



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, a person who has been charged with driving under the influence and who participates in a pretrial diversion program or similar program is required to install an ignition interlock device on his or her vehicle for a minimum of six months or the duration of the program, whichever is greater. This provision will no longer be a requirement as of July 1, 2023.

This bill would allow a judge to order a person charged with driving under the influence and who participates in a pretrial diversion program or similar program to install an ignition interlock device for a period of time as specified by the judge.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to



29           require a new or increased expenditure of local funds  
30           within the meaning of the amendment. However, the bill  
31           does not require approval of a local governmental  
32           entity or enactment by a 2/3 vote to become effective  
33           because it comes within one of the specified exceptions  
34           contained in the amendment.

35

36

37

A BILL

38

TO BE ENTITLED

39

AN ACT

40

41           Relating to persons charged with driving under the  
42           influence; to amend Section 32-5A-191, Code of Alabama 1975,  
43           effective July 1, 2023, to allow a judge to order a person  
44           charged with driving under the influence and who participates  
45           in a pretrial diversion program or similar program to install  
46           an ignition interlock device for a period of time as specified  
47           by the judge; and in connection therewith would have as its  
48           purpose or effect the requirement of a new or increased  
49           expenditure of local funds within the meaning of Section  
50           111.05 of the Constitution of Alabama of 2022.

51

52           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

53           Section 1. Section 32-5A-191, Code of Alabama 1975,  
54           effective July 1, 2023, is amended to read as follows:

55           "§32-5A-191

56           (a) A person shall not drive or be in actual physical



57 control of any vehicle while:

58 (1) There is 0.08 percent or more by weight of alcohol  
59 in his or her blood;

60 (2) Under the influence of alcohol;

61 (3) Under the influence of a controlled substance to a  
62 degree which renders him or her incapable of safely driving;

63 (4) Under the combined influence of alcohol and a  
64 controlled substance to a degree which renders him or her  
65 incapable of safely driving; or

66 (5) Under the influence of any substance which impairs  
67 the mental or physical faculties of such person to a degree  
68 which renders him or her incapable of safely driving.

69 (b) A person who is under the age of 21 years shall not  
70 drive or be in actual physical control of any vehicle if there  
71 is 0.02 percent or more by weight of alcohol in his or her  
72 blood. The Alabama State Law Enforcement Agency shall suspend  
73 or revoke the driver's license of any person, including, but  
74 not limited to, a juvenile, child, or youthful offender,  
75 convicted or adjudicated of, or subjected to a finding of,  
76 delinquency based on this subsection. Notwithstanding the  
77 foregoing, upon the first violation of this subsection by a  
78 person whose blood alcohol level is between 0.02 and 0.08, the  
79 person's driver's license or driving privilege shall be  
80 suspended for a period of 30 days in lieu of any penalties  
81 provided in subsection (e) of this section, and there shall be  
82 no disclosure, other than to courts, law enforcement agencies,  
83 the person's attorney of record, and the person's employer, by  
84 any entity or person of any information, documents, or records





113 disqualified for the period provided in accordance with 49 CFR  
114 Part 383.51, as applicable, and the person's regular driver's  
115 license or privilege to drive a regular motor vehicle shall be  
116 governed by the remainder of this section if the person is  
117 guilty of a violation of another provision of this section.

118 (3) Any commutation of suspension or revocation time as  
119 it relates to a court order, approval, and installation of an  
120 ignition interlock device shall not apply to commercial  
121 driving privileges or disqualifications.

122 (d) The fact that any person charged with violating  
123 this section is or has been legally entitled to use alcohol or  
124 a controlled substance shall not constitute a defense against  
125 any charge of violating this section.

126 (e) Upon first conviction, a person violating this  
127 section shall be punished by imprisonment in the county or  
128 municipal jail for not more than one year, or by fine of not  
129 less than six hundred dollars (\$600) nor more than two  
130 thousand one hundred dollars (\$2,100), or by both a fine and  
131 imprisonment. In addition, on a first conviction, the  
132 Secretary of the Alabama State Law Enforcement Agency shall  
133 suspend the driving privilege or driver's license of the  
134 person convicted for a period of 90 days. The 90-day  
135 suspension shall be stayed if the offender elects to have an  
136 approved ignition interlock device installed and operating on  
137 the designated motor vehicle driven by the offender for 90  
138 days. The offender shall present proof of installation of the  
139 approved ignition interlock device to the Alabama State Law  
140 Enforcement Agency and obtain an ignition interlock restricted



