

HCS SCS SB 93 -- INTOXICATION

SPONSOR: Green (Deeken)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention by a vote of 7 to 0.

This substitute establishes a drunk driving awareness program and changes the laws regarding continuous alcohol monitoring and alcohol beverage vaporizers.

DRUNK DRIVING RISK REDUCTION AWARENESS PROGRAM

The substitute requires the Department of Transportation to establish and administer a drunk driving risk reduction awareness program to be known as "David's Law," including a drunk driving victim memorial sign program. The department must adopt, by rules and regulations, program guidelines for the application for and placement of signs including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

Any person may apply to the department to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. A person who is not a member of the victim's immediate family may also make a request if he or she submits the written consent of a member of the victim's immediate family. The department will charge the sponsoring party a fee to cover the department's cost in designing, constructing, erecting, and maintaining the sign. Signs will remain in place for 10 years and may be renewed for another 10 years after payment of the appropriate maintenance fees.

The signs developed by the department will feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim was killed, and the phrase "Who's Next?".

CONTINUOUS ALCOHOL MONITORING

"Continuous alcohol monitoring" is defined 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. The substitute specifies that a court may order as a condition of probation and parole for any person who pleads guilty to or is

found guilty of an intoxication-related traffic offense to abstain from consuming or using alcohol as demonstrated by continuous alcohol monitoring or verifiable breath alcohol testing performed at least four times daily and for a duration determined by the court but not less than 90 days. The offender may also be required to pay the costs associated with the monitoring or testing.

#### ALCOHOL BEVERAGE VAPORIZERS

The substitute prohibits the use or possession of an alcohol beverage vaporizer and exempts any substance that has been approved by the United States Food and Drug Administration as a therapeutic drug product, is contained in an approved over-the-counter drug product, or is administered lawfully by an order of an authorized medical practitioner as it relates to Section 578.255, RSMo, regarding the illegal possession, use, or abuse of certain substances.

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

PROPOSERS: Supporters say that the implementation of a drunk driving memorial sign program is a good drunk driving awareness program.

Testifying for the bill were Representative Deeken for Senator Green; and Gayle Rainey.

OPPOSERS: There was no opposition voiced to the committee.