

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1232 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 9.
- 3 Page 3, line 7, strike "may" and insert "**shall**".
- 4 Page 3, delete lines 37 through 42.
- 5 Delete page 4.
- 6 Page 5, delete lines 1 through 2.
- 7 Page 5, between lines 2 and 3, begin a new paragraph and insert:
- 8 "SECTION 3. IC 9-30-5-12.5 IS ADDED TO THE INDIANA
- 9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 10 **[EFFECTIVE JULY 1, 2003]: Sec. 12.5. (a) This section does not**
- 11 **apply to a person with a conviction under section 4 or 5 of this**
- 12 **chapter.**
- 13 **(b) If a court recommends suspension of a person's driving**
- 14 **privileges under section 10 of this chapter and the court does not**
- 15 **stay the execution of the suspension of the person's driving**
- 16 **privileges and grant the person probationary driving privileges as**
- 17 **provided in section 12(a) or 12(c) of this chapter, the person may**
- 18 **obtain probationary driving privileges as provided in subsection**
- 19 **(c).**
- 20 **(c) An order for probationary driving privileges shall be**
- 21 **granted if a person whose driving privileges are suspended under**
- 22 **subsection (b) satisfies the burden of proof under subsection (e).**
- 23 **The person who seeks a restricted driving permit under this section**
- 24 **must first file a verified petition averring that the person:**

1 **(1) will not operate a motor vehicle unless the motor vehicle**
 2 **is equipped with a functioning certified ignition interlock**
 3 **device; and**

4 **(2) has installed or will install not later than thirty (30) days**
 5 **after the filing of the verified petition a functioning certified**
 6 **ignition interlock device on the person's primary vehicle.**

7 **A copy of the petition shall be provided to the prosecuting attorney**
 8 **in the county in which the verified petition is filed. The prosecuting**
 9 **attorney shall represent the state in the hearing under subsection**
 10 **(d).**

11 **(d) When a petition is filed under subsection (c), the court shall**
 12 **conduct a hearing not later than forty-five (45) days after receiving**
 13 **the petition.**

14 **(e) The petitioner bears the burden of proving the elements**
 15 **under subsection (c) and IC 9-24-15-2(2) by a preponderance of the**
 16 **evidence."**

17 Page 5, line 16, after "(b)" insert "**An order for probationary**
 18 **driving privileges granted under:**

19 **(1) section 12(a) of this chapter if the person has a previous**
 20 **conviction that occurred at least ten (10) years before the**
 21 **conviction under consideration by the court; or**

22 **(2) section 12(c) of this chapter;**

23 **must include a requirement that the person may not operate a**
 24 **motor vehicle unless the vehicle is equipped with a functioning**
 25 **certified ignition interlock device under IC 9-30-8.**

26 **(c)".**

27 Page 5, line 22, strike "subsection (b)," and insert "**subsections (b)**
 28 **and (c),"**

29 Page 5, line 27, delete "The court shall order that a person convicted
 30 under section" and insert "**In granting probationary driving**
 31 **privileges under this chapter, a court shall also order that the**
 32 **probationary driving privileges include the requirement that a**
 33 **person may not operate a motor vehicle unless the vehicle is**
 34 **equipped with a functioning certified ignition interlock device**
 35 **under IC 9-30-8 if the person has a prior unrelated conviction for**
 36 **an offense under this chapter for which alcohol is an element of the**
 37 **offense."**

38 Page 5, delete lines 28 through 30.

39 Page 5, between lines 40 and 41, begin a new paragraph and insert:
 40 **SECTION 6. IC 9-30-9-5 IS AMENDED TO READ AS FOLLOWS**
 41 **[EFFECTIVE JULY 1, 2003]: Sec. 5. (a) If the court enters an order**
 42 **conditionally deferring charges under section 3 of this chapter, the**
 43 **court may do the following:**

44 **(1) Suspend the person's driving privileges for at least two (2)**
 45 **years but not more than four (4) years.**

46 **(2) Impose other appropriate conditions, including the payment of**
 47 **fees imposed under section 8 of this chapter.**

1 (b) Notwithstanding IC 9-30-6-9, the defendant may be granted
 2 probationary driving privileges only after the defendant's license has
 3 been suspended for at least one (1) year. **If the court grants**
 4 **probationary driving privileges for an offense under IC 9-30-5, the**
 5 **court must include as a condition of the probationary license that**
 6 **the person may not operate a motor vehicle unless the vehicle is**
 7 **equipped with a functioning certified ignition interlock device**
 8 **under IC 9-30-8.**

9 (c) **A person may be granted probationary driving privileges as**
 10 **set forth in IC 9-30-5-12.5 if the court does not stay the execution**
 11 **of the suspension of the person's driving privileges and grant the**
 12 **person probationary driving privileges under subsection (b).**

13 SECTION 7. IC 9-30-9-7 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) If the court refers a defendant
 15 to the program under section 6 of this chapter, the court may do the
 16 following:

17 (1) Suspend the defendant's driving privileges for at least ninety
 18 (90) days but not more than four (4) years.

19 (2) Impose other appropriate conditions.

20 (b) The defendant may be granted probationary driving privileges
 21 only after the defendant's license has been suspended for at least thirty
 22 (30) days under IC 9-30-6-9. **If the court grants probationary**
 23 **driving privileges for an offense under IC 9-30-5, the court must**
 24 **include as a condition of the probationary license that the person**
 25 **may not operate a motor vehicle unless the vehicle is equipped with**
 26 **a functioning certified ignition interlock device under IC 9-30-8.**

27 (c) **A person may be granted probationary driving privileges as**
 28 **set forth in IC 9-30-5-12.5 if the court does not stay the execution**
 29 **of the suspension of the person's driving privileges and grant the**
 30 **person probationary driving privileges under subsection (b)."**

31 Page 5, delete lines 41 through 42.

32 Delete pages 6 through 8.

33 Renumber all SECTIONS consecutively.

(Reference is to HB 1232 as printed February 28, 2003.)

Representative Kuzman