

A5411

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REPRINT(S):	No
TECHNICAL REVIEW OF BILL:	No
COMMITTEE STATEMENT: ASSEMBLY:	Yes
SENATE:	No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
LEGISLATOR STATEMENT:	No

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/MMcB

P.L. 2025, CHAPTER 41, *approved April 3, 2025*
Senate, No. 4144

1 AN ACT clarifying time frames of ignition interlock devices and
2 amending R.S.39:4-50.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.39:4-50 is amended to read as follows:

8 39:4-50. (a) A person who operates a motor vehicle while under
9 the influence of intoxicating liquor, narcotic, hallucinogenic or
10 habit-producing drug, or operates a motor vehicle with a blood
11 alcohol concentration of 0.08 percent or more by weight of alcohol
12 in the defendant's blood or permits another person who is under the
13 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
14 producing drug to operate a motor vehicle the person owns or which
15 is in the person's custody or control or permits another to operate a
16 motor vehicle with a blood alcohol concentration of 0.08 percent or
17 more by weight of alcohol in the defendant's blood shall be subject:

18 (1) For the first offense:

19 (i) if the person's blood alcohol concentration is 0.08 percent or
20 higher but less than 0.10 percent, or the person operates a motor
21 vehicle while under the influence of intoxicating liquor, or the
22 person permits another person who is under the influence of
23 intoxicating liquor to operate a motor vehicle owned by him or in
24 his custody or control or permits another person with a blood
25 alcohol concentration of 0.08 percent or higher but less than 0.10
26 percent to operate a motor vehicle, to a fine of not less than \$250
27 nor more than \$400 and a period of detainment of not less than 12
28 hours nor more than 48 hours spent during two consecutive days of
29 not less than six hours each day and served as prescribed by the
30 program requirements of the Intoxicated Driver Resource Centers
31 established under subsection (f) of this section and, in the discretion
32 of the court, a term of imprisonment of not more than 30 days. In
33 addition, the court shall order the person to forfeit the right to
34 operate a motor vehicle over the highways of this State until the
35 person installs an ignition interlock device in one motor vehicle the
36 person owns, leases, or principally operates, whichever the person
37 most often operates, for the purpose of complying with the
38 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A person who
39 has been arrested for a violation of this section whose blood alcohol
40 concentration was at least 0.08 percent but less than 0.10 percent or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 who was otherwise under the influence of intoxicating liquor may,
2 upon arrest and prior to any conviction, voluntarily install an
3 ignition interlock device in one motor vehicle the person owns,
4 leases, or principally operates, whichever the person most often
5 operates, and request from the New Jersey Motor Vehicle
6 Commission a driver's license with a notation stating that the person
7 shall not operate a motor vehicle unless it is equipped with an
8 ignition interlock device pursuant to subsection b. of section 3 of
9 P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of
10 the interlock installer's certification and documentation of pending
11 charges as determined by the Chief Administrator of the Motor
12 Vehicle Commission to be submitted no later than seven days after
13 receipt of the documentation. A person who installs an ignition
14 interlock device and obtains a driver's license with the appropriate
15 notation pursuant to this subparagraph shall not be subject to a fine
16 pursuant to this subparagraph if the person possessed a valid New
17 Jersey driver's license in good standing at the time of the offense
18 and maintained a license in good standing until the date of
19 conviction;

20 (ii) if the person's blood alcohol concentration is 0.10 percent or
21 higher, or the person operates a motor vehicle while under the
22 influence of a narcotic, hallucinogenic or habit-producing drug, or
23 the person permits another person who is under the influence of a
24 narcotic, hallucinogenic or habit-producing drug to operate a motor
25 vehicle owned by him or in his custody or control, or permits
26 another person with a blood alcohol concentration of 0.10 percent
27 or more to operate a motor vehicle, to a fine of not less than \$300
28 nor more than \$500 and a period of detainment of not less than 12
29 hours nor more than 48 hours spent during two consecutive days of
30 not less than six hours each day and served as prescribed by the
31 program requirements of the Intoxicated Driver Resource Centers
32 established under subsection (f) of this section and, in the discretion
33 of the court, a term of imprisonment of not more than 30 days. A
34 person who has been arrested for a violation of this section whose
35 blood alcohol concentration was 0.10 percent or higher may, upon
36 arrest and prior to any conviction, voluntarily install an ignition
37 interlock device in one motor vehicle the person owns, leases, or
38 principally operates, whichever the person most often operates, and
39 request from the Motor Vehicle Commission a driver's license with
40 a notation stating that the person shall not operate a motor vehicle
41 unless it is equipped with an ignition interlock device pursuant to
42 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The
43 request shall include a copy of the interlock installer's certification
44 and documentation of pending charges as determined by the Chief
45 Administrator of the New Jersey Motor Vehicle Commission to be
46 submitted no later than seven days after receipt of the
47 documentation. A person who installs an ignition interlock device
48 and obtains a driver's license with the appropriate notation pursuant

1 to this subparagraph shall not be subject to a fine pursuant to this
2 subparagraph if the person possessed a valid New Jersey driver's
3 license in good standing at the time of the offense and maintained a
4 license in good standing until the date of conviction;

5 in the case of a person who is convicted of operating a motor
6 vehicle while under the influence of a narcotic, hallucinogenic or
7 habit-producing drug or permitting another person who is under the
8 influence of a narcotic, hallucinogenic or habit-producing drug to
9 operate a motor vehicle owned by the person or under the person's
10 custody or control, the person shall forfeit the right to operate a
11 motor vehicle over the highways of this State for a period of not
12 less than seven months nor more than one year;

13 in the case of a person whose blood alcohol concentration is 0.10
14 percent or higher but less than 0.15 percent, the person shall forfeit
15 the right to operate a motor vehicle over the highways of this State
16 until the person installs an ignition interlock device in one motor
17 vehicle the person owns, leases, or principally operates, whichever
18 the person most often operates, for the purpose of complying with
19 the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

