

Date of Hearing: April 29, 2025

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 366 (Petrie-Norris) – As Introduced February 3, 2025

As Proposed to be Amended in Committee

SUMMARY: Removes the discretion of courts to determine if a first-time DUI offender must install an ignition interlock device (IID) on every vehicle they operate, and makes permanent certain provisions of the IID pilot program currently in place. Specifically, **this bill**:

- 1) Removes the discretion of courts to make an individualized determination of whether a person convicted of a first-time DUI that did not cause bodily injury to another person must install an IID, by requiring courts to order all first-time DUI offenders to install, maintain, and service an IID for up to six months on every vehicle they operate.
- 2) Makes permanent certain provisions of the IID pilot program created by SB 1046 (Hill), Chapter 783, Statutes of 2016, which required courts, from January 1, 2019 to January 1, 2026, to order the installation of IIDs for repeat DUI offenders and DUIs causing bodily injury to another person, as follows:
 - a) For a period of one year for a person convicted of a DUI with one prior¹, or a first-time DUI causing bodily injury to another person;
 - b) For a period of two years for a person convicted of a DUI with two priors, or a DUI causing bodily injury to another person with one prior;
 - c) For a period of three years for a person convicted of a DUI with three or more priors, a DUI causing bodily injury to another person with two priors, or a prior specified DUI conviction punishable as a felony; or,
 - d) For a period of four years for a person convicted of a DUI causing bodily injury to another person with one prior punishable as a specified felony.
- 3) Requires every manufacturer certified by the DMV to provide IIDs to adopt the following fee schedule that provides for the payment of the costs of the IID, the administration of the program, installation of the device, service, maintenance and recalibration of the device, and any other costs associated with the device by persons subject to this chapter in amounts commensurate with that person's income relative to the federal poverty level, as defined, as follows:

¹ For purposes of this analysis and unless otherwise specified, a "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

- a) A person with an income at 125 percent of the federal poverty level and below is responsible for 10 percent of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.
 - b) A person with an income at 126 to 225 percent of the federal poverty level is responsible for 25 percent of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.
 - c) A person with an income at 226 to 325 percent of the federal poverty level is responsible for 50 percent of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.
 - d) A person who is receiving CalFresh benefits and who provides proof of those benefits to the manufacturer or manufacturer's agent or authorized installer is responsible for 50 percent of the costs associated with the IID, and any additional costs accrued by the person for noncompliance with program requirements.
 - e) A person with an income at 326 to 425 percent of the federal poverty level and who provides income verification, as specified, is responsible for 90 percent of the costs associated with the IID, and any additional costs accrued by the person for noncompliance with program requirements.
 - f) Makes all other persons responsible for 100 percent of the costs associated with the IID.
 - g) Makes the manufacturer responsible for the percentage of costs that the person ordered to install an IID is not responsible for, as specified.
 - h) Requires the IID provider to verify the income of the person ordered to install an IID to determine the costs associated with the IID by verifying any of the following documents from the person:
 - i) The previous year's state or federal income tax return.
 - ii) The previous three months of weekly or monthly income statements.
 - iii) Employment Development Department verification of unemployment benefits.
 - i) Provides that at any point during which an IID is installed and in use, an individual shall be permitted to apply for reduced costs, and shall be credited for any previously paid costs that were in excess of the above fee schedule, as specified. An individual shall also be permitted to apply for reduced costs based on a change of income.
- 4) Requires an IID provider to post conspicuously on its internet website and contracts, the fee schedule information established above, and prior to an individual's execution of a contract for an IID, the provider shall also give verbal notification of the fee schedule and how to apply for reduced costs.

- 5) Requires installation service and repair providers to post conspicuously in their place of business and verbally inform a person of the fee schedule information established above, prior to installation and servicing of the device.
- 6) Clarifies that the requirement that an individual who is required to install an IID must arrange for each vehicle with an IID to be serviced by an installer every 60 days, and pay a fee, determined by the DMV that is sufficient to cover the costs of administering the IID program, is subject to the fee schedule described above.
- 7) Specifies, for purposes of the above fee to be determined by the DMV, that the DMV shall not charge any person a fee amount that is more than that payor's burdens on the DMV's administration of the IID program, consistent with Section 3 of Article XIII A of the California Constitution and, in that regard, fee payors who do not receive a waiver of the fee or a reduced fee shall not subsidize the loss of revenue from those waivers and reduced fees.
- 8) Requires a copy of the above fee schedule information to also be provided to an individual together with the court order requiring the installation of an IID.
- 9) Requires the DMV to publish and share such fee schedule information, as follows:
 - a) Requires the DMV to post the fee schedule information described above on its internet website.
 - b) Requires the DMV to include the fee schedule information described above in any mailed notice of revocation or suspension that notifies an individual of the requirement to install an IID.
- 10) Requires the DMV to annually report to the Legislature the following information:
 - a) The number of first time DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program established by this bill, who killed or injured anyone in a crash while they were operating a vehicle under the influence of alcohol.
 - b) The number of first time DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program established by this bill, who killed or injured anyone in a crash while they were operating a vehicle and were not under the influence of alcohol.
 - c) The number of first time DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program established by this bill, who were convicted of specified offenses including a DUI, a DUI where the person is under 21 years of age, a DUI causing bodily injury to another person, a "wet reckless" offense, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or vehicular manslaughter, during the term in which the person was required to have the IID installed.

EXISTING LAW:

- 1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (f), & (g).)
- 2) Makes it unlawful for any person, while having 0.08 percent or more, by weight, of alcohol in their blood to drive a vehicle. (Veh. Code, § 23512, subd. (b).)
- 3) Requires a person convicted of driving when their license is suspended or revoked because that person has either one, two, or three or more priors, to install an IID in all vehicles operated by that person for one, two, or three years, respectively. (Veh. Code, § 23573, subd. (j).)
- 4) Provides that IID installation requirements generally apply to all vehicles an offender operates including vehicles not owned by that person. (Veh. Code, § 13353.6, subd. (g)(3).)
- 5) Establishes an ignition interlock device pilot program until January 1, 2026, as follows:
 - a) Authorizes a court to order a person convicted of their first DUI offense (involving alcohol) to install a functioning, certified IID on any vehicle that the person operates and prohibit that person from operating a motor vehicle for up to six months unless that vehicle is equipped with a functioning, certified IID. (Veh. Code, § 23575.3, subd. (h)(1)(A)(i).)
 - b) Provides that for a person convicted of a first time DUI (involving alcohol) offense, only one of the following may occur:
 - i) The court may order installation of an IID, as specified above; or
 - ii) The person may apply to DMV for a restricted license permitting limited driving to and from their work and their DUI program) upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees. (Veh. Code, § 23575.3, subd. (h)(1)(A).).
 - c) Requires a court, from January 1, 2019 to January 1, 2026, to order the installation of an IID for repeat DUI offenders and DUIs causing bodily injury to another person, as follows:
 - i) For a period of one year for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with one prior, or a first-time DUI causing bodily injury to another person.
 - ii) For a period of two years for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with two priors, or a DUI causing bodily injury to another person with one prior.
 - iii) For a period of three years for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with three or more priors, a DUI causing bodily injury to another person with two priors, or a prior specified DUI conviction punishable as a felony.

