

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY BILL NO. 1368
(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Committee Substitute for Assembly Bill No. 1368 (First Reprint) with my recommendations for reconsideration.

The number of alcohol-related motor vehicle fatalities in New Jersey has steadily decreased for more than two decades, and New Jersey consistently has one of the lowest per capita rates of alcohol-related motor vehicle fatalities in the nation. While these statistics show that New Jersey remains headed in the right direction, even if we suffer just one drunk driving fatality there is room for improvement. The Legislature and I strongly agree that the citizens of this State should be protected from the devastation caused by drunk drivers and I support new approaches that can supplement our efforts. However, given our success preventing drunk driving and deterring repeat offenders, I am skeptical of changes that will potentially soften our strong and proven methods of protecting our residents from the scourge of drunk driving.

This bill would revamp the penalties for first-time and repeat drunk drivers and increase the use of ignition interlock devices for all offenders. The bill would also repeal the significant mandatory license-suspension periods for most first-time offenders. I cannot support the repeal of these existing suspension periods. Ignition interlock devices can play an important role in preventing drunk driving. These devices, however, should not be our only weapon in the fight against drunk driving. The need to punish those who recklessly, and

senselessly, abuse their driving privileges demands policies that continue to include a suspension of a driver's license.

While I believe that the reforms in this bill are too sweeping, and too lenient, the technology behind ignition interlocks offers a promising tool that advocates, including Mothers Against Drunk Driving, note may deter drunk driving and rehabilitate the behavior of those struggling with alcohol addiction. Therefore, I recommend strengthening the State's Driving While Intoxicated laws by increasing utilization of ignition interlock devices for all offenses, while continuing mandatory license suspensions. By combining our existing, rigorous system of mandatory license suspensions with the active monitoring provided by interlock devices, New Jersey will provide new hope in the fight against drunk driving deaths and injuries.

Under my proposal, New Jersey would boast a comprehensive approach to drunk driving that utilizes both punishment and deterrence, and incorporates both suspension and interlock monitoring for all offenses. Under my recommendations, the penalties for a first offense with a blood alcohol content of .08% to .10% will include existing fines and detention, license suspension of three months, and a new mandatory interlock period of three to six months. A first offender with a higher blood alcohol content between .10% and .15% will be subject to existing fines and detention, license suspension of seven to twelve months, and a new mandatory interlock period of six to twelve months. First offenders with the highest levels of intoxication, a blood alcohol content of .15% and higher, will be subject to existing fines and detention, license suspension of seven months to one year, and a new mandatory interlock period of twelve to eighteen months.

Likewise, I recommend enhanced penalties for subsequent offenders. For a second offense of .08% and higher penalties will include existing fines and imprisonment, license suspension of two years, and a new mandatory interlock period of eighteen months to four years. For a third and subsequent offense of .08% and higher the penalties will include fines, imprisonment, license suspension of ten years, and a new mandatory interlock period of eighteen months to four years. To make our laws consistent, my recommendations also match the new interlock installation requirements in instances of refusing to submit to a breath analysis.

Finally, under my suggested changes, ignition interlock devices would be required in all vehicles registered to chronic repeat offenders, not just the vehicle chosen by the offender. This will helpfully increase the utilization of interlocks to better ensure that frequent offenders intent on operating a vehicle do not have an easy opportunity to skirt the law.