141 driver license. The remainder of the suspension shall be  
142 commuted upon the successful completion of the elected use,  
143 mandated use, or both, of the ignition interlock device. If,  
144 on a first conviction, any person refusing to provide a blood  
145 alcohol concentration or if a child under the age of 14 years  
146 was a passenger in the vehicle at the time of the offense or  
147 if someone else besides the offender was injured at the time  
148 of the offense, or if the offender is found to have had at  
149 least 0.15 percent or more by weight of alcohol in his or her  
150 blood while operating or being in actual control of a vehicle,  
151 the Secretary of the Alabama State Law Enforcement Agency  
152 shall suspend the driving privilege or driver's license of the  
153 person convicted for a period of 90 days and the person shall  
154 be required to have an ignition interlock device installed and  
155 operating on the designated motor vehicle driven by the  
156 offender for a period of one year from the date of issuance of  
157 a driver's license indicating that the person's driving  
158 privileges are subject to the condition of the installation  
159 and use of a certified ignition interlock device on a motor  
160 vehicle. After a minimum of 45 days of the license revocation  
161 or suspension pursuant to Section 32-5A-304 or this section,  
162 or both, is completed, upon receipt of a court order from the  
163 convicting court, upon issuance of an ignition interlock  
164 restricted driver license, and upon proof of installation of  
165 an operational approved ignition interlock device on the  
166 designated vehicle of the person convicted, the mandated  
167 ignition interlock period of one year provided in this  
168 subsection shall start and the suspension period, revocation



169 period, or both, as required under this subsection shall be  
170 stayed. The remainder of the driver license revocation period,  
171 suspension period, or both, shall be commuted upon the  
172 successful completion of the period of time in which the  
173 ignition interlock device is mandated to be installed and  
174 operational.

175 (f) On a second conviction, a person convicted of  
176 violating this section shall be punished by a fine of not less  
177 than one thousand one hundred dollars (\$1,100) nor more than  
178 five thousand one hundred dollars (\$5,100) and by  
179 imprisonment, which may include hard labor in the county or  
180 municipal jail for not more than one year. The sentence shall  
181 include a mandatory sentence, which is not subject to  
182 suspension or probation, of imprisonment in the county or  
183 municipal jail for not less than five days or community  
184 service for not less than 30 days. In addition, the Secretary  
185 of the Alabama State Law Enforcement Agency shall revoke the  
186 driving privileges or driver's license of the person convicted  
187 for a period of one year and the offender shall be required to  
188 have an ignition interlock device installed and operating on  
189 the designated motor vehicle driven by the offender for a  
190 period of two years from the date of issuance of a driver's  
191 license indicating that the person's driving privileges are  
192 subject to the condition of the installation and use of a  
193 certified ignition interlock device on a motor vehicle. After  
194 a minimum of 45 days of the license revocation or suspension  
195 pursuant to Section 32-5A-304, this section, or both, is  
196 completed, upon receipt of a court order from the convicting







225 the condition of the installation and use of a certified  
226 ignition interlock device on a motor vehicle. After a minimum  
227 of 60 days of the license revocation or suspension pursuant to  
228 Section 32-5A-304, this section, or both, is completed, upon  
229 receipt of a court order from the convicting court, upon  
230 issuance of an ignition interlock restricted driver license,  
231 and upon proof of installation of an operational approved  
232 ignition interlock device on the designated vehicle of the  
233 person convicted, the mandated ignition interlock period of  
234 three years provided in this subsection shall start and the  
235 suspension period, revocation period, or both, as required  
236 under this subsection shall be stayed. The remainder of the  
237 driver license revocation period, suspension period, or both,  
238 shall be commuted upon the successful completion of the period  
239 of time in which the ignition interlock device is mandated to  
240 be installed and operational.

