

12100120D

**HOUSE JOINT RESOLUTION NO. 13**

Offered January 11, 2012

Prefiled December 29, 2011

*Directing the Virginia State Crime Commission to study the feasibility of requiring installation of an ignition interlock system upon the first offense of driving while intoxicated. Report.*

Patron—Loupassi

Referred to Committee on Rules

WHEREAS, under law in force in 2011 (Va. Code § 18.2-270.1), an offender found guilty of a first offense of driving under the influence of alcohol (DUI) with a blood alcohol content of less than 0.15 percent is not required to have an ignition interlock installed in his vehicle; and

WHEREAS, an ignition interlock system is designed to prevent a person from driving a vehicle in which it is installed unless the driver first breathes into the interlock device to prove that he has not consumed alcohol; and

WHEREAS, under Va. Code §§ 18.2-270.1 and 18.2-271.1, an offender found guilty of a first offense of DUI is prohibited from driving without a restricted operator's license; and

WHEREAS, a court has the absolute discretion whether to issue a restricted permit and, if so, to decide which of the restrictions should apply to each driver's unique circumstances, often resulting in unintended personal and familial hardship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the feasibility of requiring installation of an ignition interlock for a DUI first offender along with the issuance of an unrestricted operator's license.

In conducting its study, the Virginia State Crime Commission shall investigate, to the extent possible across Virginia jurisdictions, the disparity in the purposes for which restricted operator's licenses are issued by the courts, and the potential efficacy of the ignition interlock as a public safety measure as an alternative to the restricted license for a DUI first offender.

Technical assistance shall be provided to the Virginia State Crime Commission by the Virginia Alcohol Safety Action Program and the Virginia State Police. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2012, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2013 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

HJ13