- iv) For a period of four years for a person convicted of a DUI causing bodily injury to another person with one prior punishable as a specified felony. (Veh. Code, §§ 23575.3, subd. (h); 13352; 13352.4; 13353.3; 13353.6; & 13353.75.)
- d) Requires the DMV, if a court orders the installation of an IID, to place a restriction on the person's license stating the driver is restricted to only driving vehicles equipped with an IID for the applicable term. (Veh. Code, § 23575.3, subd. (h)(1)(A)(i), 23575).
- e) Requires a person subject to an IID to arrange for each vehicle they operate to be equipped with a functioning, certified IID by a certified provider, provide proof of installation to the DMV, and pay a fee, determined by the DMV, sufficient to cover the costs of administering the pilot program. (Veh. Code, § 23575.3, subd. (d).)
- f) Requires IID manufacturers to adopt a fee schedule under which the manufacturer will absorb a varying amount of an offender's cost for the IID based on the offender's income, relative to the federal poverty level, as follows.
 - i) A person with an income at 100 percent of the federal poverty level or below and who provides income verification is responsible for 10 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.
 - ii) A person with an income at 101 to 200 percent of the federal poverty level and who provides income verification is responsible for 25 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.
 - iii) A person with an income at 201 to 300 percent of the federal poverty level and who provides income verification is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.
 - iv) A person who is receiving CalFresh benefits and who provides proof of those benefits to the manufacturer or manufacturer's agent or authorized installer is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.
 - v) A person with an income at 301 to 400 percent of the federal poverty level and who provides income verification is responsible for 90 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance. (Veh. Code, § 23575.3, subd. (k).)
- g) Provides that the above IID pilot program shall sunset on January 1, 2026. (Veh. Code, §§ 13352; 13352.4; 13353.3; 13353.6; & 13353.75.)
- 6) Specifies that upon the expiration of the above pilot program, and beginning January 1, 2026, a court may order a person convicted of their first DUI offense involving drugs or alcohol, or a DUI offense involving bodily injury, to install an IID on any vehicle that the person operates for up to three years. The court shall give heightened consideration to ordering an

IID for a first offense violator: 1) with 0.15 percent BAC; 2) with two or more prior moving traffic violations; or 3) persons who refused a chemical test at arrest. (Veh. Code, § 23575.)

- 7) Requires a person ordered to install an IID to arrange for each vehicle with an IID to be serviced by the installer at least once every 60 days in order for the installer to recalibrate and monitor the operation of the device. (Veh. Code, § 23573, subd. (e)(1).)
- 8) Makes it a misdemeanor, punishable by up to six months in county jail, a \$5,000 fine, and a one-year license suspension from the conviction date (for persons subject to an IID installation order), to:
 - a) Willfully fail to install an IID during the applicable time period;
 - b) Operate a vehicle not equipped with an IID;
 - c) Knowingly lend or rent a vehicle to a person known to have their driving privileges restricted, unless the vehicle is equipped with an IID;
 - d) Blow into, or request or solicit another person to blow into, an IID or start a motor vehicle equipped with an IID for the purpose of providing the person with a restricted license with an operable motor vehicle;
 - e) Remove, bypass, or tamper with, an IID. (Veh. Code, §§ 23573, subd. (i), 23247, subds. (a)-(g).)
- 9) Permits a person required to operate a motor vehicle in the course and scope of employment, where the vehicle is owned by the employer, to operate that vehicle without an IID if the employer has been notified by the person that the person's driving privilege has been restricted. (Veh. Code, § 23576, sub. (a).)
- 10) Requires the license suspension of a person with a medical problem that prevents breathing with sufficient force to activate an IID. (Veh. Code §§ 23575, subd. (h), 23575.3, subd. (i).)
- 11) Provides that a person convicted of their first DUI (not involving injury), and given probation, is subject to the following penalties:
 - a) Possible two days to six months in county jail.
 - b) A fine of \$390 to \$1,000, plus penalty assessments;
 - c) Six-month license suspension or a 10-month suspension if a 9-month DUI program is ordered; and
 - d) In counties with approved programs, completion of a 3-month (30 hour) DUI treatment program, or a 9-month (60 hour) program if the person's BAC was .20% or more or they refused to take a chemical test. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b).)

- 12) Provides that a person convicted of their first DUI offense may be issued a restricted license upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees, unless a court has ordered the installation of an IID or a court has disallowed a restricted license. (Veh. Code, § 13352.4.)
- 13) Provides that a person convicted of a first DUI causing bodily injury, if not given probation, faces 90 days to one year in county jail or 16 months, two or three years state prison (five days to one year in jail if given probation), a \$390 to \$1,000 fine plus penalty assessments, suspension of driving privileges for one year and applicable DUI programs. (Veh. Code, §§ 13352 subd. (a)(2), 23554, 23556.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Every day, drunk drivers kill 37 people in the United States, that’s one life lost every 39 minutes. In August, a study showed that California is at the epicenter of the DUI crisis in the United States, with 8 of the 10 cities with the worst DUI rates in the nation. These cities are: Sacramento, Los Angeles, San Jose, Bakersfield, Fresno, San Diego, Long Beach, and Oakland.

“Deaths because of drunk drivers have gone up by 53% in California over the past 5 years. These aren’t just statistics; they represent lives lost, families devastated, and communities impacted.

“Current law in California requires Judges to order Ignition Interlock Devices (IIDs) only for all repeat (2nd or more) offenders. This is despite the fact that, a California DMV study from 2016 found that ignition interlocks are 74% more effective in reducing DUI recidivism than license suspension alone for first offenders during the first 6 months after conviction. In addition, 35 other states plus Washington D.C. require IIDs for all offenders.

“AB 366 will align California’s laws with these other states and require that first time DUI offenders be required to install an Ignition Interlock Device on their vehicle for a period of 6 months. This is an important step in our fight against drunk driving and will help keep our roads safe.”