241 (h) On a fourth or subsequent conviction, or if the  
242 person has a previous felony DUI conviction, a person  
243 convicted of violating this section shall be guilty of a Class  
244 C felony and punished by a fine of not less than four thousand  
245 one hundred dollars (\$4,100) nor more than ten thousand one  
246 hundred dollars (\$10,100) and by imprisonment of not less than  
247 one year and one day nor more than 10 years. Any term of  
248 imprisonment may include hard labor for the county or state,  
249 and where imprisonment does not exceed three years,  
250 confinement may be in the county jail. Where imprisonment does  
251 not exceed one year and one day, confinement shall be in the  
252 county jail. The minimum sentence shall include a term of



253 imprisonment for at least one year and one day; provided,  
254 however, that there shall be a minimum mandatory sentence of  
255 10 days which shall be served in the county jail. The  
256 remainder of the sentence may be suspended or probated, but  
257 only if, as a condition of probation, the defendant enrolls  
258 and successfully completes a state certified chemical  
259 dependency program recommended by the court referral officer  
260 and approved by the sentencing court. Where probation is  
261 granted, the sentencing court may, in its discretion, and  
262 where monitoring equipment is available, place the defendant  
263 on house arrest under electronic surveillance during the  
264 probationary term. In addition to the other penalties  
265 authorized, the Secretary of the Alabama State Law Enforcement  
266 Agency shall revoke the driving privilege or driver's license  
267 of the person convicted for a period of five years and the  
268 offender shall be required to have an ignition interlock  
269 device installed and operating on the designated motor vehicle  
270 driven by the offender for a period of four years from the  
271 date of issuance of a driver's license indicating that the  
272 person's driving privileges are subject to the condition of  
273 the installation and use of a certified ignition interlock  
274 device on a motor vehicle. After a minimum of one year of the  
275 license revocation or suspension pursuant to Section  
276 32-5A-304, this section, or both, is completed, upon receipt  
277 of a court order from the convicting court, upon issuance of  
278 an ignition interlock restricted driver license, and upon  
279 proof of installation of an operational approved ignition  
280 interlock device on the designated vehicle of the person





309 shall be imprisonment for one year, all of which may be  
310 suspended except as otherwise provided for in subsections (f)  
311 and (g).

312 (j) When any person over the age of 21 years is  
313 convicted of violating this section and it is found that a  
314 child under the age of 14 years was a passenger in the vehicle  
315 at the time of the offense, the person shall be sentenced to  
316 at least double the minimum punishment that the person would  
317 have received if the child had not been a passenger in the  
318 motor vehicle. This subsection does not apply to the duration  
319 of time an ignition interlock device is required by this  
320 section.

321 (k) (1) In addition to the penalties provided herein,  
322 any person convicted of violating this section shall be  
323 referred to the court referral officer for evaluation and  
324 referral to appropriate community resources. The defendant  
325 shall, at a minimum, be required to complete a DUI or  
326 substance abuse court referral program approved by the  
327 Administrative Office of Courts and operated in accordance  
328 with provisions of the Mandatory Treatment Act of 1990,  
329 Sections 12-23-1 to 12-23-19, inclusive. The Alabama State Law  
330 Enforcement Agency shall not reissue a driver's license to a  
331 person convicted under this section without receiving proof  
332 that the defendant has successfully completed the required  
333 program.

334 (2) Upon conviction, the court shall notify the Alabama  
335 State Law Enforcement Agency if the person convicted is  
336 required to install and maintain an approved ignition



337 interlock device. The agency shall suspend or revoke a  
338 person's driving privileges until completion of the mandatory  
339 suspension or revocation period required by this section, and  
340 clearance of all other suspensions, revocations,  
341 cancellations, or denials, and proof of installation of an  
342 approved ignition interlock device is presented to the agency.  
343 The agency shall not reissue a driver's license to a person  
344 who has been ordered by a court or is required by law to have  
345 the ignition interlock device installed until proof is  
346 presented that the person is eligible for reinstatement of  
347 driving privileges. Upon presentation of proof and compliance  
348 with all ignition interlock requirements, the agency shall  
349 issue a driver's license with a restriction indicating that  
350 the licensee may operate a motor vehicle only with the  
351 certified ignition interlock device installed and properly  
352 operating. If the licensee fails to maintain the approved  
353 ignition interlock device as required or is otherwise not in  
354 compliance with any order of the court, the court shall notify  
355 the agency of the noncompliance and the agency shall suspend  
356 the person's driving privileges until the agency receives  
357 notification from the court that the licensee is in  
358 compliance. The requirement that the licensee use the ignition  
359 interlock device may be removed only when the court of  
360 conviction confirms to the agency that the licensee is no  
361 longer subject to the ignition interlock device requirement.

362 (1) Neither reckless driving nor any other traffic  
363 infraction is a lesser included offense under a charge of  
364 driving under the influence of alcohol or of a controlled



365 substance.