20 in the case of a person whose blood alcohol concentration is 0.15
21 percent or higher, the person shall forfeit the right to operate a
22 motor vehicle over the highways of this State for a period of three
23 months following installation of an ignition interlock device in one
24 motor vehicle the person owns, leases, or principally operates,
25 whichever the person most often operates, for the purpose of
26 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
27 al.). A person who has been arrested for a violation of this section
28 whose blood alcohol concentration was 0.15 percent or higher may,
29 upon arrest and prior to any conviction, voluntarily install an
30 ignition interlock device in one motor vehicle the person owns,
31 leases, or principally operates, whichever the person most often
32 operates, and request from the Motor Vehicle Commission a driver's
33 license with a notation stating that the person shall not operate a
34 motor vehicle unless it is equipped with an ignition interlock device
35 pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-
36 50.18). The request shall include a copy of the interlock installer's
37 certification and documentation of pending charges as determined
38 by the Chief Administrator of the New Jersey Motor Vehicle
39 Commission to be submitted no later than seven days after receipt
40 of the documentation. A person who installs an ignition interlock
41 device and obtains a driver's license with the appropriate notation
42 pursuant to this subparagraph shall receive a one-day credit against
43 the period that the person is required to forfeit the right to operate a
44 motor vehicle over the highways of this State pursuant to this
45 subparagraph for every two days that the person has an ignition
46 interlock device installed and a driver's license with the appropriate
47 notation and shall not be subject to a fine pursuant to this
48 subparagraph if the person possessed a valid New Jersey driver's

1 license in good standing at the time of the offense and maintained a
2 license in good standing until the date of conviction. A person shall
3 not be entitled to a credit against the period that the person is
4 required to forfeit the right to operate a motor vehicle over the
5 highways of this State pursuant to this subparagraph if the violation
6 of this section resulted in serious bodily injury as defined in
7 N.J.S.2C:11-1 to another person;

8 (iii) (Deleted by amendment, P.L.2019, c.248)

9 (2) For a second violation, a person shall be subject to a fine of
10 not less than \$500 nor more than \$1,000, and shall be ordered by
11 the court to perform community service for a period of 30 days,
12 which shall be of such form and on terms the court shall deem
13 appropriate under the circumstances, and shall be sentenced to
14 imprisonment for a term of not less than 48 consecutive hours,
15 which shall not be suspended or served on probation, or more than
16 90 days, and shall forfeit the right to operate a motor vehicle over
17 the highways of this State for a period of not less than one year or
18 more than two years upon conviction. A person who has been
19 arrested for a second violation of this section may, upon arrest and
20 prior to any conviction, voluntarily install an ignition interlock
21 device in one motor vehicle the person owns, leases, or principally
22 operates, whichever the person most often operates, and request
23 from the Motor Vehicle Commission a driver's license with a
24 notation stating that the person shall not operate a motor vehicle
25 unless it is equipped with an ignition interlock device pursuant to
26 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The
27 request shall include a copy of the interlock installer's certification
28 and documentation of pending charges as determined by the Chief
29 Administrator of the New Jersey Motor Vehicle Commission to be
30 submitted no later than seven days after receipt of the
31 documentation. A person who installs an ignition interlock device
32 and obtains a driver's license with the appropriate notation pursuant
33 to this paragraph shall receive a one-day credit against the period
34 that the person is required to forfeit the right to operate a motor
35 vehicle over the highways of this State pursuant to this paragraph
36 for every two days that the person has an ignition interlock device
37 installed and a driver's license with the appropriate notation and
38 shall not be subject to a fine pursuant to this paragraph if the person
39 possessed a valid New Jersey driver's license in good standing at
40 the time of the offense and maintained a license in good standing
41 until the date of conviction. A person shall not be entitled to a
42 credit against the period that the person is required to forfeit the
43 right to operate a motor vehicle over the highways of this State
44 pursuant to this paragraph if the violation of this section resulted in
45 serious bodily injury as defined in N.J.S.2C:11-1 to another person.

46 After the expiration of the license forfeiture period, the person
47 may make application to the Chief Administrator of the New Jersey
48 Motor Vehicle Commission for a license to operate a motor vehicle,

1 which application may be granted at the discretion of the chief
2 administrator, consistent with subsection (b) of this section. For a
3 second violation, a person also shall be required to install an
4 ignition interlock device under the provisions of P.L.1999, c.417
5 (C.39:4-50.16 et al.).

6 (3) For a third or subsequent violation, a person shall be subject
7 to a fine of \$1,000, and shall be sentenced to imprisonment for a
8 term of not less than 180 days in a county jail or workhouse, except
9 that the court may lower such term for each day, not exceeding 90
10 days, served participating in a substance use disorder inpatient
11 rehabilitation program approved by the Intoxicated Driver Resource
12 Center and shall thereafter forfeit the right to operate a motor
13 vehicle over the highways of this State for eight years. A person
14 who has been arrested for a third or subsequent violation of this
15 section may, upon arrest and prior to any conviction, voluntarily
16 install an ignition interlock device in one motor vehicle the person
17 owns, leases, or principally operates, whichever the person most
18 often operates, and request from the Motor Vehicle Commission a
19 driver's license with a notation stating that the person shall not
20 operate a motor vehicle unless it is equipped with an ignition
21 interlock device pursuant to subsection b. of section 3 of P.L.1999,
22 c.417 (C.39:4-50.18). The request shall include a copy of the
23 interlock installer's certification and documentation of pending
24 charges as determined by the Chief Administrator of the New Jersey
25 Motor Vehicle Commission to be submitted no later than seven
26 days after receipt of the documentation. A person who installs an
27 ignition interlock device and obtains a driver's license with the
28 appropriate notation pursuant to this paragraph shall receive a one-
29 day credit against the period that the person is required to forfeit the
30 right to operate a motor vehicle over the highways of this State
31 pursuant to this paragraph for every two days that the person has an
32 ignition interlock device installed and a driver's license with the
33 appropriate notation and shall not be subject to a fine pursuant to
34 this paragraph if the person possessed a valid New Jersey driver's
35 license in good standing at the time of the offense and maintained a
36 license in good standing until the date of conviction. A person shall
37 not be entitled to a credit against the period that the person is
38 required to forfeit the right to operate a motor vehicle over the
39 highways of this State pursuant to this paragraph if the violation of
40 this section resulted in serious bodily injury as defined in
41 N.J.S.2C:11-1 to another person.

42 For a third or subsequent violation, a person also shall be
43 required to install an ignition interlock device under the provisions
44 of P.L.1999, c.417 (C.39:4-50.16 et al.).

