



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: AMEND

COMMENTS ON 24-H 8209, AN ACT RELATING TO MOTOR VEHICLE OFFENSES May 7, 2024

The ACLU of Rhode Island opposes this legislation to the extent it eliminates judicial discretion in deciding whether to require the use of ignition interlock devices on individuals convicted of driving under the influence or refusing to take a breath test. However, we appreciate both the opportunity it would afford individuals to seek dismissal of their case if they accomplish several rehabilitative steps and the establishment of a fund to help pay for the interlock systems of defendants ordered to install the devices but not able to afford them.

The ACLU has long supported the use of discretion by judges in imposing sentences. It is critical to consider the individual circumstances of each offender and offense in order to ensure that the punishment meted out is fair, equitable and reasonable. By automatically requiring ignition interlocks on those convicted of driving under the influence or refusal to submit to a chemical test, the bill fails to allow for that important exercise of discretion. For example, this expensive and onerous system would be unnecessarily required even when alcohol was not involved, such as with a person who was driving under the influence of drugs. Ignition interlocks might also be an inappropriate penalty for some first-time offenders convicted of driving slightly over the .08% blood alcohol concentration limit. In short, a judge should be able to evaluate the individual's need for an ignition interlock device instead of painting all DUI offenders with the same brush.

On the positive side, we appreciate the bill's recognition of the expense of these systems and the need to take into account the circumstances of indigent defendants. In addition, we appreciate the fact that this legislation allows first time offenders to petition the court for a dismissal after a certain period of compliance. However, we urge that this bill be amended so that it does not remove the judicial discretion that currently exists.

Thank you for your consideration.