



ARIZONA STATE SENATE
Forty-ninth Legislature, First Regular Session

PROGRAM PRESENTATION
Recent DUI Legislation

Background

In Arizona, there are several degrees of driving under the influence (DUI) violations that depend on the person's blood alcohol concentration (BAC) and the circumstances of the violation. A person commits a DUI if the person has a BAC of 0.08 or more within two hours of driving or being in actual physical control of the vehicle. An extreme DUI occurs when the person has a BAC of 0.15 or more within two hours of driving or being in actual physical control of the vehicle. There are four primary ways to commit aggravated DUI: 1) committing any type of DUI while the person's driver license or privilege to drive is suspended or otherwise restricted; 2) committing a third or subsequent offenses within the past 84 months excluding the time a person is incarcerated or the probationer is on absconder status; 3) committing DUI or extreme DUI with a person under the age of 15 in the vehicle; 4) if a person is required to equip a vehicle with an ignition interlock device (IID) and refuses to submit to a test to determine BAC or commits another type of DUI. Each type of DUI violation has a minimum jail sentence and fine and assessment required by the violator. In certain circumstances, some of the sentence may be suspended by the court if the person completes a court-ordered alcohol or other drug screening, education or treatment program.

2005 DUI Legislation

Laws 2005, Chapter 312, created a special ignition interlock restricted driver license for qualifying individuals during a period of suspension or revocation for alcohol related offenses. A person whose driving privileges have been suspended for refusing to submit to a BAC test or revoked for an extreme or for certain aggravated DUIs may apply to the MVD for the restricted license. The restricted license is marked to immediately distinguish it from other licenses and allows the violator restricted travel.

Laws 2005, Chapter 313, requires a peace officer to remove and either immobilize or impound a vehicle if the officer arrests a driver for extreme DUI, aggravated DUI or driving while there is spirituous liquor in the body of a driver who is under the age of 21 unless certain circumstances are met.

2006 DUI Legislation

Laws 2006, Chapter 395, increases the look back period from 60 months to 84 months for when a person is considered a repeat DUI offender and incurs increased penalties. If a person refuses to submit to a BAC test or drug content test for the second or subsequent time within a period of 84 months, the person's license will be suspended for two years. Persons considered subsequent DUI offenders are required to perform at least 30 hours of community restitution.

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Laws 2006, Chapter 296, expands the definition of an aggravated DUI to when a person who is subject to an IID requirement either: 1) refuses to submit to a law enforcement officer's request for a BAC test; 2) commits an extreme DUI or DUI violation. The Arizona Department of Transportation (ADOT) is required to revoke driving privileges and refrain from renewing a person's license for three years if the person is convicted of aggravated DUI. A 12-month IID requirement is imposed on DUI offenders who commit a subsequent DUI while under an IID order.

2007 DUI Legislation

Laws 2007, Chapter 219, increases the penalties for a person convicted of an extreme DUI with a BAC of 0.20 or higher to include: a sentence of at least 45 consecutive days in jail with a fine of at least \$500 for a first offense; and at least 180 days in jail, 90 of which must be served consecutively, with a fine of at least \$1,000 for a second offense within 84 months. The measure requires DUI offenders to equip their vehicles with an IID for the following time periods: 1) one year for the first offense DUI; 2) 18 months for subsequent DUI violations; 3) two years if the person's BAC is 0.20 or higher.

2008 DUI Legislation

Laws 2008, Chapter 256, adds additional circumstances to when an officer must serve an order of license suspension, including: when the officer makes an arrest for homicide, endangerment or aggravated assault involving a motor vehicle; and when the results of a blood test are not available. MVD is required to order a person whose license is suspended to complete alcohol or other drug screening as a condition of license reinstatements. The legislation also increased, from 12 to 24 months, the amount of time the Arizona Department of Transportation must require an IID to be installed on the car of an aggravated DUI offender. Judges are prohibited from suspending a portion of extreme DUI sentences thereby mandating extreme DUI offenders to serve the entire 30-day jail term for the first offense and the entire 120-day jail term for the second offense.

Fiscal Information

Currently, the cost to house inmates in Maricopa County and the City of Phoenix is \$199.35 for the first day and \$73.46 for each subsequent day per inmate.

Prepared by Senate Research

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