366 (m) (1) Except for fines collected for violations of  
367 this section charged pursuant to a municipal ordinance, fines  
368 collected for violations of this section shall be deposited to  
369 the State General Fund; however, beginning October 1, 1995, of  
370 any amount collected over two hundred fifty dollars (\$250) for  
371 a first conviction, over five hundred dollars (\$500) for a  
372 second conviction within 10 years, over one thousand dollars  
373 (\$1,000) for a third conviction within 10 years, and over two  
374 thousand dollars (\$2,000) for a fourth or subsequent  
375 conviction within 10 years, the first one hundred dollars  
376 (\$100) of that additional amount shall be deposited to the  
377 Alabama Chemical Testing Training and Equipment Trust Fund,  
378 after three percent of the one hundred dollars (\$100) is  
379 deducted for administrative costs, and beginning October 1,  
380 1997, and thereafter, the second one hundred dollars (\$100) of  
381 that additional amount shall be deposited in the Alabama Head  
382 and Spinal Cord Injury Trust Fund after deducting five percent  
383 of the one hundred dollars (\$100) for administrative costs and  
384 the remainder of the funds shall be deposited to the State  
385 General Fund.

386 (2) Fines collected for violations of this section  
387 charged pursuant to a municipal ordinance where the total fine  
388 is paid at one time shall be deposited as follows: The first  
389 three hundred fifty dollars (\$350) collected for a first  
390 conviction, the first six hundred dollars (\$600) collected for  
391 a second conviction within 10 years, the first one thousand  
392 one hundred dollars (\$1,100) collected for a third conviction,



393 and the first two thousand one hundred dollars (\$2,100)  
394 collected for a fourth or subsequent conviction shall be  
395 deposited to the State Treasury with the first one hundred  
396 dollars (\$100) collected for each conviction credited to the  
397 Alabama Chemical Testing Training and Equipment Trust Fund and  
398 the second one hundred dollars (\$100) to the Alabama Head and  
399 Spinal Cord Injury Trust Fund after deducting five percent of  
400 the one hundred dollars (\$100) for administrative costs and  
401 depositing this amount in the general fund of the  
402 municipality, and the balance credited to the State General  
403 Fund. Any amounts collected over these amounts shall be  
404 deposited as otherwise provided by law.

405 (3) Fines collected for violations of this section  
406 charged pursuant to a municipal ordinance, where the fine is  
407 paid on a partial or installment basis, shall be deposited as  
408 follows: The first two hundred dollars (\$200) of the fine  
409 collected for any conviction shall be deposited to the State  
410 Treasury with the first one hundred dollars (\$100) collected  
411 for any conviction credited to the Alabama Chemical Testing  
412 Training and Equipment Trust Fund and the second one hundred  
413 dollars (\$100) for any conviction credited to the Alabama Head  
414 and Spinal Cord Injury Trust Fund after deducting five percent  
415 of the one hundred dollars (\$100) for administrative costs and  
416 depositing this amount in the general fund of the  
417 municipality. The second three hundred dollars (\$300) of the  
418 fine collected for a first conviction, the second eight  
419 hundred dollars (\$800) collected for a second conviction, the  
420 second one thousand eight hundred dollars (\$1,800) collected



421 for a third conviction, and the second three thousand eight  
422 hundred dollars (\$3,800) collected for a fourth conviction  
423 shall be divided with 50 percent of the funds collected to be  
424 deposited to the State Treasury to be credited to the State  
425 General Fund and 50 percent deposited as otherwise provided by  
426 law for municipal ordinance violations. Any amounts collected  
427 over these amounts shall be deposited as otherwise provided by  
428 law for municipal ordinance violations.

429 (4) Notwithstanding any provision of law to the  
430 contrary, 90 percent of any fine assessed and collected for  
431 any DUI offense charged by municipal ordinance violation in  
432 district or circuit court shall be computed only on the amount  
433 assessed over the minimum fine authorized, and upon collection  
434 shall be distributed to the municipal general fund with the  
435 remaining 10 percent distributed to the State General Fund.

436 (5) In addition to fines imposed pursuant to this  
437 subsection, a mandatory fee of one hundred dollars (\$100)  
438 shall be collected from any individual who successfully  
439 completes any pretrial diversion or deferral program in any  
440 municipal, district, or circuit court where the individual was  
441 charged with a violation of this section or a corresponding  
442 municipal ordinance. The one hundred dollars (\$100) shall be  
443 deposited into the Alabama Chemical Testing Training and  
444 Equipment Fund.

445 (6) In addition to the fines and fees imposed pursuant  
446 to this subsection, a mandatory fee of one hundred dollars  
447 (\$100) shall be collected from any individual who successfully  
448 completes any pretrial diversion or deferral program in any







477 oral notification of the defendant's subsequent arrest and  
478 pending prosecution to the court in which the prior conviction  
479 occurred.

480 (p) (1) Except as provided in subdivision (2), a prior  
481 conviction for driving under the influence from this state, a  
482 municipality within this state, or another state or territory  
483 or a municipality of another state or territory shall be  
484 considered by a court for imposing a sentence pursuant to this  
485 section if the prior conviction occurred within 10 years of  
486 the date of the current offense.

487 (2) If the person has a previous felony DUI conviction,  
488 then all of the person's subsequent DUI convictions shall be  
489 treated as felonies regardless of the date of the previous  
490 felony DUI conviction.

491 (q) Any person convicted of driving under the influence  
492 of alcohol, or a controlled substance, or both, or any  
493 substance which impairs the mental or physical faculties in  
494 violation of this section, a municipal ordinance adopting this  
495 section, or a similar law from another state or territory or a  
496 municipality of another state or territory more than once in a  
497 10-year period shall have his or her motor vehicle  
498 registration for all vehicles owned by the repeat offender  
499 suspended by the Alabama Department of Revenue for the  
500 duration of the offender's driver's license suspension period,  
501 unless such action would impose an undue hardship to any  
502 individual, not including the repeat offender, who is  
503 completely dependent on the motor vehicle for the necessities  
504 of life, including any family member of the repeat offender





533 shall pay all costs associated with the installation,  
534 purchase, maintenance, or lease of the ignition interlock  
535 devices to an approved ignition interlock provider pursuant to  
536 the rules of the Department of Forensic Sciences, unless the  
537 defendant is subject to Section 32-5A-191.4(i)(4).

538 (s) The defendant shall designate the vehicle to be  
539 used by identifying the vehicle by the vehicle identification  
540 number to the court. The defendant, at his or her own expense,  
541 may designate additional motor vehicles on which an ignition  
542 interlock device may be installed for the use of the  
543 defendant.

544 (t)(1) Any person who is required to comply with the  
545 ignition interlock provisions of this section as a condition  
546 of restoration or reinstatement of his or her driver's  
547 license, shall only operate the designated vehicle equipped  
548 with a functioning ignition interlock device for the period of  
549 time consistent with the offense for which he or she was  
550 convicted as provided for in this section.

551 (2) The duration of the time an ignition interlock  
552 device is required by this section shall be one year if the  
553 offender refused the prescribed chemical test for  
554 intoxication.

555 (u)(1) The Alabama State Law Enforcement Agency may set  
556 a fee of not more than one hundred fifty dollars (\$150) for  
557 the issuance of a driver's license indicating that the  
558 person's driving privileges are subject to the condition of  
559 the installation and use of a certified ignition interlock  
560 device on a motor vehicle. Fifteen percent of the fee shall be



561 distributed to the general fund of the county where the person  
562 was convicted to be utilized for law enforcement purposes.  
563 Eighty-five percent shall be distributed to the State General  
564 Fund. In addition, at the end of the time the person's driving  
565 privileges are subject to the above conditions, the agency  
566 shall set a fee of not more than seventy-five dollars (\$75) to  
567 reissue a regular driver's license. The fee shall be deposited  
568 as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1.

569 (2) The defendant shall provide proof of installation  
570 of an approved ignition interlock device to the Alabama State  
571 Law Enforcement Agency as a condition of the issuance of a  
572 restricted driver's license.

573 (3) Any ignition interlock driving violation committed  
574 by the offender during the mandated ignition interlock period  
575 shall extend the duration of ignition interlock use for six  
576 months. Ignition interlock driving violations include any of  
577 the following:

578 a. A breath sample at or above a minimum blood alcohol  
579 concentration level of 0.02 recorded four or more times during  
580 the monthly reporting period unless a subsequent test  
581 performed within 10 minutes registers a breath alcohol  
582 concentration lower than 0.02.

583 b. Any tampering, circumvention, or bypassing of the  
584 ignition interlock device, or attempt thereof.

585 c. Failure to comply with the servicing or calibration  
586 requirements of the ignition interlock device every 30 days.

587 (v) Nothing in this section and Section 32-5A-191.4  
588 shall require an employer to install an ignition interlock



589 device in a vehicle owned or operated by the employer for use  
590 by an employee required to use the device as a condition of  
591 driving pursuant to this section and Section 32-5A-191.4.

592 (w) The provisions in this section and Section  
593 32-5A-191.4 relating to ignition interlock devices shall not  
594 apply to persons who commit violations of this section while  
595 under 19 years of age and who are adjudicated in juvenile  
596 court, unless specifically ordered otherwise by the court.

597 (x) (1) The amendatory language in Act 2014-222 to this  
598 section, authorizing the Alabama State Law Enforcement Agency  
599 to stay a driver's license suspension or revocation upon  
600 compliance with the ignition interlock requirement shall apply  
601 retroactively if any of the following occurs:

602 a. The offender files an appeal with the court of  
603 jurisdiction requesting all prior suspensions or revocation,  
604 or both, be stayed upon compliance with the ignition interlock  
605 requirement.

606 b. The offender wins appeal with the court of  
607 jurisdiction relating to this section.

608 c. The court of jurisdiction notifies the Alabama State  
609 Law Enforcement Agency that the offender is eligible to have  
610 the driver's license stayed.

611 d. The Alabama State Law Enforcement Agency issues an  
612 ignition interlock restricted driver's license.

613 e. The offender remains in compliance of ignition  
614 interlock requirements.

615 (2) The remainder of the driver license revocation,  
616 suspension, or both, shall be commuted upon the successful



617 completion of the period of time in which the ignition  
618 interlock device is mandated to be installed and operational.

619 (y) (1) Upon a finding by a judge that a person charged  
620 in a district, circuit, or municipal court with a violation of  
621 this section, or a municipal ordinance adopted in conformance  
622 with this section, shall be ordered to install an ignition  
623 interlock device, he or she shall install an ignition  
624 interlock device for the period of time ordered by the judge  
625 and shall meet all the requirements of this section and  
626 Section 32-5A-191.4. A participant in a pretrial diversion  
627 program or similar program shall be eligible for indigency  
628 status if the program enrolls indigent defendants and waives  
629 fees for indigent defendants.

630 (2) Upon receipt of a court order indicating the  
631 offender has entered a pretrial diversion program or any other  
632 form of deferred prosecution agreement and is required to  
633 install an ignition interlock device, the Secretary of the  
634 Alabama State Law Enforcement Agency shall indicate, as the  
635 agency shall determine, the person's driving privileges are  
636 subject to the condition of the installation and use of a  
637 certified ignition interlock device on a motor vehicle. Any  
638 driver's license suspension period pursuant to Section  
639 32-5A-304 shall be stayed and then commuted upon the  
640 successful completion of the pretrial diversion program, or  
641 any other form of deferred prosecution agreement.

642 (3) Upon receipt of a court order detailing any  
643 ignition interlock violation of the requirements of this  
644 section or Section 32-5A-191.4 or termination of the



645 participation in any pretrial diversion program, the Alabama  
646 State Law Enforcement Agency shall suspend or revoke driving  
647 privileges pursuant to this section and Section 32-5A-304.

648 (4) Nothing in this section shall be construed to  
649 require the Alabama State Law Enforcement Agency to issue an  
650 ignition interlock license or stay or commute any license  
651 suspension or revocation period of a holder of a commercial  
652 driver's license, an operator of a commercial motor vehicle,  
653 or a commercial driver learner permit holder in violation of  
654 other state or federal laws.

655 ~~(y)~~ (z) Pursuant to Section 15-22-54, the maximum  
656 probation period for persons convicted under this section  
657 shall be extended until all ignition interlock requirements  
658 have been completed by the offender.

659 ~~(z)~~ (aa) Notwithstanding the ignition interlock  
660 requirements of this section, no person may be required to  
661 install an ignition interlock device if there is not a  
662 certified ignition interlock provider available within a 50  
663 mile radius of his or her place of residence or place of  
664 business or employment."

665 Section 2. Although this bill would have as its purpose  
666 or effect the requirement of a new or increased expenditure of  
667 local funds, the bill is excluded from further requirements  
668 and application under Section 111.05 of the Constitution of  
669 Alabama of 2022, because the bill defines a new crime or  
670 amends the definition of an existing crime.

671 Section 3. This act shall become effective on July 1,  
672 2023, following its passage and approval by the Governor or





673 its otherwise becoming law.