruggedDriving2017_FINAL.pdf)

Governors Highway Safety Association

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# The Basics on *IGNITION INTERLOCKS*

Courtesy of MADD and Debra Coffey, Vice President,  
Government Affairs, Smart Start, Inc.

## WHAT IS AN ALCOHOL IGNITION INTERLOCK?

- An alcohol ignition interlock is a small, sophisticated device – about the size of a cell phone – which is installed into the starting circuit of a vehicle.
- A driver must blow into the device and the vehicle will not start if the driver has measurable alcohol (set to a predetermined level) in their system.
- If a driver does not have alcohol above the measurable level in their system, the vehicle starts.
- Interlocks will be set for “running retests,” which require a driver to provide breath tests at regular intervals, preventing drivers from asking a sober friend to start the car.
- If a driver fails a running retest, the vehicle will not stop. The interlock does not have the ability to stop the vehicle once it is running for safety reasons. However, the failure of the retest will be reported.



## **THE FACTS:**

- Alcohol ignition interlocks are proven to be an effective tool in the battle against drunk driving.
- Studies have shown the devices are up to 90 percent effective in keeping convicted drunk drivers from recommitting the crime, as long as the interlock is installed on the vehicle.[1]
- Research shows first-time convicted drunk drivers have driven drunk more than 87 times before their first arrest.[2]
- Three out of four suspended drivers continue to drive. An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Twenty-eight states, plus a California pilot program, have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of August 2015, there are approximately 329,000 interlocks in use in the United States.

## **IGNITION INTERLOCK LAWS SAVES LIVES**

Due in part to interlock laws for all convicted drunk drivers, states reported significant reductions in drunk driving deaths:

- |                          |                             |                        |
|--------------------------|-----------------------------|------------------------|
| • Arizona: 43 percent    | • Louisiana: 35 percent     | • Alaska: 28 percent   |
| • Oregon: 42 percent     | • West Virginia: 33 percent | • Kansas: 26 percent   |
| • New Mexico: 38 percent | • Utah: 30 percent          | • Colorado: 24 percent |

## IGNITION INTERLOCKS (continued)



Driver blows  
Into interlock  
device



If breath alcohol is **below**  
allowed limit, vehicle can be started



If breath alcohol **is above**  
Allowed limit, engine will  
not start

### PUBLIC SUPPORTS INTERLOCKS FOR ALL CONVICTED DRUNK DRIVERS

These surveys show strong public support for ignition interlocks for all convicted drunk drivers:

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

Additionally, these leading traffic safety organizations support ignition interlocks for all convicted drunk drivers with a BAC of .08 or greater: Advocates for Auto and Highway Safety, American Automobile Association (AAA), Auto Alliance, Centers for Disease Control and Prevention (CDC), Governors Highways Safety Association (GHSA), Insurance Institute for Highway Safety (IIHS), International Association of Chiefs of Police (IACP), National Safety Council (NSC), and National Transportation Safety Board (NTSB) and the Foundation for Advancing Alcohol Responsibility (FAAR).

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[1] Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 (12): 1849-1859, 1999.

[2] Zador, Paul, Sheila Krawchuk, and B. Moore. (1997) "Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior,"

Rockville, MD: Estat, Inc, 1997.

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OF TEXAS**

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<b>Rebecca Glisan Staff Attorney</b>	<b>Judge Jackie Miller, Jr. Judge Advocate</b>
<b>Jessica foreman Program Administrator</b>	<b>Constable Richard Coffman Sergeant-at-Arms</b>
<b>Jennifer Morales Program Administrator</b>	<b>Judge Becky Kerbow Chair, JP Education Committee</b>
<b>Heather Hidalgo Program Administrator</b>	<b>Judge Suzan L. Thompson Chair, Court Personnel Education Committee</b>
<b>Laura Villarreal Registrar</b>	<b>Constable Wayne Pierce Chair, Constable Education Committee</b>
<b>Jeff Grajek Contract IT Support</b>	<b>Constable Larry Gallardo Past President</b>