- 2) **What is an IID?:** IID technology has been around since the 1960s and has been authorized for use in California since the 1980s.² California regulations define an IID as “a device designed to allow a vehicle ignition switch to start the engine when the breath alcohol concentration test result is below the alcohol set point, while locking the ignition when the breath test results is at or above the alcohol setpoint.” (Cal. Code Regs., tit. 13, § 125.00, subd. (a).) In practice, “[a]n IID is about the size of a cell phone and wired to your vehicle’s ignition. After installation, the IID requires you to provide a breath sample before the engine will start. If the IID detects alcohol on your breath, the engine will not start.”³

² DMV, *An Evaluation of the Implementation of Ignition Interlock in California* (May 2002) p. ii, available at: <https://www.dmv.ca.gov/portal/file/an-evaluation-of-the-implementation-of-ignition-interlock-in-california/>

³ DMV, *Ignition Interlock Devices* (accessed February 26, 2025), available at: <https://www.dmv.ca.gov/portal/driver-education-and-safety/educational-materials/fast-facts/ignition-interlock-devices-ffdl-31/>

Notably, persons subject to an IID are subject to multiple re-test requirements while driving. The first re-test must occur at a random interval ranging from five to 15 minutes after passing the first test, while subject re-tests must occur at random intervals ranging from 15 to 45 minutes from the prior test. (Cal. Code Regs., tit. 13, § 125.02, subd. (a)(1).)

- 3) **Effect of this Bill:** Under existing law, a court may order a first-time DUI offender (not causing bodily injury), in addition to all other penalties (jail, fines, license suspension, and DUI programs) to install an IID on any vehicle they operate for up to six months. If a court finds that an IID is not appropriate for a particular person, that person may apply to the DMV for a restricted driver's license upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees, unless a restricted license is disallowed. (Veh. Code, § 23575.3, subd. (h)(1)(A).) Courts are required to order an IID for almost all other DUI offenders, including: 1) a first-time DUI that causes bodily injury; 2) repeat DUI offenders; and 3) a person convicted of driving with a revoked or suspended license due to a prior DUI conviction. (Veh. Code, §§ 23575.3, subd. (h), 13352, 13352.4, 13353.3, 13353.6, 13353.75.)

Most notably, this bill removes the discretion of courts to make an individualized determination of whether a person convicted of a first-time DUI that did not cause bodily injury should be ordered to install an IID, by *requiring courts to order all first-time DUI offenders to install, maintain, and service an IID* for up to six months on every vehicle they operate. Courts would be required to order an IID regardless of fact-specific circumstances, such as the person's BAC level at the time of the offense, whether the offender is a new driver who shares a vehicle with their parents, or whether that person can afford to comply with that order. This bill also makes permanent certain provisions of the current pilot program, which requires courts to order the installation of IIDs for repeat DUI offenders and first-time DUIs causing bodily injury.

This bill would require manufactures to adopt a fee schedule that requires a convicted person's payment of all costs associated with an IID to be in amounts commensurate with that person's income relative to the federal poverty level. Similarly, it clarifies that the requirement that an individual subject to an IID order must arrange for each vehicle with an IID to be serviced by an installer every 60 days, as well as the requirement that the individual pay a fee, determined by the DMV that is sufficient to cover the costs of administering the IID program, is subject to this fee schedule. Further, it requires the DMV to publish such fee schedule information on its internet website, and requires the DMV to include such fee schedule information in any mailed notice of revocation or suspension that notifies an individual of the requirement to install an IID.

Finally, in an effort to collect data pertaining to this IID expansion, this bill requires the DMV to collect and annually report to the Legislature the following information: 1) the number of first time DUI offenders required to install an IID under this bill, who killed or injured anyone in a crash while they were operating a vehicle under the influence of alcohol; 2) the number of first time DUI offenders required to install an IID under this bill, who killed or injured anyone in a crash while they were operating a vehicle and were *not* under the influence of alcohol; and 3) the number of first time DUI offenders required to install an IID under this bill, who were convicted of specified offenses during the term in which the person was required to have the IID installed, including a DUI, a DUI causing bodily injury, a "wet reckless" offense, as well as specified vehicular manslaughter convictions.

The impact of this bill likely will be significant. First-time DUI convictions comprise approximately 40% of all misdemeanor convictions in a given year,⁴ and misdemeanor DUIs make up the vast majority of DUIs, comprising 95.6% of the 95,957 total DUI arrests in 2020.⁵ First-time DUI convictions represent the vast majority of DUI convictions, comprising 72.5% of the 93,926 DUI convictions in 2018, and 72.8% of the 88,043 DUI convictions in 2019.⁶ As such, this bill likely will require annually tens of thousands of first-time misdemeanor DUI offenders to install IIDs on their vehicle.

- 4) **Eliminates Judicial Discretion for IID Installation for First-Time DUI Offenders:** This bill would remove judicial discretion to order an IID for first-time DUI offenders, discretion that has been preserved for decades despite repeated efforts to remove it.

Multiple legal and statutory bases give courts discretion to impose IIDs for first-time DUI offenses not causing bodily injury. (Veh. Code, § 23575.3.) IIDs are mandated for almost all other DUI offenders. Under the current pilot program, a court has the option to order an IID for a first-time DUI offender. A court can also impose an IID as a condition of probation, which is commonly given to first-time DUI offenders; courts have broad discretion to fashion and impose additional probation conditions that are particularized to the defendant. (*People v. Smith* (2007) 152 Cal.App.4th 1245, 1249.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1121.)⁷

Judicial discretion permits courts to tailor the sentence in the appropriate manner to the facts of the crime, the person's history, and the person's current circumstances. As stated by the California Supreme Court, "Society receives maximum protection when the penalty, treatment or disposition of the offender is tailored to the individual case." (*People v. Williams* (1970) 30 Cal.3d 470, 482 [citation and internal quotation marks omitted].) "Only the trial judge has the knowledge, ability and tools at hand to properly individualize the treatment of the offender." (*Ibid.*)

Judicial discretion may be particularly important for first-time misdemeanor DUI offenses. First, misdemeanor DUIs encompass a broad range of circumstances and behavior, including, for example, a minor who miscalculated the size of a single drink, has the bare minimum .08% BAC and is pulled over for a non-moving offense, showing no signs of impairment, and who has no history alcohol abuse or poor judgment. Alternatively, this could apply to a person who has been binge drinking, has a BAC significantly over the limit, and whose judgment and motor skills are extensively impaired. This bill would require installation of an

⁴ Committee on the Revision of the Penal Code, Annual Report and Recommendations (Dec. 2024), available at: https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2024.pdf. See also Judicial Council of California, 2021 Court Statistics Report, Tables 9a & 9c (212,291 misdemeanor guilty pleas in traffic and non-traffic cases occurred in Fiscal Year 2019–20); DUI MIS Report, 25, Table 5b (in 2019, there were 83,512 misdemeanor DUI convictions and 12,552 alcohol- or mdrug-involved reckless driving convictions).

