

1 HB156  
2 203758-1  
3 By Representatives Mooney, Treadaway, Farley, Pettus, Estes,  
4 Reynolds, Hanes, Drake, Shiver, Robertson, Morris, Gray and  
5 England  
6 RFD: Public Safety and Homeland Security  
7 First Read: 18-JAN-22

SYNOPSIS: Under existing law, Act 2018-517 of the 2018 Regular Session provides that a person charged with driving under the influence of alcohol or drugs and approved for any pretrial diversion program is required to install an approved ignition interlock device for a minimum of six months or the duration of the pretrial diversion program. Act 2018-517 further amends the driving under the influence law to delete this requirement effective five years from the effective date of Act 2018-517 (July 1, 2023).

This bill would repeal the future amendment of the driving under the influence law to preserve the provisions of the law requiring the installation of an ignition interlock device in pretrial diversion cases and would amend Act 2018-517, to make conforming changes.

A BILL  
TO BE ENTITLED

1 AN ACT

2  
3 Relating to driving under the influence and the  
4 requirements for the installation of an ignition interlock  
5 device by a person charged with driving under the influence  
6 and approved for pretrial diversion program; to repeal Section  
7 2 of Act 2018-517 of the 2018 Regular Session, now appearing  
8 as Section 32-5A-191 of the Code of Alabama 1975, effective  
9 July 1, 2023, which would delete provisions requiring the  
10 installation of ignition interlock by a person charged with  
11 driving under the influence and approved for a pretrial  
12 diversion program; and to amend Section 4 of Act 2018-517 of  
13 the 2018 Regular Session to conform to this act.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 2 of Act 2018-517 of the 2018  
16 Regular Session, now appearing as Section 32-5A-191, Code of  
17 Alabama 1975, effective July 1, 2023, is repealed.

18 Section 2. Section 4 of Act 2018-517 of the 2018  
19 Regular Session is amended to read as follows:

20 "(a) The provisions of Section 1 ~~and Section 2~~ shall  
21 govern the construction and punishment for any offense defined  
22 in Section 1 ~~and Section 2~~ committed after the effective date  
23 of this act, ~~except the provisions of subsection (y) of~~  
24 ~~Section 32-5A-191, Code of Alabama 1975, as amended by Section~~  
25 ~~1, shall only apply for five years after the effective date of~~  
26 ~~this act.~~

1                   "(b) The provisions of Section 1 do not apply to or  
2 govern the construction and punishment of any offense  
3 committed prior to the effective date of this act. ~~The~~  
4 ~~provisions of Section 2 do not apply to or govern the~~  
5 ~~construction and punishment of any offense committed prior to~~  
6 ~~the effective date of Section 2."~~

7                   Section 3. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.