

**Alliance Against Intoxicated Motorists  
Legislative Report 2012**

**LEGISLATION:**

**Recent Legislation Affecting Crime Victims' Rights:** HB0823, amends the rights of Crime Victims and Witness Act.

1); Victims right to be heard. In 2012, a Constitutional Amendment states that victims have the right to give a Victim Impact Statement (VIS) even after a 402 conference (a 402 conference is a hearing of the entry of a guilty plea). However, the law also states that the court only has to let one family member speak. Many times more than one family member wants to give a VIS. It is at the discretion of the judge to allow more than one family member to speak. That being said, if there are multiple victim families each family has the right to a VIS. The judge may also allow multiple family members to speak from each family due to blended families and realizing one family member cannot speak to the way the other feel.

2); law enforcement must provide victims with written explanation of their rights within 48 hours of contact; document prepared by Attorney General Office.

3); courts must post constitutional rights within three feet of the door of the courtrooms where criminal proceeding are held. AAIM supported this legislation. PA 97-0815, effective January 1, 2013.

**Crime Victims Assistance Fund:** SB3602, Violent Crimes Victims Assistance (VCVA) is a Grantor to AAIM and partially funds the salary of one of AAIM's victim advocates. The Violent Crimes Victims Assistance Act created a fund administered by the Illinois Attorney General to provide services to victims of violent crimes. Offenders, not taxpayers, put money into the fund. The Act requires judges to impose a fine on defendants who are convicted of violent and other crimes. The fines are collected by Clerks of the Circuit Courts and deposited into the fund. The Attorney General distributes these monies across Illinois to State's Attorney victim assistance programs such as AAIM. In the last few years, the number of fines for various funds imposed upon defendants has increased, while deposits into the VCVA grant fund have dropped. As a result, victim service programs across the state have seen significant decreases in the amount they receive from VCVA, in turn, less funding to AAIM's Victim Assistance Program. This legislation amends the fines set in 725 ILCS240 that the court must impose, PA 97-816, effective July 16, 2012. AAIM supported this legislation.

**Lifetime ban on driving for 4 DUI convictions:** Proposed legislation for a lifetime ban on driving for four DUI convictions. AAIM is opposed to this legislation as written, but should AAIM consider this bill we recommend keeping the lifetime ban on reinstatement of a driver's license. However, five years after revocation the offender could apply for a restricted driving permit. Upon showing of successful completion of alcohol and drug treatment and

meeting other requirements, a RDP could be issued, but BAIID would be required on every vehicle owned or operated by the offender. Over a period of years, if the offender drives with no BAIID violations, the restrictions in the permit could be eased or eliminated. But the BAIID requirement would be for the remainder of the offender's life. April 15, 2013 third reading – short debate- lost 0300780-000.

**Keg Registration Act:** Article XIII (235 ILCS 5/13-4) provides that kegs should be labeled with keg identification numbers prior to sale at retail. The proposal would require all establishments that sell Keg's to be required to tag the beer keg with identification numbers so it can be traced back to where it was purchased. Keeping records deter underage drinking and will help establishments to require proper identification, AAIM supports proposed Keg legislation.

**Medical Marijuana HB1:** The recent passage of HB1 Medical Cannabis is of great concern to AAIM as it relates to current DUI law. AAIM is opposed to the provisions in HB1 regarding driving after use of cannabis. AAIM is neutral on the issue of medical cannabis but opposed to these changes to the DUI law.

The bill creates a double standard between those who drive under the influence of cannabis and have a medical cannabis card and those who do not. Where we feel the legislation fails is that there is no *per se* level to establish impairment as is the case with DUI alcohol. The court will not accept anything short of a scientifically derived level of cannabis that determines impairment. The subjective opinion of a police officer administering Standardized Field Sobriety Tests (SFST's) will not be accepted by the courts. Although the bill addresses the issue of driving after consumption of medical cannabis, it does not do enough to stand up to the inevitable court challenges.

**Breath Alcohol Ignition Interlock Device (BAIID):** SB924, the idea of this proposed legislation is to have more individuals using BAIID for a longer period of time. The theory is that many people that have their driving privileges revoked or suspended continue to drive anyway. Secretary of State is putting forth the idea of getting all individuals into BAIID sooner, and also with the possibility of no hard time.

AAIM suggests, offenders provide a requirement for proof of a drug and alcohol evaluation prior to the issuance of the alcohol monitoring device. One concern is that many DUI offenders are, in fact, also using other drugs and since BAIID only detects alcohol, AAIM needs to continue to encourage that offenders have a drug and alcohol evaluation prior to the issuance of a BAIID and that certain offenders then be required to have random drug testing - this requirement would help in determining if an offender uses drugs other than alcohol, so that the court could also require random drug testing, and put an offender on the road to behavior change sooner with education and treatment.

AAIM supports Secretary White's expansion of the BAIID program and agrees that when BAIID is being used, lives are being saved, the roads are safer, and DUI recidivism decreases.

**OUI-BOAT-SNOW-DRIVERS LICENSE:** SB1479, amends Illinois vehicle code 625 ILCS 5/1-100 authorizing the Secretary of State to suspend a person's driver's license for operating a watercraft under the influence of alcohol or other intoxicating compounds. Amends the Boat Registration and Safety Act. Provides that any person operating a watercraft in this State that is involved in a boating accident shall be deemed to have given consent to the chemical testing of their blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds. Provides that if the operator refuses testing, or submits to testing and the testing indicates a blood alcohol content of 0.08 or the presence of other drugs or intoxicating compounds, that person can have their driver's license suspended under the statutory suspension procedures of the Illinois Vehicle Code. AAIM supported this Bill, which passed both houses May 13, 2013.

**DUI Arrest Audio/Video:** HB 3202, an Illinois State Bar Association (ISBA) proposal to require audio and video recording of traffic stops, including DUIs. AAIM was asked to look at this Bill by Elizabeth Earleywine of Illinois Department of Transportation (IDOT). Equipment would need to be installed in all Illinois squad cars by July 2014. According to Elizabeth, the original Bill, if passed would cost agencies an enormous amount of money that they just don't have in their budgets. AAIM is a proponent of the cameras however, we are not in favor of requiring agencies to install them as written in this legislation. AAIM's current position on HB 3202 is "opposed as written."

**National Traffic Safety Board (NTSB):** Set forth a recommendation to lower the illegal BAC limit of .08 to .05. AAIM's position on NTSB's recommendation is if research continues to indicate that lowering the illegal BAC in all states from .08 to .05 would save lives, AAIM supports an illegal limit of .05 BAC.

**Future Issues:** HB 1900, this Bill allows the families of individuals killed by DUI offenders to apply for the installation of a memorial marker sign through the Illinois Department of Transportation. These markers are placed at the location of the crash and serve as a remembrance of loved ones. AAIM is looking into this memorial marker fund, which has a sufficient amount in its balance for the markers, and see how the extra funds may be granted to organizations (like AAIM) for drunk driving awareness programs. All the monies that are collected for this program come from fees paid by DUI offenders.