⁵ DMV, 2022 Annual Report of the California DUI Management Information System (2023), DUI Summary Statistics, available at: <https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf>.

⁶ DMV, 2021 Annual Report of the California DUI Management Information System (2022), p. iv, available at: <https://www.dmv.ca.gov/portal/uploads/2022/09/2021-Annual-Report-of-the-California-DUI-Management-Information-System-1.pdf>; Department of Motor Vehicles, 2022 Annual Report of the California DUI Management Information System (2023), p. iv, available at: <https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf>.

IID in both cases. Moreover, given that courts must already order IIDs for repeat DUI offenders and DUIs causing bodily injury, this bill proposes to treat first-time DUIs not involving injury similarly to serial DUI offenders and well as DUI offenders involving crashes and injury.

Second, judicial discretion is uniquely important as applied to first-time DUI offenses since an IID burdens persons other than the offender. IIDs are required to be installed on every vehicle an offender operates, including vehicles to which they may have access but do not own. (Veh. Code, § 23575.3, subd. (o)(2).) As such, a court might find that the imposition of an IID is not the best remedy where a single car is shared between family members and requiring an IID on that car will burden persons that have engaged in no wrongdoing. This concern may be most applicable to parents of young drivers, given that younger drivers are overrepresented in DUI arrests.⁸ For example, a DUI conviction given to a new and financially dependent driver who was using their parent's car would require their parents to install IIDs on every vehicle their child operates, as well as incur the financial burden associated with installing, and routinely servicing the IID on behalf of their child.

Third, courts can already order IIDs for first-time DUI offenders where a judge deems an IID an appropriate remedy. There is little to no evidence that courts are using this discretion improperly and, as such, the need for this bill is unclear.

- 5) **California's IID Pilot Programs and Associated Statistical Studies:** Since 1989 there have been at least ten legislative efforts to make IIDs mandatory statewide for first-time DUI offenders. None of have been successful, in part due to the many concerns identified in this analysis.⁹ During that time, the Legislature has enacted four pilot programs creating various IID installation requirements, and commissioned five statistical studies analyzing the effectiveness of IIDs in California. These reports have generated many recommendations and findings on how to maximize the use of IIDs as a DUI countermeasure and reduce the harms associated with drunk driving.

The first pilot program was enacted in 1986 and established a four county pilot program authorizing judges to order DUI offenders to install IIDs as a condition of probation.¹⁰ The associated study found “there was no statistically significant difference in the subsequent DUI conviction rate between DUI offenders who installed IIDs and DUI offenders who did not.”¹¹ *The second pilot program* was enacted in 1998 and authorized the use of IIDs for first-time offenders for up to three years, especially when aggravating factors such as a high BAC are present, and required IIDs for repeat offenders and drivers convicted of driving on a DUI suspended license.¹² The findings of the pilot program study were mixed. It found that IIDs can be effective in reducing DUI recidivism, particularly when they are actually

⁸ DMV, *2022 Annual Report of the California DUI Management Information System*, 2023, available at: <https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf>.

⁹ Among others, these include AB 762 (Torlakson), Chapter 756, Statutes of 1998 (amended into pilot program), SB 1361 (Correa) of the 2007-2008 Legislative Session (amended to change restricted license rules and later vetoed), SB 1046 (Hill), Chapter 783, Statutes of 2016 (amended into pilot program), SB 434 (Hill) of the 2019-2020 Legislative Session, and most recently, AB 211 (Petrie-Norris) of the 2023-2024 Legislative Session.

¹⁰ California Department of Motor Vehicles, *An Evaluation of the Effectiveness of Ignition Interlock in California* (Sept. 2005), p. 4, available at: <https://www.dmv.ca.gov/portal/file/an-evaluation-of-the-effectiveness-of-ignition-interlock-in-california/>

¹¹ *Id.* at p. 2.

¹² *Ibid.*

installed. However, it emphasized that IIDs are “not the ‘silver bullet’ that will solve the DUI problem” and are not effective “in all situations or for all offenders.”¹³ Importantly, while the report found that IIDs can reduce DUI recidivism, it also found that IIDs are “linked with an increase in crash risk” and as such “the overall traffic safety effect of IIDs are mixed, even when installed.”¹⁴ As applied to first-time DUI offenders, the study explicitly discouraged the use of IIDs for first-time DUI offenders, asserting that “use of the devices should not be emphasized, even for those first offenders with high BACs at the time of arrest.”¹⁵

The third pilot program was created by AB 91, Chapter 217, Statutes of 2009, which required first-time and repeat DUI offenders, in four counties, to install IIDs in order to obtain a restricted driver’s license, from 2010-2016. This is the only pilot program that mandated IIDs for first-time DUI offenders, and accordingly is the most informative for the purposes of analyzing this bill.

The DMV conducted two studies of this pilot program. The first was a general deterrent study that the program “was not associated with a reduction in the number of first-time and repeat DUI convictions in pilot counties” and as such, “no evidence was found that the pilot program has a general deterrence effect”¹⁶ The second study was a specific deterrent study, which found that pilot participants, including first-time offenders, had lower DUI recidivism rates than other DUI offenders.¹⁷ However, these lower rates significantly diminished over time, particularly for first time offenders.¹⁸ Second, it found that obtaining an IID-restricted license was associated with a substantial increase in subsequent crashes compared to DUI offenders whose licenses remained suspended or revoked.¹⁹ Notably, this higher crash risk for first and second time DUI offenders increased over time relative to those with a suspended license.²⁰ As a result, the DMV found that the benefits of IIDs “are *potentially marginalized by the greater safety toll of an increased propensity for traffic crash involvement.*”²¹ Based on these findings, the DMV made several recommendations, none of which included mandating IIDs for first time offenders.

The fourth pilot program was created by SB 1046 (Hill), Chapter 783, Statutes of 2016, and is the pilot program that is currently in place. This pilot program refrained from mandating IIDs for first-time offenders, and instead gave courts discretion to determine if an IID is appropriate for a first-time DUI conviction, while requiring courts to order IIDs for specified repeat DUI offenders and DUIs causing bodily injury.

CalSTA submitted their assessment of the current pilot program last month. The report’s findings are partially consistent with the prior pilot programs, although CalSTA emphasized that the overlap between the pilot program and the pandemic made it difficult to effectively

¹³ *Id.* at p. 61-62.

¹⁴ *Ibid.*

¹⁵ *Id.* at p. 64.