Expanding the use of interlock devices to all drunk driving offenses, while preserving our policy of license suspension, is a sound and sensible way to strengthen our commitment to protect all New Jerseyans from drunk driving. Accordingly, I herewith return Assembly Committee Substitute for Assembly Bill No. 1368 (First Reprint) and recommend that it be amended as follows:

Page 2, Line 6:

Insert new section 1:

"1. Section 2 of P.L.1999, c.417 (C.39:4-50.17) is amended to read as follows:

2. a. (1) [Except as provided in paragraph (2) of this subsection, in] In sentencing a first offender under R.S.39:4-50, if the person's blood alcohol concentration is 0.08% or higher but less than 0.10% the court [may] shall order, in addition to any other penalty imposed by that section, the

installation of an ignition interlock device in the motor vehicle principally operated by the offender following the expiration of the period of license suspension imposed under that section. The device shall remain installed for not less than three months or more than six months, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served. In sentencing a first offender under section 2 of P.L.1981, c.512 (C.39:4-50.4a), the court shall order, in addition to any other penalty imposed by that section, the installation of an ignition interlock device in the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed under that section. The device shall remain installed for not less than [six months] one year or more than [one year] eighteen months, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

(2) In sentencing a first offender under R.S.39:4-50, if the person's blood alcohol concentration is 0.10% or higher but less than 0.15% the court shall order, in addition to any other penalty imposed by that section, the installation of an ignition interlock device in the motor vehicle principally operated by the offender following the expiration of the period of license suspension imposed under that section. The device shall remain installed for not less than six months or more than one year, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

[(2) In the first offender's] (3) In sentencing a first offender under R.S.39:4-50, if the person's blood alcohol concentration is 0.15% or higher, the court

shall order, in addition to any other penalty imposed under R.S.39:4-50, the installation of an ignition interlock device in the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed under that section. In addition to installation during the period of license suspension, the device shall remain installed for not less than ~~[six months]~~ one year or more than ~~[one year]~~ eighteen months, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

b. In sentencing a second or subsequent offender under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the court shall order, in addition to any other penalty imposed by that section, the installation of an ignition interlock device in ~~[the]~~ each motor vehicle ~~[principally]~~ owned or operated, or both, by the offender during and following the expiration of the period of license suspension imposed under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a). In addition to installation during the period of license suspension, the device shall remain installed for not less than ~~[one year]~~ eighteen months or more than ~~[three]~~ four years, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

c. The court shall require that, for the duration of its order, an offender shall drive no vehicle other than one in which an interlock device has been installed pursuant to the order.

d. As used in this act, "ignition interlock device" or "device" means a blood alcohol equivalence measuring device which will prevent a motor vehicle from starting if the operator's blood

alcohol content exceeds a predetermined level when the operator blows into the device.

e. The provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) and any amendments and supplements thereto shall be applicable only to violations of R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a)."

<u>Page 2, Section 1, Lines 7-43:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 4, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 5, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 6, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 7, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 8, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 9, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 10, Section 1, Lines 1-47:</u>	Delete in their entirety
<u>Page 11, Section 1, Lines 1-46:</u>	Delete in their entirety
<u>Page 12, Section 1, Lines 1-46:</u>	Delete in their entirety
<u>Page 13, Section 1, Lines 1-3:</u>	Delete in their entirety
<u>Page 13, Section 2, Lines 5-46:</u>	Delete in their entirety
<u>Page 14, Section 2, Lines 1-47:</u>	Delete in their entirety
<u>Page 15, Section 2, Lines 1-45:</u>	Delete in their entirety
<u>Page 16, Section 2, Lines 1-25:</u>	Delete in their entirety
<u>Page 16, Section 3, Lines 27-47:</u>	Delete in their entirety
<u>Page 17, Section 3, Lines 1-47:</u>	Delete in their entirety
<u>Page 18, Section 3, Lines 1-46:</u>	Delete in their entirety
<u>Page 19, Section 3, Lines 1-14:</u>	Delete in their entirety
<u>Page 19, Section 4, Lines 16-33:</u>	Delete in their entirety
<u>Page 19, Section 5, Lines 35-46:</u>	Delete in their entirety
<u>Page 20, Section 5, Lines 1-30:</u>	Delete in their entirety
<u>Page 20, Section 6, Line 32:</u>	Delete "6." and insert "2."

Page 20, Section 6, Line 32:

Delete "fourth" and insert
"sixth"

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor