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LEGISLATIVE ACTION

Senate

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House

Floor: 1i/AD/2R

05/05/2017 03:26 PM

Senator Simmons moved the following:

1 **Senate Amendment to Amendment (183848) (with title**
2 **amendment)**

3
4 Delete lines 99 - 111

5 and insert:

6 or higher. If the convicted person is convicted of a first
7 offense misdemeanor of the second degree, has not violated
8 subsection (4), and has not caused injury to, or the death of, a
9 person or damage to property and such person voluntarily places,
10 or if the court orders placement of, an interlock device or
11 other equivalent device approved by the department which would



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12 prevent an impaired driver from operating a vehicle under this
13 subsection, the court, upon proper showing that the person has
14 received counseling, treatment, rehabilitation or is enrolled in
15 a substance abuse course pursuant to subsection (5), may
16 withhold adjudication if the person does not have a prior
17 withholding of adjudication or adjudication of guilt for any
18 other criminal or noncriminal offense. Failure of the person to
19 comply with all the terms of the order, including placement of
20 the ignition interlock device or an equivalent device for the
21 entire term required by the order, must result in, among other
22 penalties, the court ordering an adjudication of guilt.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete lines 2457 - 2461

27 and insert:

28 placement of, an ignition interlock device or other
29 equivalent device, under certain circumstances;
30 providing that failure of the person to comply with
31 all the terms of the order, including placement of an
32 ignition interlock device or other equivalent device,
33 must result in the court ordering an adjudication of