¹⁶ California Department of Motor Vehicles, *General Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (Jan. 2015), Report Documentation Page, available at: <https://www.dmv.ca.gov/portal/file/general-deterrent-evaluation-of-the-ignition-interlock-pilot-program-in-california/>

¹⁷ California Department of Motor Vehicles, *Specific Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (June 17, 2016), at xiv, available at: <https://www.dmv.ca.gov/portal/uploads/2021/12/s5-251.pdf>

¹⁸ *Id.* at xiv-xv.

¹⁹ *Id.* at xv.

²⁰ *Ibid.*

²¹ *Ibid.* (emphasis added).

assess the pilot program data.²² Specifically, it found that installing an IID within two years of arrests reduces recidivism rates, whether measured by future DUI arrests, crashes, or crashes involving injury.²³ Although it noted that alcohol related crashes, injuries and fatalities increase in the post-SB 1046 period relative to the pre-SB 1046 period, in part due to changes in alcohol-related fatalities during the pandemic.²⁴ Contrary to prior reports, it found the effects of installing an IID on future DUI arrests is greatest for people arrested for the first time.²⁵ Given the data issues created by the pandemic, in its transmittal to the Legislature, CalSTA's recommendations focused on the need for additional data pertaining to post-pandemic driving trends and behaviors, further evaluation of safety outcomes while an IID is installed, and the continuing effects of DUI recidivism once an IID is removed.²⁶

In sum, none of the findings and recommendations from the four IID pilot programs include mandating IIDs for first time offenders. Rather, while these studies have found that IIDs can reduce DUI recidivism, they have emphasized that IIDs 1) may have limited effectiveness for first-time offenders and 2) are associated with substantial increases in subsequent crashes compared to DUI offenders with suspended or revoked licenses. As such, the studies have either explicitly discouraged the use of IIDs for first-time DUI offenders or emphasized the need for additional research regarding subsequent crash involvement.

What is the value of a Legislature-commissioned report if its findings and recommendations aren't going to be utilized?

- 6) **Unintended Consequences:** IIDs can be effective at reducing DUI recidivism for certain offenders.²⁷ However, this benefit is offset by troubling public safety harms. Specifically, mandating IIDs after a DUI conviction, rather than utilizing other DUI countermeasures such as license suspension or revocation, may result in hundreds of subsequent crashes. A California pilot program study that mandated IIDs for first-time DUI offenders found that obtaining an IID-restricted license was associated with substantial increases in subsequent crashes, including fatal/injury crashes, compared to DUI offenders whose licenses remained suspended or revoked.²⁸ This increased crash risk associated with an IID was present for all DUI offenders, including both first-time and repeat offenders.²⁹ The higher crash risk for first- and second-time DUI offenders increased over time relative to those with a suspended license and “a substantial proportion of these crashes are those involving injuries and/or fatalities.”³⁰

The DMV predicted that if the pilot program were implemented more broadly it may result in

²² CalSTA, *An Evaluation of an Expansion of the Use of Ignition Interlock Devices through California Senate Bill 1046* (Dec. 31, 2024), available at: https://calsta.ca.gov/-/media/calsta-media/documents/ignition_interlock_evaluation-11-a11y.pdf

²³ *Id.* at p. 31.

²⁴ *Id.* at pp. 31, 60.

²⁵ *Id.* at p. 31.

²⁶ CalSTA, *SB 1046 Transmittal Letter* (March 19, 2024), available at: https://calsta.ca.gov/-/media/calsta-media/documents/sb_1046_transmittal_3_21_2025-a11y.pdf

²⁷ *Ibid.*; Elder et. al., *Effectiveness of ignition interlocks for pre-venting alcohol-impaired driving and alcohol-related crashes, a community guide systemic review*, American Journal of Preventative Medicine (40)(4): 362-376, at p.1, available at: <https://stacks.cdc.gov/view/cdc/31167>

²⁸ California Department of Motor Vehicles, *Specific Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (June 17, 2016), at xv, available at: <https://www.dmv.ca.gov/portal/uploads/2021/12/s5-251.pdf>.

²⁹ *Ibid.*

³⁰ *Ibid.*

an increase in potentially hundreds of crashes. Consistent with an earlier study, the DMV found that although the “pilot program is associated with an increase in crash risk among DUI offenders who complied with...program requirements and obtained an IID-restricted license when compared to drivers with a suspended or revoked license, the traffic safety benefits of this program are potentially marginalized by the greater safety toll of an increased propensity for traffic crash involvement.”³¹ This is not a one time finding. The DMV study of the 1998 pilot program also found that while IIDs can reduce DUI recidivism, they are “linked with an increase in crash risk” and as such the overall traffic safety effect of IIDs are mixed, even when installed.”³² Further, a study of an IID program in Oregon also found that “IIDs were associated with an increase in crashes.”³³

These findings are supported by independent reports that IIDs have caused dozens of accidents, include many deaths, while a person subject to an IID is attempting to complete a required “retest” (i.e., blow into the breathalyzer while driving). A person with an IID is repeatedly required to re-test while driving to ensure the continued absence of alcohol in their system. Failure to re-test may result in alarms or other notifications. For example, “[i]f the driver fails or doesn’t comply, the car goes into panic mode: Its headlights flash and its horn honks until the driver turns off the engine.”³⁴ A 2019 *New York Times* review of accident reports and lawsuits associated with IIDs found that this re-test requirement contributed to many crashes, including fatal accidents. According to *The New York Times*:

A review by The New York Times of accident reports and lawsuits turned up dozens of examples of collisions in which the devices played a role. A Pennsylvania driver trying to complete a test blew so hard that he blacked out and crashed into a tree, nearly severing his left hand. Another in rural New Hampshire struck a telephone pole. And in California, a man attempting a rolling retest on a busy highway crossed the dividing line and hit another car, badly injuring a woman and killing her husband....

One driver told local police that he had reached for his beeping interlock, missed a curve in the road and “woke up to someone saying he had been in an accident.” Two drivers rear-ended stopped cars during rolling retests. A fourth driver hit a sheriff’s vehicle. A fifth veered off the road and into a field, where he hit a calf.³⁵

The concern that IID re-testing may contribute to distracted-driving has similarly been echoed by federal regulators.³⁶ According to *The New York Times*:

When regulatory warnings about rolling tests have come up, Interlock companies have pushed back.

³¹ *Ibid.*

³² *Ibid.*

³³ DMV, *An Evaluation of the Effectiveness of Ignition Interlock in California* (Sept. 2005), p. 62, available at: <https://www.dmv.ca.gov/portal/file/an-evaluation-of-the-effectiveness-of-ignition-interlock-in-california/>. See also Jones, B. (1992). *The effectiveness of Oregon’s ignition interlock program*. Salem, OR: Motor Vehicle Division.

³⁴ St. Cowley et al., *The Unforeseen Dangers of a Device that Curbs Drunk Driving*, N.Y. Times (Nov. 10, 2021), available at: <https://www.nytimes.com/2019/12/23/business/drunken-driving-interlock-crash.html>.

