

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Traffic Act, 1925 and Title 18 of the District of Columbia Municipal Regulations to enhance the penalties for second or subsequent convictions for driving under the influence, to provide a penalty for drunk driving while transporting a person 17 years of age or younger, and to require the Mayor to establish an Ignition Interlock Program for repeat offenders; and to amend the Anti-Drunk Driving Amendment Act of 1998 to repeal the sunset provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Driving Under the Influence Repeat Offenders Amendment Act of 2000".

Sec. 2. The District of Columbia Traffic Act, 1925 is amended as follows:

(a) Section 10(b) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1)(A) No individual shall, when the individual's blood contains .08% or more, by weight, of alcohol (or when .38 micrograms or more of alcohol are contained in 1 milliliter of his breath, consisting of substantially alveolar air), or the individual's urine contains .10% or more, by weight, of alcohol, or under the influence of intoxicating liquor or any drug or any combination thereof, operate or be in physical control of any vehicle in the District. No individual under 21 years of age shall, when the individual's blood, breath, or urine contains any measurable amount of alcohol, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$300 and may be imprisoned for not more than 90 days. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 5 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 10 days. The additional mandatory minimum period shall not be suspended by the court.

"(B) Upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-

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year period, an individual shall be fined an amount not less \$1,000 and not more than \$5,000 and sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 30 days of community service in accordance with D.C. Code § 16-712. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 10 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 20 days. The additional mandatory minimum period shall not be suspended by the court.

"(C) Upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less than \$2,000 and not more than \$10,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 60 days of community service in accordance with D.C. Code § 16-712. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional minimum mandatory period of 15 days, or if the level is more than .25%, by weight, of alcohol volume, for an additional mandatory minimum period of 25 days. The additional mandatory minimum period shall not be suspended by the court.

"(D) In addition to the penalties otherwise authorized by this section, any individual convicted for a violation of paragraphs (1) and (2) of this subsection while transporting an individual 17 years of age or younger shall be fined an additional minimum of \$500 and not more than \$1000 and sentenced to perform 48 hours of community service benefiting children or, for a subsequent offense, 80 hours of community service in such program."

(2) The second sentence of paragraph (2) is amended to read as follows:

"Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$200 and not more than \$300 and may be imprisoned for not more than 30 days; upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$300 and not more than \$500 and either sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year or required to perform at least 30 days of community service in accordance with D.C. Code § 16-712; and, upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$1,000 and not more than \$5,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year or required to perform at least 60 days of community service in accordance with D.C. Code § 16-712."

(3) Paragraph (4) is amended by adding a new sentence at the end to read as follows::

"A conviction of any individual or a finding of guilty in the case of a juvenile under the provisions of substantially similar laws of any other state or of the United States, shall be considered a conviction."

(4) A new paragraph (6) is added to read as follows:

"(6) Any person convicted of violating paragraphs (1) or (2) of this subsection who has previously been convicted of violating either provision within a 15-year period, shall receive an assessment of the person's degree of alcohol abuse and treatment, as appropriate."

(b) A new section 10a is added to read as follows:

"ESTABLISHMENT OF IGNITION INTERLOCK DEVICE PROGRAM"

"10a (a) The Mayor shall establish an Ignition Interlock Device Program, not later than January 1, 2002, applicable only to persons

who have been convicted of a second or subsequent offense pursuant to section 10(b)(1) and (b)(2).

"(b) For the purpose of this section, "Ignition Interlock Device" means ignition equipment designed to prevent a motor vehicle from being operated by a person whose blood alcohol level exceeds the calibrated setting on the device.

"(c) The Mayor shall adopt rules to implement the provisions of this section."

Sec. 3. Section 411 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 411.11 is amended by adding a new paragraph (f) to read as follows:

"(f) The person has been convicted of driving under the influence of liquor or drugs in violation of section 10(b) of the District of Columbia Traffic Act, 1925 who has previously been convicted of violating a provision of that section. The Director may establish conditions for an exception to revocation under this subsection, to be granted on an individual basis, to avoid undue hardship to any individual who is completely dependent on the motor vehicle for the necessities of life, including any family member of the convicted individual, and any co-owner of the motor vehicle, but not including the offender."

(b) Subsection 411.12 is amended by striking the period at the end and inserting the phrase "; except that the period for a revocation ordered pursuant to subsection 411.11(f) shall be for one (1) year." in its place.

Sec. 4. Section 8(b) of the Anti-Drunk Driving Amendment Act of 1998 is repealed.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 6. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia