

HCS HB 330 -- CONTINUOUS ALCOHOL MONITORING

SPONSOR: Bruns (Riddle)

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Safety by a vote of 12 to 0.

This substitute defines "continuous alcohol monitoring" as automatically testing breath, blood, or transdermal alcohol concentration levels and tamper attempts at least once every hour regardless of the person's location and regularly transmitting the data and specifies that a court must consider requiring a persistent offender of alcohol-related offenses to abstain from consuming or using alcohol as a condition of parole or probation as demonstrated by continuous alcohol monitoring or verifiable breath alcohol testing performed at least four times daily.

The substitute allows the court to suspend execution of sentence of up to 30 days for an aggravated offender of alcohol-related offenses if he or she abstains from consuming or using alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed at least six times daily for a period of from 60 to 120 days as determined by the court.

Courts may also grant probation to a chronic offender of alcohol-related offenses if as a condition of parole or probation he or she abstains from consuming or using alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed at least six times daily for a period of from six months to two years as determined by the court. The court may require the offender to pay any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown in FY 2010, FY 2011, FY 2012. No impact on Other State Funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill gives the judge discretion to require continuous alcohol monitoring when assessing an offender's penalty. Monitoring is a good tool to help determine whether or not an offender has a harmful alcohol addiction or has just made bad decisions with regard to drinking and driving. There are multiple jurisdictions in the state already using monitoring as well as 46 other states.

Testifying for the bill were Representative Bruns; Christie Becker-Markovich, 12th Judicial Circuit Drug Court Administrator; Michael Smith, Eastern Missouri Alternative Sentencing Services, Incorporated; Robert Russell, County Probation Secure Continuous

Remote Alcohol Monitor (SCRAM) of Western Missouri; and Missouri Association of Criminal Defense Lawyers.

OPPONENTS: There was no opposition voiced to the committee.