³⁵ *Ibid.*

³⁶ Federal Register; Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) (May 8, 2013), at p. 26852, available at: <https://www.federalregister.gov/documents/2013/05/08/2013-10940/model-specifications-for-breath-alcohol-ignition-interlock-devices-baiids>

In 2006, the National Highway Traffic Safety Administration, the federal regulator in charge of setting vehicle safety equipment standards, began revising its 14-year-old guidelines for how interlock devices should work. A 2010 draft of the document said the agency “does not intend” that users perform rolling retests and said they should be performed while stopped on the side of the road.

The interlock industry and others objected, arguing that rolling retests were safe and that, in any case, it was impractical to expect drivers to pull over...

The regulator backed down. In its final guidance, published in 2013, it wrote that it was “very concerned about distracted driving” but would not specify how retests should be conducted. The agency also said that was “more appropriately a function for states and local jurisdictions.”³⁷

Indeed, both Legislature-commissioned studies and independent reporting has suggested that the public safety impacts of mandating IIDs for first-time offenders are mixed. Given the availability of DUI countermeasures that do not create additional public safety harms, judicial discretion to determine which countermeasure is most appropriate appears justified.

Supporters of this bill cite an Insurance Institute for Highway Safety study that analyzed IIDs in other states that is partially inconsistent with the above studies.³⁸ That study found that mandating IIDs for every DUI offender was associated with 16% fewer drivers with at least a .08% BAC involved in fatal crashes compared to no law.³⁹ However, that study specifically excluded California from its analysis.⁴⁰ Further, the Insurance Institute finding resulted from comparing state laws mandating IIDs for all offenders with laws that did not mandate IIDs for any specific class of offender.⁴¹ However, California requires IIDs for almost all DUI offenders other than first-time offenders, and as such is unlike the comparison group in the Insurance Institute study.

- 7) **First-Time DUI Offenders Have Low One-Year Recidivism Rates:** First-time DUI offenders generally have low DUI recidivism rates. The one-year re-offense rate for first-time DUI offenders arrested in 2018 and 2019 was 3.7% and 4%, respectively.⁴² Moreover, first-time offenders reoffend at lower rates than repeat offenders.⁴³ Given that first-time DUI offenders are highly unlikely to re-offender within one year and that an IID issued to first-time offenders cannot exceed six months, the deterrence benefits of this bill may be minimal.
- 8) **Penalties in Addition to the Cost of an IID:** A person convicted of their first DUI is subject to a wide range of sanctions, irrespective of whether they are ordered to install an IID. If a

³⁷ St. Cowley et al., *supra*.

³⁸ Insurance Institute for Highway Safety, *State alcohol ignition interlock laws and fatal crashes* (March 2018), available at: <https://interlockciim.org/wp-content/uploads/IIHSIIDstudy0318.pdf>

³⁹ *Id.* at p. 2

⁴⁰ *Id.* at p. 5.

⁴¹ *Ibid.*

⁴² DMV, *2022 Annual Report of the California DUI Management Information System* (2023), DUI Summary Statistics, available at: <https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf>; Department of Motor Vehicles, *2021 Annual Report of the California DUI Management Information System* (2022), p. iv, available at: <https://www.dmv.ca.gov/portal/uploads/2022/09/2021-Annual-Report-of-the-California-DUI-Management-Information-System-1.pdf>

⁴³ DMV, *General Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (Jan. 2015), p. viii, available at: <https://www.dmv.ca.gov/portal/file/general-deterrent-evaluation-of-the-ignition-interlock-pilot-program-in-california/>

person is given probation, which is typical for a first-time DUI, they face two days to six months in jail, a fine of \$390 to \$1,000, plus penalty assessments, up to a 10-month license suspension, and up to a 9-month DUI treatment program in order to get relicensed. (Veh. Code, §§ 13352, subd. (a)(1), 13352.1, subd. (a), 23536, subds. (a) & (c), 23538, subds. (a) & (b).) Additionally, in order to reinstate their license after a DUI conviction, that person must acquire additional insurance in the form of an SR-22 insurance certificate.⁴⁴

Failure to comply with an IID mandate can lead to a variety of misdemeanor charges, punishable by up to six months in county jail, a \$5,000 fine, and a one year license suspension from the conviction date. Misdemeanor conduct includes: 1) willful failure to install an IID when required to do so; 2) operating a vehicle not equipped with an IID when required to install an IID; 3) knowingly lending or renting a vehicle not equipped to an IID to a person known to have their driving license restricted; 4) requesting another person to blow into an IID to provide a restricted person with an operable vehicle; 5) blowing into an IID for the purpose of providing a restricted person with an operable vehicle; and 6) removing, bypassing, or tampering with an IID. (Veh. Code §§ 23247, subds. (a)-(g), 23573, subd. (i).)

Notably, the financial costs of a first-time DUI is considerably higher than the base fine. For example, a base fine of \$390 would be subject to the following additional fees and assessments:

Penal Code section 1464 state penalty on fines: \$390 (\$10 for every \$10)
Penal Code section 1465.7 state surcharge: \$78 (20% surcharge)
Penal Code section 1465.8 court operation assessment: \$40 (\$40 fee per criminal offense)
Government Code section 70372 court construction penalty: \$195 (\$5 for every \$10)
Government Code section 70373 assessment: \$35 (\$35 for each infraction)
Government Code section 76000 penalty: \$273 (\$7 for every \$10)
Government Code section 76000.5 EMS penalty: \$78 (\$2 for every \$10)
Government Code section 76104.6 DNA fund penalty: \$39 (\$1 for every \$10)
Government Code section 76104.7 additional DNA fund penalty: \$156 (\$4 for every \$10)

As such, after additional fees and assessments, the minimum fine for a first-time DUI could end up costing \$1,674. This amount does not include the cost of the required DUI program, lasting either three or nine months depending on the person's blood alcohol level. (Veh. Code, § 23538, subd. (b).) A 3 months DUI program generally costs between \$500 and \$900, while a 9-month program can cost upwards of \$1,500. Most programs charge for missed activities, transfers, and late payments.⁴⁵ A DUI program participant may receive a program fee reduction after a financial assessment.⁴⁶ For a restricted license with an IID, there are additional DMV fees associated with reissuing the license.⁴⁷

⁴⁴ DMV, *DUI First Offenders* (June 2020), available at:

https://www.dmv.ca.gov/portal/uploads/2020/06/1st_Offender_Alcohol_Non-Injury.pdf

⁴⁵ HCS, *Driving Under the Influence Program Fees* (accessed March 5, 2025), available at:

<https://www.dhcs.ca.gov/individuals/Pages/DUI-Program-Fees.aspx>

⁴⁶ *Ibid.*

⁴⁷ DMV, *Statewide Ignition Interlock Device Pilot Program* (accessed April 17, 2025), available at:

<https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/driving-under-the-influence/statewide-ignition-interlock-device-pilot-program/>

In addition to the base fine and the cost of a DUI program, this bill would impose additional costs on a person convicted of their first DUI. First, such a person would have to pay a fee “sufficient to cover the costs of administration of [the IID program].” (Veh. Code, § 23575.3, subd. (d).) Second, a first-time DUI offender may be subject to a variety of different costs pertaining to installing, servicing, and maintaining the IID, subject to a fee schedule commensurate with that person’s income relative to the federal poverty level (Veh. Code, § 23575.3, subd. (k)(1).)