45 Any person who is required to forfeit the right to operate a motor
46 vehicle over the highways of this State pursuant to this section may,
47 in lieu of forfeiting the right to operate a motor vehicle, install an
48 ignition interlock device and receive a one day credit against the

1 period that the person is required to forfeit the right to operate a
2 motor vehicle over the highways of this State pursuant to this
3 section for every two days that the person has the ignition interlock
4 device installed. A person shall not be entitled to this credit if the
5 violation of this section resulted in serious bodily injury as defined
6 in N.J.S.2C:11-1 to another person. In addition, a person who has
7 been arrested or convicted of operating a motor vehicle while under
8 the influence of a narcotic, hallucinogenic, or habit-producing drug
9 or permitting another person who is under the influence of a
10 narcotic, hallucinogenic, or habit-producing drug to operate a motor
11 vehicle owned by the person or under the person's custody or
12 control pursuant to the provisions of this section or a person who
13 has been convicted of operating a commercial motor vehicle under
14 the influence of a controlled substance pursuant to section 5 of
15 P.L.1990, c.103 (C.39:3-10.13) shall not be eligible for this credit.

16 Notwithstanding any judicial directive to the contrary, upon
17 recommendation by the prosecutor, a plea agreement under this
18 section is authorized under the appropriate factual basis consistent
19 with any other violation of Title 39 of the Revised Statutes or
20 offense under Title 2C of the New Jersey Statutes; provided,
21 however, that if a person is convicted of operating a motor vehicle
22 while under the influence of a narcotic, hallucinogenic, or habit-
23 producing drug or permitting another person who is under the
24 influence of a narcotic, hallucinogenic, or habit-producing drug to
25 operate a motor vehicle owned by the person or under the person's
26 custody or control pursuant to the provisions of R.S.39:4-50 or a
27 person is convicted of operating a commercial motor vehicle under
28 the influence of a controlled substance pursuant to section 5 of
29 P.L.1990, c.103 (C.39:3-10.13), the person shall forfeit the right to
30 operate a motor vehicle over the highways of this State for a period
31 of not less than six months.

32 As used in this section, the phrase "narcotic, hallucinogenic or
33 habit-producing drug" includes an inhalant or other substance
34 containing a chemical capable of releasing any toxic vapors or
35 fumes for the purpose of inducing a condition of intoxication, such
36 as any glue, cement or any other substance containing one or more
37 of the following chemical compounds: acetone and acetate, amyl
38 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
39 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
40 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
41 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
42 oxide, n-propyl alcohol, phencyclidine, petroleum ether, propyl
43 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
44 any other chemical substance capable of causing a condition of
45 intoxication, inebriation, excitement, stupefaction or the dulling of
46 the brain or nervous system as a result of the inhalation of the
47 fumes or vapors of such chemical substance.

1 Whenever an operator of a motor vehicle has been involved in an
2 accident resulting in death, bodily injury or property damage, a
3 police officer shall consider that fact along with all other facts and
4 circumstances in determining whether there are reasonable grounds
5 to believe that person was operating a motor vehicle in violation of
6 this section.

7 A conviction of a violation of a law of a substantially similar
8 nature in another jurisdiction, regardless of whether that jurisdiction
9 is a signatory to the Interstate Driver License Compact pursuant to
10 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
11 conviction under this subsection unless the defendant can
12 demonstrate by clear and convincing evidence that the conviction in
13 the other jurisdiction was based exclusively upon a violation of a
14 proscribed blood alcohol concentration of less than 0.08 percent.

15 If the driving privilege of any person is under revocation or
16 suspension for a violation of any provision of this Title or Title 2C
17 of the New Jersey Statutes at the time of any conviction for a
18 violation of this section, the revocation or suspension period
19 imposed shall commence as of the date of termination of the
20 existing revocation or suspension period. In the case of any person
21 who at the time of the imposition of sentence is less than 17 years
22 of age, the forfeiture, suspension or revocation of the driving
23 privilege imposed by the court under this section shall commence
24 immediately, run through the offender's 17th birthday and continue
25 from that date for the period set by the court pursuant to paragraphs
26 (1) through (3) of this subsection. A court that imposes a term of
27 imprisonment for a first or second offense under this section may
28 sentence the person so convicted to the county jail, to the
29 workhouse of the county wherein the offense was committed, to an
30 inpatient rehabilitation program or to an Intoxicated Driver
31 Resource Center or other facility approved by the chief of the
32 Intoxicated Driving Program in the Division of Mental Health and
33 Addiction Services in the Department of Human Services. For a
34 third or subsequent offense a person shall not serve a term of
35 imprisonment at an Intoxicated Driver Resource Center as provided
36 in subsection (f) of this section.

37 A person who has been convicted of a previous violation of this
38 section need not be charged as a second or subsequent offender in
39 the complaint made against the person in order to render the person
40 liable to the punishment imposed by this section on a second or
41 subsequent offender, but if the second offense occurs more than 10
42 years after the first offense, the court shall treat the second
43 conviction as a first offense for sentencing purposes and if a third
44 offense occurs more than 10 years after the second offense, the
45 court shall treat the third conviction as a second offense for
46 sentencing purposes.

47 (b) A person convicted under this section must satisfy the
48 screening, evaluation, referral, program and fee requirements of the

1 Division of Mental Health and Addiction Services' Intoxicated
2 Driving Program, and of the Intoxicated Driver Resource Centers
3 and a program of substance use disorder education and highway
4 safety, as prescribed by the chief administrator. The sentencing
5 court shall inform the person convicted that failure to satisfy such
6 requirements shall result in a mandatory two-day term of
7 imprisonment in a county jail and a driver license revocation or
8 suspension and continuation of revocation or suspension until such
9 requirements are satisfied, unless stayed by court order in
10 accordance with the Rules Governing the Courts of the State of
11 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
12 forward to the Division of Mental Health and Addiction Services'
13 Intoxicated Driving Program a copy of a person's conviction record.
14 A fee of \$100 shall be payable to the Alcohol Education,
15 Rehabilitation and Enforcement Fund established pursuant to
16 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
17 Intoxicated Driving Program.

