



## **Senate File 0007**

### **Alternate Penalties & Pretrial Release for Alcohol Crimes**

#### **GENERAL OVERVIEW**

This bill provides some much-needed language “clean-up” of the existing laws governing Wyoming’s Ignition Interlock Program and authorizes judges the discretion to allow participation in Wyoming’s 24/7 Sobriety Program as an alternative to installing an ignition interlock device. The judge will have the discretion to require installation of an ignition interlock device or participation in the 24/7 Sobriety Program, or BOTH in certain circumstances.

This bill pertains to repeat or first-time DUI offenders with a BAC above .15 and for persons who are charged with an offense for conduct committed while intoxicated or under the influence of a controlled substance. It allows the court to order participation in the 24/7 program as a condition of pretrial release, bond, suspension of sentence, probation or other conditional release.

The intent of the bill is to allow the above mentioned arrested/convicted offenders to stay out of jail, to be issued a restricted driver’s license and the ability to maintain their employment – while monitoring their substance use through the installation of an ignition interlock device or participation in the 24/7 Sobriety Program.

#### **SPECIFIC CHANGES AND BENEFITS**

- The existing laws governing Wyoming’s Ignition Interlock Program were not working as intended and were in dire need of an overhaul. Since the program’s inception, 70% of the persons who were required by law to install the device never did.
- This bill does away with the “loophole” in the existing law that allows someone to “sit-out” the time period required for installing the ignition interlock device and to be able to apply and receive their driver’s license without ever having installed the device. They will no longer be able to receive their driver’s license until they are able to show proof that they installed the device for the required period of time.
- This bill requires persons who are granted deferred prosecutions to install the device or to participate in the 24/7 Sobriety Program. Currently they do not have



to do either. A recent review of DUI adjudications in Wyoming determined that approximately 20% of persons arrested for DUI are granted deferred prosecutions.

- This bill makes it fairer for individuals who install the ignition interlock device before they are convicted as that period of time will also count towards the time required for installation. Under current law, they are not given credit for the time the device was installed until AFTER they have been convicted.
- This bill allows persons convicted of DUI who have a drug problem, rather than an alcohol problem, be required to participate in the 24/7 Sobriety Program – rather than having to install an ignition interlock device – which is not designed or intended for monitoring drug use while driving.
- Finally, allowing participation in the 24/7 Sobriety Program as an alternative to the installation of the ignition interlock device provides a certain measure of rehabilitative effort to the process. A recent study conducted by the RAND corporation where they tracked 20,243 individuals arrested for a second or third offense for DUI provide strong evidence that participation in the 24/program reduces the instances of re-arrests and probation revocations – long after participation in the program. They found that the number of persons who participated in the program had the following reduced number of re-arrest or probation revocation: After one year – 49%; After two years – 35%; after three years – 25%.

***NOTE: please refer to the following for additional statistics and information:***

Governor's Council on Impaired Driving paper entitled: The Need for Legislative Changes in Wyoming's Ignition Interlock Program

RAND Corporation Study: Using Certainty and Celerity to Deter Crime