Committee amendments seek to alleviate some of the financial burdens on individuals required to install an IID. However, in practice, people may still fail to install an IID when required or fail to service their IID as frequently as required, purely because they cannot afford to. If someone is unable to afford an IID and is pulled over, they will likely be found to have violated their probation and will be subject to potential jail time as well as additional costs. Given that misdemeanor first-time DUI convictions are one of the most common crimes in California, the existence of numerous misdemeanors associated with IID non-compliance, and the cost-burden associated with an IID, this bill can reasonably be expected to significantly increase the criminal penalties associated with IID non-compliance. Such additional costs, criminal penalties, and potential license suspensions carry employment and housing consequences, and may contribute to the affordability and unhoused persons crisis in this state.⁴⁸

- 9) **IID Mandate for Every DUI Offender Likely Benefits IID Manufacturers:** The California Public Defenders Association assert in their opposition letter that IIDs are a “Windfall for IID Manufacture[r]s at the Expense of the Poor,” noting that “mandatory IID installation would add additional monthly fees to the already burdensome fees that first-time DUI offenders are ordered to pay. When SB 1021 (another 1st time IID bill) failed in 2022, it was noted that only 2.5% of first-time DUI offenders were then required to install an IID...and therefore, requiring all first-time DUI offenders to install an IID would create an extraordinary windfall for the IID manufacturers[.]”⁴⁹

The financial incentives present in mandating IIDs have been independently emphasized in the context of the safety risks associated with the IID re-test requirement, and efforts made by IID manufacturers to resist concerns that IIDs cause distracted driving. According to *The New York Times*:

[The fees associated with IIDs have] created a lucrative industry. Smart Start, based in Texas, estimated its interlock revenue last year at \$150 million — nearly double its revenue from four years ago — according to its chief executive. Dräger, a German company that is among the leading manufacturers of breathalyzer machines, now makes twice as much money from interlocks in the United States as it does from its traditional breath-test business. Private equity firms looking to cash in have bought several interlock makers, including Smart Start, and are circling others...⁵⁰

⁴⁸ Cuellar and Perez, *An Update on Homelessness in California*, PPIC (March 21, 2024), available at: <https://www.ppic.org/blog/an-update-on-homelessness-in-california/>

⁴⁹ CPDA, *AB 366 (Petrie-Norris) – OPPOSE* (March 11, 2024), at p. 2.

⁵⁰ St. Cowley et al., *supra*.

The IID industry has grown significantly in recent years as many states have adopted IID mandates for all DUI offenses with support from manufacturers.⁵¹ Mandating IIDs for first-time DUIs in the most populous state in the country can reasonably be expected to significantly increase the demand for this technology.

- 10) **Argument in Support:** According to *Automobile Club of California / AAA Northern California, Nevada & Utah*: “California experienced 3,737 fatalities in 2020, which included 1,226 alcohol-involved incidents. This means nearly one-third of all statewide fatalities were attributable to drinking and driving. There have been significant improvements since the mid-1980s when annual fatalities from alcohol-impaired driving reached a peak in the state at around 2,700. However, the number of such fatalities plateaued at too high of an amount in the mid-1990s and has since been steady at around 1,200 per year in California. Most agree that the death toll is too high. According to the AAA Foundation for Traffic Safety (AAAFTS), 94% of people surveyed think driving after drinking is a very or extremely dangerous action. In addition, it is important to keep in mind that impaired driving is an underlying factor for other highly dangerous traffic offenses as well, like extreme speeding, aggressive driving, and wrong way driving. AAA research shows that the odds of being a wrong-way driver increases as blood alcohol content (BAC) levels rises. This study found 60% of nearly 3,000 wrong-way drivers involved in fatal collisions had a BAC .08 or higher....

IIDs remain one of the most common and well-accepted countermeasures for impaired driving. IIDs are breathalyzers installed on the steering wheel of vehicles and required to start cars. Thirty-one states plus Washington, D.C. have all-offender ignition interlocks laws that apply to everyone. In addition, all 50 states have laws requiring or authorizing the use of IID for certain drunk driving offenses, from drivers who refuse to submit to an impaired driving chemical test to first-time to repeat and/or highly impaired offenders. On the federal level, Congress has also incentivized states to enact all-offender IID laws. Only states with all-offender mandates are eligible to apply for certain impaired driving grant funds through Infrastructure Investment and Jobs Act (IIJA). Most importantly, IIDs are also a well-accepted and understood countermeasure by the public. Per the AAAFTS, 80% support use of IIDs for first time offenders. California’s IID laws are far less protective than most state and federal policies and recommendations from traffic safety experts.

AB 366 closes a critical loophole in state efforts to deter impaired driving and alcohol-involved traffic fatalities. California would join 31 other states in requiring all-offenders IID laws if this bill is enacted, which the Insurance Institute for Highway Safety found can help reduce fatal crashes by an estimated 26% compared to having no interlock laws. The AAA Clubs agree this state cannot adequately protect any road user, from pedestrians to drivers, without exploring serious solutions for impaired driving. Accordingly, we appreciate Assembly Member Petrie-Norris’ commitment to traffic safety. Removing impaired drivers from roads has been a pressing issue for us since the start of our traffic safety programs over 100 years ago. We hope you join us in this cause and vote YES on AB 366.”

- 11) **Argument in Opposition:** According to the *California Public Defenders Association*, “AB 366 would strip away judicial discretion by requiring the court to order installation of an

⁵¹ *Ibid.*

ignition interlock device (“IID”) upon the person’s first criminal conviction for driving under the influence. The bill would extend the operation of existing ignition interlock devices provisions indefinitely and would repeal related reporting requirements.

“AB 366 seeks to deny judges the discretion to exercise their wisdom and good judgment in a myriad of individual, and sometimes extraordinary, circumstances to vary from the inflexible norm to fashion just sentences as they see fit. This bill removes the court’s discretion, in appropriate cases, to delete what may be, for some individuals, an unduly harsh and counterproductive penalty in favor of a more measured and effective condition.