18 (c) Upon conviction of a violation of this section, the court shall
19 collect forthwith the New Jersey driver's license or licenses of the
20 person so convicted and forward such license or licenses to the
21 chief administrator. The court shall inform the person convicted
22 that if the person is convicted of personally operating a motor
23 vehicle during the period of license suspension imposed pursuant to
24 subsection (a) of this section, the person shall, upon conviction, be
25 subject to the penalties established in R.S.39:3-40. The person
26 convicted shall be informed orally and in writing. A person shall be
27 required to acknowledge receipt of that written notice in writing.
28 Failure to receive a written notice or failure to acknowledge in
29 writing the receipt of a written notice shall not be a defense to a
30 subsequent charge of a violation of R.S.39:3-40. In the event that a
31 person convicted under this section is the holder of any out-of-State
32 driver's license, the court shall not collect the license but shall
33 notify forthwith the chief administrator, who shall, in turn, notify
34 appropriate officials in the licensing jurisdiction. The court shall,
35 however, revoke the nonresident's driving privilege to operate a
36 motor vehicle in this State, in accordance with this section. Upon
37 conviction of a violation of this section, the court shall notify the
38 person convicted, orally and in writing, of the penalties for a
39 second, third or subsequent violation of this section. A person shall
40 be required to acknowledge receipt of that written notice in writing.
41 Failure to receive a written notice or failure to acknowledge in
42 writing the receipt of a written notice shall not be a defense to a
43 subsequent charge of a violation of this section.

44 (d) The chief administrator shall promulgate rules and
45 regulations pursuant to the "Administrative Procedure Act,"
46 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
47 of alcohol education and highway safety, as prescribed by this act.

1 (e) Any person accused of a violation of this section who is
2 liable to punishment imposed by this section as a second or
3 subsequent offender shall be entitled to the same rights of discovery
4 as allowed defendants pursuant to the Rules Governing the Courts
5 of the State of New Jersey.

6 (f) The counties, in cooperation with the Division of Mental
7 Health and Addiction Services and the commission, but subject to
8 the approval of the Division of Mental Health and Addiction
9 Services, shall designate and establish on a county or regional basis
10 Intoxicated Driver Resource Centers. These centers shall have the
11 capability of serving as community treatment referral centers and as
12 court monitors of a person's compliance with the ordered treatment,
13 service alternative or community service. All centers established
14 pursuant to this subsection shall be administered by a counselor
15 certified by the Addiction Professionals Certification Board of New
16 Jersey or other professional with a minimum of five years'
17 experience in the treatment of alcohol use disorder. All centers
18 shall be required to develop individualized treatment plans for all
19 persons attending the centers; provided that the duration of any
20 ordered treatment or referral shall not exceed one year. It shall be
21 the center's responsibility to establish networks with the community
22 substance use disorder education, treatment and rehabilitation
23 resources and to receive monthly reports from the referral agencies
24 regarding a person's participation and compliance with the program.
25 Nothing in this subsection shall bar these centers from developing
26 their own education and treatment programs; provided that they are
27 approved by the Division of Mental Health and Addiction Services.

28 Upon a person's failure to report to the initial screening or any
29 subsequent ordered referral, the Intoxicated Driver Resource Center
30 shall promptly notify the sentencing court of the person's failure to
31 comply.

32 Required detention periods at the Intoxicated Driver Resource
33 Centers shall be determined according to the individual treatment
34 classification assigned by the Intoxicated Driving Program. Upon
35 attendance at an Intoxicated Driver Resource Center, a person shall
36 be required to pay a per diem fee of \$75 for the first offender
37 program or a per diem fee of \$100 for the second offender program,
38 as appropriate. Any increases in the per diem fees after the first full
39 year shall be determined pursuant to rules and regulations adopted
40 by the Commissioner of Human Services in consultation with the
41 Governor's Council on Substance Use Disorder Abuse pursuant to
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.).

44 The centers shall conduct a program of substance use disorder
45 education and highway safety, as prescribed by the chief
46 administrator.

47 The Commissioner of Human Services shall adopt rules and
48 regulations pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
2 purposes of this subsection.

3 (g) (Deleted by amendment, P.L.2019, c.248)

4 (h) A court also may order a person convicted pursuant to
5 subsection (a) of this section, to participate in a supervised
6 visitation program as either a condition of probation or a form of
7 community service, giving preference to those who were under the
8 age of 21 at the time of the offense. Prior to ordering a person to
9 participate in such a program, the court may consult with any
10 person who may provide useful information on the defendant's
11 physical, emotional and mental suitability for the visit to ensure that
12 it will not cause any injury to the defendant. The court also may
13 order that the defendant participate in a counseling session under
14 the supervision of the Intoxicated Driving Program prior to
15 participating in the supervised visitation program. The supervised
16 visitation program shall be at one or more of the following facilities
17 which have agreed to participate in the program under the
18 supervision of the facility's personnel and the probation department:

19 (1) a trauma center, critical care center or acute care hospital
20 having basic emergency services, which receives victims of motor
21 vehicle accidents for the purpose of observing appropriate victims
22 of drunk drivers and victims who are, themselves, drunk drivers;

23 (2) a facility which cares for persons with advanced substance
24 use disorder, to observe persons in the advanced stages of substance
25 use disorder; or

26 (3) if approved by a county medical examiner, the office of the
27 county medical examiner or a public morgue to observe appropriate
28 victims of vehicle accidents involving drunk drivers.

29 As used in this section, "appropriate victim" means a victim
30 whose condition is determined by the facility's supervisory
31 personnel and the probation officer to be appropriate for
32 demonstrating the results of accidents involving drunk drivers
33 without being unnecessarily gruesome or traumatic to the
34 defendant.

35 If at any time before or during a visitation the facility's
36 supervisory personnel and the probation officer determine that the
37 visitation may be or is traumatic or otherwise inappropriate for that
38 defendant, the visitation shall be terminated without prejudice to the
39 defendant. The program may include a personal conference after
40 the visitation, which may include the sentencing judge or the judge
41 who coordinates the program for the court, the defendant,
42 defendant's counsel, and, if available, the defendant's parents to
43 discuss the visitation and its effect on the defendant's future
44 conduct. If a personal conference is not practicable because of the
45 defendant's absence from the jurisdiction, conflicting time
46 schedules, or any other reason, the court shall require the defendant
47 to submit a written report concerning the visitation experience and
48 its impact on the defendant. The county, a court, any facility visited

1 pursuant to the program, any agents, employees, or independent
2 contractors of the court, county, or facility visited pursuant to the
3 program, and any person supervising a defendant during the
4 visitation, are not liable for any civil damages resulting from injury
5 to the defendant, or for civil damages associated with the visitation
6 which are caused by the defendant, except for willful or grossly
7 negligent acts intended to, or reasonably expected to result in, that
8 injury or damage.

9 The Supreme Court may adopt court rules or directives to
10 effectuate the purposes of this subsection.

11 (i) In addition to any other fine, fee, or other charge imposed
12 pursuant to law, the court shall assess a person convicted of a
13 violation of the provisions of this section a surcharge of \$125, of
14 which amount \$50 shall be payable to the municipality in which the
15 conviction was obtained, \$50 shall be payable to the Treasurer of
16 the State of New Jersey for deposit into the General Fund, and \$25
17 which shall be payable as follows: in a matter where the summons
18 was issued by a municipality's law enforcement agency, to that
19 municipality to be used for the cost of equipping police vehicles
20 with mobile video recording systems pursuant to the provisions of
21 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
22 summons was issued by a county's law enforcement agency, to that
23 county; and in a matter where the summons was issued by a State
24 law enforcement agency, to the General Fund.

25 (cf: P.L.2023, c.191, s.2)

26

27 2. This act shall take effect immediately, shall apply to any
28 offense occurring on or after the effective date, and shall expire on
29 January 1, 2029.

30

31

32

STATEMENT

33

34 This bill clarifies P.L.2023, c.191 and the installation of ignition
35 interlock devices (IID) for certain driving while intoxicated (DWI)
36 offenses.

37 Under current law, for a first DWI offense, a person whose blood
38 alcohol concentration was 0.15% or higher is required to forfeit the
39 right to operate a motor vehicle for a period of three months and is
40 required to install an IID during the period of license forfeiture and
41 for an additional 12 to 15 months thereafter. For a second DWI
42 offense, a person is required to forfeit the right to operate a motor
43 vehicle for a period of one to two years and is required to install an
44 IID during the period of license forfeiture and for an additional two
45 to four years thereafter. For a third or subsequent DWI offense, a
46 person is required to forfeit the right to operate a motor vehicle for
47 eight years and is required to install an IID during the period of
48 license forfeiture and for an additional two to four years thereafter.

1 A person may receive a one day credit against the period of license
2 forfeiture for every two days that the person has the ignition
3 interlock device installed under certain conditions.

4 Under the provisions of this bill, any person who is required to
5 forfeit the right to operate a motor vehicle over the highways of this
6 State pursuant to current law may, in lieu of forfeiting the right to
7 operate a motor vehicle, install an ignition interlock device and
8 receive a one day credit against the period of license forfeiture
9 pursuant to current law for every two days that the person has the
10 ignition interlock device installed.

11 The bill provides that a person is not entitled to this credit if the
12 violation of R.S.39:4-50 resulted in serious bodily injury to another
13 person. In addition, a person who has been arrested or convicted of
14 operating or permitting another person to operate a motor vehicle
15 while under the influence of a narcotic, hallucinogenic, or habit-
16 producing drug pursuant to the provisions of R.S.39:4-50 or a
17 person who is convicted of operating a commercial motor vehicle
18 under the influence of a controlled substance pursuant to section 5
19 of P.L.1990, c.103 (C.39:3-10.13) is also not eligible for this credit.

20 The provisions of this bill take effect immediately and apply to
21 any offense occurring on or after the effective date. The bill's
22 provisions expire on January 1, 2029 to conform to the expiration of
23 P.L.2019, c.248 and P.L.2023, c.191 which also expire on January
24 1, 2029 and concern the installation of ignition interlock devices.

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29 Clarifies installation of ignition interlock devices for certain
30 DWI offenses.

CHAPTER 41

AN ACT clarifying time frames of ignition interlock devices and amending R.S.39:4-50.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. R.S.39:4-50 is amended to read as follows:

Driving while intoxicated.

39:4-50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or operates a motor vehicle with a blood alcohol concentration of 0.08 percent or more by weight of alcohol in the defendant's blood or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle the person owns or which is in the person's custody or control or permits another to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or more by weight of alcohol in the defendant's blood shall be subject:

(1) For the first offense:

(i) if the person's blood alcohol concentration is 0.08 percent or higher but less than 0.10 percent, or the person operates a motor vehicle while under the influence of intoxicating liquor, or the person permits another person who is under the influence of intoxicating liquor to operate a motor vehicle owned by him or in his custody or control or permits another person with a blood alcohol concentration of 0.08 percent or higher but less than 0.10 percent to operate a motor vehicle, to a fine of not less than \$250 nor more than \$400 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days. In addition, the court shall order the person to forfeit the right to operate a motor vehicle over the highways of this State until the person installs an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, for the purpose of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A person who has been arrested for a violation of this section whose blood alcohol concentration was at least 0.08 percent but less than 0.10 percent or who was otherwise under the influence of intoxicating liquor may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the New Jersey Motor Vehicle Commission a driver's license with a notation stating that the person shall not operate a motor vehicle unless it is equipped with an ignition interlock device pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of the interlock installer's certification and documentation of pending charges as determined by the Chief Administrator of the Motor Vehicle Commission to be submitted no later than seven days after receipt of the documentation. A person who installs an ignition interlock device and obtains a driver's license with the appropriate notation pursuant to this subparagraph shall not be subject to a fine pursuant to this subparagraph if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction;

(ii) if the person's blood alcohol concentration is 0.10 percent or higher, or the person operates a motor vehicle while under the influence of a narcotic, hallucinogenic or habit-producing drug, or the person permits another person who is under the influence of a narcotic,

hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, or permits another person with a blood alcohol concentration of 0.10 percent or more to operate a motor vehicle, to a fine of not less than \$300 nor more than \$500 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days. A person who has been arrested for a violation of this section whose blood alcohol concentration was 0.10 percent or higher may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission a driver's license with a notation stating that the person shall not operate a motor vehicle unless it is equipped with an ignition interlock device pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of the interlock installer's certification and documentation of pending charges as determined by the Chief Administrator of the New Jersey Motor Vehicle Commission to be submitted no later than seven days after receipt of the documentation. A person who installs an ignition interlock device and obtains a driver's license with the appropriate notation pursuant to this subparagraph shall not be subject to a fine pursuant to this subparagraph if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction;

in the case of a person who is convicted of operating a motor vehicle while under the influence of a narcotic, hallucinogenic or habit-producing drug or permitting another person who is under the influence of a narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by the person or under the person's custody or control, the person shall forfeit the right to operate a motor vehicle over the highways of this State for a period of not less than seven months nor more than one year;

in the case of a person whose blood alcohol concentration is 0.10 percent or higher but less than 0.15 percent, the person shall forfeit the right to operate a motor vehicle over the highways of this State until the person installs an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, for the purpose of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

in the case of a person whose blood alcohol concentration is 0.15 percent or higher, the person shall forfeit the right to operate a motor vehicle over the highways of this State for a period of three months following installation of an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, for the purpose of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A person who has been arrested for a violation of this section whose blood alcohol concentration was 0.15 percent or higher may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission a driver's license with a notation stating that the person shall not operate a motor vehicle unless it is equipped with an ignition interlock device pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of the interlock installer's certification and documentation of pending charges as determined by the Chief Administrator of the New Jersey Motor Vehicle Commission to be submitted no later than seven days after receipt of the documentation. A person who installs an ignition interlock device and obtains a driver's license with the appropriate notation pursuant to this

subparagraph shall receive a one-day credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this subparagraph for every two days that the person has an ignition interlock device installed and a driver's license with the appropriate notation and shall not be subject to a fine pursuant to this subparagraph if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction. A person shall not be entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this subparagraph if the violation of this section resulted in serious bodily injury as defined in N.J.S.2C:11-1 to another person;

(iii) (Deleted by amendment, P.L.2019, c.248)

(2) For a second violation, a person shall be subject to a fine of not less than \$500 nor more than \$1,000, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on terms the court shall deem appropriate under the circumstances, and shall be sentenced to imprisonment for a term of not less than 48 consecutive hours, which shall not be suspended or served on probation, or more than 90 days, and shall forfeit the right to operate a motor vehicle over the highways of this State for a period of not less than one year or more than two years upon conviction. A person who has been arrested for a second violation of this section may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission a driver's license with a notation stating that the person shall not operate a motor vehicle unless it is equipped with an ignition interlock device pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of the interlock installer's certification and documentation of pending charges as determined by the Chief Administrator of the New Jersey Motor Vehicle Commission to be submitted no later than seven days after receipt of the documentation. A person who installs an ignition interlock device and obtains a driver's license with the appropriate notation pursuant to this paragraph shall receive a one-day credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this paragraph for every two days that the person has an ignition interlock device installed and a driver's license with the appropriate notation and shall not be subject to a fine pursuant to this paragraph if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction. A person shall not be entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this paragraph if the violation of this section resulted in serious bodily injury as defined in N.J.S.2C:11-1 to another person.

After the expiration of the license forfeiture period, the person may make application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a license to operate a motor vehicle, which application may be granted at the discretion of the chief administrator, consistent with subsection (b) of this section. For a second violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

(3) For a third or subsequent violation, a person shall be subject to a fine of \$1,000, and shall be sentenced to imprisonment for a term of not less than 180 days in a county jail or workhouse, except that the court may lower such term for each day, not exceeding 90 days, served participating in a substance use disorder inpatient rehabilitation program approved by the Intoxicated Driver Resource Center and shall thereafter forfeit the right to operate a motor

vehicle over the highways of this State for eight years. A person who has been arrested for a third or subsequent violation of this section may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission a driver's license with a notation stating that the person shall not operate a motor vehicle unless it is equipped with an ignition interlock device pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of the interlock installer's certification and documentation of pending charges as determined by the Chief Administrator of the New Jersey Motor Vehicle Commission to be submitted no later than seven days after receipt of the documentation. A person who installs an ignition interlock device and obtains a driver's license with the appropriate notation pursuant to this paragraph shall receive a one-day credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this paragraph for every two days that the person has an ignition interlock device installed and a driver's license with the appropriate notation and shall not be subject to a fine pursuant to this paragraph if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction. A person shall not be entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this paragraph if the violation of this section resulted in serious bodily injury as defined in N.J.S.2C:11-1 to another person.

For a third or subsequent violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

Any person who is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this section may, in lieu of forfeiting the right to operate a motor vehicle, install an ignition interlock device and receive a one-day credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to this section for every two days that the person has the ignition interlock device installed. A person shall not be entitled to this credit if the violation of this section resulted in serious bodily injury as defined in N.J.S.2C:11-1 to another person. In addition, a person who has been arrested or convicted of operating a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug or permitting another person who is under the influence of a narcotic, hallucinogenic, or habit-producing drug to operate a motor vehicle owned by the person or under the person's custody or control pursuant to the provisions of this section or a person who has been convicted of operating a commercial motor vehicle under the influence of a controlled substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13) shall not be eligible for this credit.

Notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement under this section is authorized under the appropriate factual basis consistent with any other violation of Title 39 of the Revised Statutes or offense under Title 2C of the New Jersey Statutes; provided, however, that if a person is convicted of operating a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug or permitting another person who is under the influence of a narcotic, hallucinogenic, or habit-producing drug to operate a motor vehicle owned by the person or under the person's custody or control pursuant to the provisions of R.S.39:4-50 or a person is convicted of operating a commercial motor vehicle under the influence of a controlled substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13), the person shall forfeit the right to operate a motor vehicle over the highways of this State for a period of not less than six months.

As used in this section, the phrase "narcotic, hallucinogenic or habit-producing drug" includes an inhalant or other substance containing a chemical capable of releasing any toxic vapors or fumes for the purpose of inducing a condition of intoxication, such as any glue, cement or any other substance containing one or more of the following chemical compounds: acetone and acetate, amyl nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol, ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous oxide, n-propyl alcohol, phencyclidine, petroleum ether, propyl nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or any other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.

Whenever an operator of a motor vehicle has been involved in an accident resulting in death, bodily injury or property damage, a police officer shall consider that fact along with all other facts and circumstances in determining whether there are reasonable grounds to believe that person was operating a motor vehicle in violation of this section.

