

# HB397 INTRODUCED



1 85WM22-1  
2 By Representatives Mooney, Treadaway  
3 RFD: Public Safety and Homeland Security  
4 First Read: 27-Apr-23  
5  
6 2023 Regular Session



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SYNOPSIS:

Under existing law, Act 2018-517 of the 2018 Regular Session provides that a person charged with driving under the influence of alcohol or drugs and approved for any pretrial diversion program is required to install an approved ignition interlock device for a minimum of six months or the duration of the pretrial diversion program. Act 2018-517 further amends the driving under the influence law to delete this requirement effective five years from the effective date of Act 2018-517 (July 1, 2023).

This bill would repeal the future amendment of the driving under the influence law to preserve the provisions of the law requiring the installation of an ignition interlock device in pretrial diversion cases and would amend Act 2018-517, to make conforming changes.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to driving under the influence and the requirements for the installation of an ignition interlock



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29 device by a person charged with driving under the influence  
30 and approved for a pretrial diversion program; to repeal  
31 Section 2 of Act 2018-517 of the 2018 Regular Session, now  
32 appearing as Section 32-5A-191 of the Code of Alabama 1975,  
33 effective July 1, 2023, which would delete provisions  
34 requiring the installation of ignition interlock by a person  
35 charged with driving under the influence and approved for a  
36 pretrial diversion program; and to amend Section 4 of Act  
37 2018-517 of the 2018 Regular Session to conform to this act.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. Section 2 of Act 2018-517 of the 2018  
40 Regular Session, now appearing as Section 32-5A-191, Code of  
41 Alabama 1975, effective July 1, 2023, is repealed.

42 Section 2. Section 4 of Act 2018-517 of the 2018  
43 Regular Session is amended to read as follows:

44 "(a) The provisions of Section 1 ~~and Section 2~~ shall  
45 govern the construction and punishment for any offense defined  
46 in Section 1 ~~and Section 2~~ committed after the effective date  
47 of this act, ~~except the provisions of subsection (y) of~~  
48 ~~Section 32-5A-191, Code of Alabama 1975, as amended by Section~~  
49 ~~1, shall only apply for five years after the effective date of~~  
50 ~~this act.~~

51 (b) The provisions of Section 1 do not apply to or  
52 govern the construction and punishment of any offense  
53 committed prior to the effective date of this act. ~~The~~  
54 ~~provisions of Section 2 do not apply to or govern the~~  
55 ~~construction and punishment of any offense committed prior to~~  
56 ~~the effective date of Section 2."~~



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57           Section 3. This act shall become effective immediately  
58 following its passage and approval by the Governor, or its  
59 otherwise becoming law.