

HOUSE BILL 1647

By Goins

AN ACT to amend Tennessee Code Annotated, Section 40-33-211 and Title 55, Chapter 10, Part 4, relative to driving under the influence of drugs or alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-402(h)(7)(A), is amended by deleting the subdivision and substituting instead the following:

(A) The use of transdermal monitoring devices or other alternative alcohol or drug monitoring devices. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a device for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a device that the person is unable to pay shall come from the DUI monitoring fund established pursuant to § 55-10-419;

SECTION 2. Tennessee Code Annotated, Section 55-10-419(a)(1), is amended by deleting the subdivision in its entirety, substituting instead the following, and redesignating the subsequent subdivisions appropriately:

(1) There is created in the state treasury a fund to be known as the DUI monitoring fund. Except as provided in subsection (f), all money in such fund shall be used to pay for the following for persons deemed by the court to be indigent:

(A) The costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(B) The costs associated with the use of a transdermal monitoring device or other alternative alcohol or drug monitoring device, if required by the court pursuant to § 55-10-402(h)(7).

(2) Moneys in the fund shall not revert to the general fund of the state, but shall remain available to be used as provided for in subsection (f).

SECTION 3. Tennessee Code Annotated, Section 55-10-419(g)(2)(A), is amended by deleting the subdivision in its entirety and substituting instead the following:

(A) Thirty dollars and fifty cents (\$30.50) to the DUI monitoring fund for the purpose of paying for the following for persons found to be indigent by the court:

(1) All the costs associated with the lease, purchase, installation, removal, and maintenance of such device or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(2) All the costs associated with the use of a transdermal monitoring device or other alternative alcohol or drug monitoring device, if required by the court pursuant to § 55-10-402(h)(7); and

SECTION 4. Tennessee Code Annotated, Section 55-10-409(b)(2)(C), is amended by deleting the language “ignition interlock fund” and substituting instead the language “DUI monitoring fund”.

SECTION 5. Tennessee Code Annotated, Section 40-33-211(c)(3)(A), is amended by deleting the language “interlock assistance fund” and substituting instead the language “DUI monitoring fund”.

SECTION 6. Tennessee Code Annotated, Section 40-33-211(f)(3)(A), is amended by deleting the language “interlock assistance fund” and substituting instead the language “DUI monitoring fund”.

SECTION 7. Tennessee Code Annotated, Section 55-10-417(a)(2), is amended by deleting the language “interlock assistance fund” and substituting instead the language “DUI monitoring fund”.

SECTION 8. Tennessee Code Annotated, Section 55-10-418(c)(1)(A), is amended by deleting the language “interlock assistance fund” and substituting instead the language “DUI monitoring fund”.

SECTION 9. Tennessee Code Annotated, Section 55-10-419, is further amended by deleting the language “interlock assistance fund” wherever it appears and substituting instead the language “DUI monitoring fund”.

SECTION 10. This act shall take effect July 1, 2016, the public welfare requiring it.