A conviction of a violation of a law of a substantially similar nature in another jurisdiction, regardless of whether that jurisdiction is a signatory to the Interstate Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction under this subsection unless the defendant can demonstrate by clear and convincing evidence that the conviction in the other jurisdiction was based exclusively upon a violation of a proscribed blood alcohol concentration of less than 0.08 percent.

If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title or Title 2C of the New Jersey Statutes at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. In the case of any person who at the time of the imposition of sentence is less than 17 years of age, the forfeiture, suspension or revocation of the driving privilege imposed by the court under this section shall commence immediately, run through the offender's 17th birthday and continue from that date for the period set by the court pursuant to paragraphs (1) through (3) of this subsection. A court that imposes a term of imprisonment for a first or second offense under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, to an inpatient rehabilitation program or to an Intoxicated Driver Resource Center or other facility approved by the chief of the Intoxicated Driving Program in the Division of Mental Health and Addiction Services in the Department of Human Services. For a third or subsequent offense a person shall not serve a term of imprisonment at an Intoxicated Driver Resource Center as provided in subsection (f) of this section.

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against the person in order to render the person liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) A person convicted under this section must satisfy the screening, evaluation, referral, program and fee requirements of the Division of Mental Health and Addiction Services' Intoxicated Driving Program, and of the Intoxicated Driver Resource Centers and a program of substance use disorder education and highway safety, as prescribed by the chief administrator. The sentencing court shall inform the person convicted that failure to satisfy

such requirements shall result in a mandatory two-day term of imprisonment in a county jail and a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with the Rules Governing the Courts of the State of New Jersey, or R.S.39:5-22. Upon sentencing, the court shall forward to the Division of Mental Health and Addiction Services' Intoxicated Driving Program a copy of a person's conviction record. A fee of \$100 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the Intoxicated Driving Program.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the chief administrator. The court shall inform the person convicted that if the person is convicted of personally operating a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, the person shall, upon conviction, be subject to the penalties established in R.S.39:3-40. The person convicted shall be informed orally and in writing. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. In the event that a person convicted under this section is the holder of any out-of-State driver's license, the court shall not collect the license but shall notify forthwith the chief administrator, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section. Upon conviction of a violation of this section, the court shall notify the person convicted, orally and in writing, of the penalties for a second, third or subsequent violation of this section. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of this section.

(d) The chief administrator shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program of alcohol education and highway safety, as prescribed by this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing the Courts of the State of New Jersey.

(f) The counties, in cooperation with the Division of Mental Health and Addiction Services and the commission, but subject to the approval of the Division of Mental Health and Addiction Services, shall designate and establish on a county or regional basis Intoxicated Driver Resource Centers. These centers shall have the capability of serving as community treatment referral centers and as court monitors of a person's compliance with the ordered treatment, service alternative or community service. All centers established pursuant to this subsection shall be administered by a counselor certified by the Addiction Professionals Certification Board of New Jersey or other professional with a minimum of five years' experience in the treatment of alcohol use disorder. All centers shall be required to develop individualized treatment plans for all persons attending the centers; provided that the duration of any ordered treatment or referral shall not exceed one year. It shall be the center's responsibility to establish networks with the community substance use disorder education, treatment and rehabilitation resources and to receive monthly reports from the referral agencies regarding a person's participation and compliance with the program. Nothing in this subsection shall bar these

centers from developing their own education and treatment programs; provided that they are approved by the Division of Mental Health and Addiction Services.

Upon a person's failure to report to the initial screening or any subsequent ordered referral, the Intoxicated Driver Resource Center shall promptly notify the sentencing court of the person's failure to comply.

Required detention periods at the Intoxicated Driver Resource Centers shall be determined according to the individual treatment classification assigned by the Intoxicated Driving Program. Upon attendance at an Intoxicated Driver Resource Center, a person shall be required to pay a per diem fee of \$75 for the first offender program or a per diem fee of \$100 for the second offender program, as appropriate. Any increases in the per diem fees after the first full year shall be determined pursuant to rules and regulations adopted by the Commissioner of Human Services in consultation with the Governor's Council on Substance Use Disorder Abuse pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

The centers shall conduct a program of substance use disorder education and highway safety, as prescribed by the chief administrator.

The Commissioner of Human Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this subsection.

(g) (Deleted by amendment, P.L.2019, c.248)

(h) A court also may order a person convicted pursuant to subsection (a) of this section, to participate in a supervised visitation program as either a condition of probation or a form of community service, giving preference to those who were under the age of 21 at the time of the offense. Prior to ordering a person to participate in such a program, the court may consult with any person who may provide useful information on the defendant's physical, emotional and mental suitability for the visit to ensure that it will not cause any injury to the defendant. The court also may order that the defendant participate in a counseling session under the supervision of the Intoxicated Driving Program prior to participating in the supervised visitation program. The supervised visitation program shall be at one or more of the following facilities which have agreed to participate in the program under the supervision of the facility's personnel and the probation department:

(1) a trauma center, critical care center or acute care hospital having basic emergency services, which receives victims of motor vehicle accidents for the purpose of observing appropriate victims of drunk drivers and victims who are, themselves, drunk drivers;

(2) a facility which cares for persons with advanced substance use disorder, to observe persons in the advanced stages of substance use disorder; or

(3) if approved by a county medical examiner, the office of the county medical examiner or a public morgue to observe appropriate victims of vehicle accidents involving drunk drivers.

As used in this section, "appropriate victim" means a victim whose condition is determined by the facility's supervisory personnel and the probation officer to be appropriate for demonstrating the results of accidents involving drunk drivers without being unnecessarily gruesome or traumatic to the defendant.

If at any time before or during a visitation the facility's supervisory personnel and the probation officer determine that the visitation may be or is traumatic or otherwise inappropriate for that defendant, the visitation shall be terminated without prejudice to the defendant. The program may include a personal conference after the visitation, which may include the sentencing judge or the judge who coordinates the program for the court, the defendant, defendant's counsel, and, if available, the defendant's parents to discuss the visitation and its effect on the defendant's future conduct. If a personal conference is not practicable because of

the defendant's absence from the jurisdiction, conflicting time schedules, or any other reason, the court shall require the defendant to submit a written report concerning the visitation experience and its impact on the defendant. The county, a court, any facility visited pursuant to the program, any agents, employees, or independent contractors of the court, county, or facility visited pursuant to the program, and any person supervising a defendant during the visitation, are not liable for any civil damages resulting from injury to the defendant, or for civil damages associated with the visitation which are caused by the defendant, except for willful or grossly negligent acts intended to, or reasonably expected to result in, that injury or damage.