“AB 366 is not evidence based. As explained above, the 2016 DMV Report concluded that the pilot program should not be extended statewide, and that further study was warranted. The report noted that over the short term (six months) the pilot program resulted in fewer DUI convictions. However, the report found the reduced risk of recidivism disappeared before the two-year mark.

“Even more worrisome, the 2016 DMV report found that the pilot program showed higher odds of crashes verses the comparison group:

- For the first 300 days after a DUI conviction and installation of the IID, the incidence of crashes was virtually equal between the pilot program and the comparison groups.
- But between 300 and 730 days afterwards, it was 58% higher
- And after 730 days, it was 116% higher.

“Finally, the authors of the 2016 DMV report did not recommend that the pilot program be extended statewide and did not believe the evidence justified such a course. As a matter fact, the report stated that the pilot program showed “mixed traffic safety results.”

“Instead, the authors recommended that the matter be studied further and gave several concrete steps in furtherance thereof. The authors found that license suspensions and revocations provide the best deterrent effect, and that cumulative and progressively more onerous punitive measures had the tendency to produce a negative effect because some drivers became overwhelmed and gave up trying to satisfy all those conditions, thus voiding the deterrent effect that more measured, and achievable, sanctions could provide.

“While we believe IIDs for first offenders was imprudently permitted without sufficient supporting evidence of need, we recognize that is now history. What we urge is that this current bill be rejected because it imposes a “one size fits all” form of justice and removes a very modest and measured form of alternative, discretionary justice. As the DMV report notes, such measured justice may very well be a more effective deterrent than more inflexible and onerous provisions.”

- 12) **Related Legislation:** AB 71 (Lackey), would extend the sunset date of the IID pilot program from January 1, 2026, to January 1, 2033, and require CalSTA to report to the Legislature on the outcomes of the pilot program by July 1, 2031. AB 71 is has been referred to the suspense file in the Assembly Appropriations Committee.

- 13) **Prior Legislation:**

- a) AB 2210 (Petrie-Norris) of the 2023-2024 Legislative Session would have required the DMV to operate a five-county pilot project for installation of an IID in the vehicle of a first-time DUI offender. AB 211 was held in Assembly Appropriations.
- b) SB 545 (Hill) of the 2019-2020 legislative session, would have required IIDs to be installed for a period of six months for first time convicted DUI offenders. The hearing SB 545 in the Assembly Public Safety Committee was cancelled at the request of the author.
- c) SB 1046 (Hill), Chapter 783, Statutes of 2016, extended the IID pilot program in certain counties and required installation of IIDs for specified DUI offenses.
- d) SB 61 (Hill), Chapter 350, Statutes of 2015, extended the IID pilot project in Alameda, Los Angeles, Sacramento, and Tulare Counties until July 1, 2017.
- e) SB 55 (Hill), of the Legislative Session of 2013-2014, would have required, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated for a 2nd or subsequent conviction for a DUI offense, installation for a specified period of time an ignition interlock device on all vehicles a person owns or operates. SB 55 was held in the Assembly Appropriations Committee.
- f) SB 598 (Huff), Chapter 193, Statutes of 2009, allowed individual convicted of more than one DUI within a 10-year period to get a restricted driver's license upon installation of an IID, enrolling in DUI class, and meeting other specified criteria.
- g) AB 91 (Feuer), Chapter 217, Statutes of 2009, established a pilot program in Alameda, Los Angeles, Sacramento, and Tulare Counties, administered by DMV to require the installation of IIDs on the vehicles of all persons convicted of a DUI, as specified.
- h) AB 2784 (Feuer), of the 2007-08 Legislative Session, would have required a person convicted of a DUI, as specified, to install an IID, as specified, in order to be reissued a license, receive a restricted license, or receive a reinstated license. AB 2784 was gutted, amended, and subsequently vetoed.
- i) SB 177 (Migden) of the 2007-08 Legislative Session, would have, among other things, recast and revised provisions of law authorizing restricted licenses and imposing additional requirements with respect to IIDs on those restricted licenses and established the Ignition Interlock Device Assistance Fund in the State Treasury. SB 177 was never heard in the Senate Committee on Public Safety.
- j) SB 1361 (Correa), of the 2007-08 Legislative Session, would have required installation of an IID, as specified, for all offenders convicted of a DUI under certain conditions. Those conditions included where there is a high BAC for a first offender and for a second or subsequent offender. SB 1361's provisions amended relevant portions of the Vehicle Code to authorize the DMV to reinstate the offender's license earlier than provided in existing law if he or she shows proof of installation of an IID. SB 1361 was vetoed.

- k) SB 1388 (Torlakson), Chapter 404, Statutes of 2008, required that a person immediately install a certified IID on all vehicles he or she owns or operates for a period of one to three years when he or she has been convicted of violating specified provisions relating to DUI and driving a motor vehicle when his or her license has been suspended or revoked as a result of a DUI-related conviction.

REGISTERED SUPPORT / OPPOSITION:

Support

Support

AAA Northern California, Nevada & Utah
Active San Gabriel Valley
Advocates for Highway and Auto Safety
Alcohol Justice
American Automobile Association of Northern California, Nevada & Utah
American College of Surgeons, California Chapters
American College of Surgeons, Southern California Chapter
American College of Surgeons: San Diego-imperial Chapter
Arcadia Police Officers' Association
Automobile Club of Southern California
Bike Long Beach
Brea Police Association
Burbank Police Officers' Association
California Alcohol Policy Alliance
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Contract Cities Association
California Medical Association (CMA)
California Narcotic Officers' Association
California Professional Firefighters
California Reserve Peace Officers Association
City of Norwalk
Claremont Police Officers Association
Coalition of Safe California Roads
Consumers for Auto Reliability & Safety
Culver City Police Officers' Association
Families for Safe Streets San Diego
Families for Safe Streets USA
Fullerton Police Officers' Association
Los Angeles Neighborhood Initiative
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Move Santa Barbara County
Murrieta Police Officers' Association
National Coalition for Safer Roads

National Safety Council
National Transportation Safety Board
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
Santa Ana Police Officers Association
Santa Monica Safe Streets Alliance
Street Racing Kills
Streets are for Everyone (SAFE) (ORG)
Streets for All
Vision Zero Network
Walk San Francisco
Yolo County District Attorney

Oppose

ACLU California Action
All of US or None Los Angeles
California Attorneys for Criminal Justice
California Public Defenders Association (CPDA)
Californians United for A Responsible Budget
Debt Free Justice California
Initiate Justice
LA Defensa
Legal Services for Prisoners With Children
San Francisco Public Defender
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