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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No. 8209

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Chairman Craven and Members of the Judiciary Committee:

The OPD has significant concerns with H8029, a bill that would require any person convicted of driving under the influence or refusal to submit to a chemical test have an ignition interlock device (IID) installed in their vehicle as part of the sentence. The bill would also prohibit a person from regaining their license without proof of interlock device use.

One major concern is that the bill, as currently drafted, would disproportionately affect indigent individuals. The requirement for an IID installation presupposes vehicle ownership, effectively prohibiting those without cars from reinstating their licenses – a significant obstacle to their ability to rebuild their lives post-conviction. We would recommend an amendment to the language on page 18, lines 7-9 to read:

The motorist's license shall not be fully reinstated unless the time for which the prescribed ignition interlock and/or blood and urine testing period to which the motorist was sentenced has elapsed.

Furthermore, the financial burden imposed by this mandate exacerbates the already daunting challenges faced by indigent defendants. The installation cost, monthly lease, and maintenance and calibration fees for IIDs, particularly those with added camera systems, place an additional undue strain on individuals already struggling to meet basic needs. The average cost for an interlock system over a six-month period (the minimum period in this bill) is approximately \$900-1,100. This is in addition to the average costs for a misdemeanor DUI conviction which are approximately \$1,800.

While the proposal of an Ignition Interlock System Fund is appreciated, we remain skeptical of its efficacy in alleviating the financial burden on indigent persons. The proposed fund's ability to cover the costs of mandatory IID over the required period appears untenable. Additionally, we would anticipate a several months-long delay in the creation and implementation of rules and regulations for such a fund, leaving those indigent persons convicted of DUIs during this period unable to afford the extraordinary mandates of this bill.

In conclusion, while we appreciate the intent behind this bill and do not oppose the expanded use of IIDs as a matter of policy, we believe it presents significant challenges, particularly for indigent persons whom we represent. Therefore, we would recommend that continued reliance on judicial discretion in sentencing be maintained and we urge the Committee to reconsider the provisions of H8209. We believe alternative solutions that do not unduly burden indigent defendants should be explored to achieve the bill's objectives more equitably.

Sincerely,



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