The Supreme Court may adopt court rules or directives to effectuate the purposes of this subsection.

(i) In addition to any other fine, fee, or other charge imposed pursuant to law, the court shall assess a person convicted of a violation of the provisions of this section a surcharge of \$125, of which amount \$50 shall be payable to the municipality in which the conviction was obtained, \$50 shall be payable to the Treasurer of the State of New Jersey for deposit into the General Fund, and \$25 which shall be payable as follows: in a matter where the summons was issued by a municipality's law enforcement agency, to that municipality to be used for the cost of equipping police vehicles with mobile video recording systems pursuant to the provisions of section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the summons was issued by a county's law enforcement agency, to that county; and in a matter where the summons was issued by a State law enforcement agency, to the General Fund.

2. This act shall take effect immediately, shall apply to any offense occurring on or after the effective date, and shall expire on January 1, 2029.

Approved April 3, 2025.

SENATE, No. 4144

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 20, 2025

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman LINDA S. CARTER

District 22 (Somerset and Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Clarifies installation of ignition interlock devices for certain DWI offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2025)

S4144 SCUTARI

2

1 AN ACT clarifying time frames of ignition interlock devices and
2 amending R.S.39:4-50.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.39:4-50 is amended to read as follows:

8 39:4-50. (a) A person who operates a motor vehicle while under
9 the influence of intoxicating liquor, narcotic, hallucinogenic or
10 habit-producing drug, or operates a motor vehicle with a blood
11 alcohol concentration of 0.08 percent or more by weight of alcohol
12 in the defendant's blood or permits another person who is under the
13 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
14 producing drug to operate a motor vehicle the person owns or which
15 is in the person's custody or control or permits another to operate a
16 motor vehicle with a blood alcohol concentration of 0.08 percent or
17 more by weight of alcohol in the defendant's blood shall be subject:

18 (1) For the first offense:

19 (i) if the person's blood alcohol concentration is 0.08 percent or
20 higher but less than 0.10 percent, or the person operates a motor
21 vehicle while under the influence of intoxicating liquor, or the
22 person permits another person who is under the influence of
23 intoxicating liquor to operate a motor vehicle owned by him or in
24 his custody or control or permits another person with a blood
25 alcohol concentration of 0.08 percent or higher but less than 0.10
26 percent to operate a motor vehicle, to a fine of not less than \$250
27 nor more than \$400 and a period of detainment of not less than 12
28 hours nor more than 48 hours spent during two consecutive days of
29 not less than six hours each day and served as prescribed by the
30 program requirements of the Intoxicated Driver Resource Centers
31 established under subsection (f) of this section and, in the discretion
32 of the court, a term of imprisonment of not more than 30 days. In
33 addition, the court shall order the person to forfeit the right to
34 operate a motor vehicle over the highways of this State until the
35 person installs an ignition interlock device in one motor vehicle the
36 person owns, leases, or principally operates, whichever the person
37 most often operates, for the purpose of complying with the
38 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A person who
39 has been arrested for a violation of this section whose blood alcohol
40 concentration was at least 0.08 percent but less than 0.10 percent or
41 who was otherwise under the influence of intoxicating liquor may,
42 upon arrest and prior to any conviction, voluntarily install an
43 ignition interlock device in one motor vehicle the person owns,
44 leases, or principally operates, whichever the person most often
45 operates, and request from the New Jersey Motor Vehicle

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

S4144 SCUTARI

1 Commission a driver's license with a notation stating that the person
2 shall not operate a motor vehicle unless it is equipped with an
3 ignition interlock device pursuant to subsection b. of section 3 of
4 P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of
5 the interlock installer's certification and documentation of pending
6 charges as determined by the Chief Administrator of the Motor
7 Vehicle Commission to be submitted no later than seven days after
8 receipt of the documentation. A person who installs an ignition
9 interlock device and obtains a driver's license with the appropriate
10 notation pursuant to this subparagraph shall not be subject to a fine
11 pursuant to this subparagraph if the person possessed a valid New
12 Jersey driver's license in good standing at the time of the offense
13 and maintained a license in good standing until the date of
14 conviction;

15 (ii) if the person's blood alcohol concentration is 0.10 percent or
16 higher, or the person operates a motor vehicle while under the
17 influence of a narcotic, hallucinogenic or habit-producing drug, or
18 the person permits another person who is under the influence of a
19 narcotic, hallucinogenic or habit-producing drug to operate a motor
20 vehicle owned by him or in his custody or control, or permits
21 another person with a blood alcohol concentration of 0.10 percent
22 or more to operate a motor vehicle, to a fine of not less than \$300
23 nor more than \$500 and a period of detainment of not less than 12
24 hours nor more than 48 hours spent during two consecutive days of
25 not less than six hours each day and served as prescribed by the
26 program requirements of the Intoxicated Driver Resource Centers
27 established under subsection (f) of this section and, in the discretion
28 of the court, a term of imprisonment of not more than 30 days. A
29 person who has been arrested for a violation of this section whose
30 blood alcohol concentration was 0.10 percent or higher may, upon
31 arrest and prior to any conviction, voluntarily install an ignition
32 interlock device in one motor vehicle the person owns, leases, or
33 principally operates, whichever the person most often operates, and
34 request from the Motor Vehicle Commission a driver's license with
35 a notation stating that the person shall not operate a motor vehicle
36 unless it is equipped with an ignition interlock device pursuant to
37 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The
38 request shall include a copy of the interlock installer's certification
39 and documentation of pending charges as determined by the Chief
40 Administrator of the New Jersey Motor Vehicle Commission to be
41 submitted no later than seven days after receipt of the
42 documentation. A person who installs an ignition interlock device
43 and obtains a driver's license with the appropriate notation pursuant
44 to this subparagraph shall not be subject to a fine pursuant to this
45 subparagraph if the person possessed a valid New Jersey driver's
46 license in good standing at the time of the offense and maintained a
47 license in good standing until the date of conviction;

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1 in the case of a person who is convicted of operating a motor
2 vehicle while under the influence of a narcotic, hallucinogenic or
3 habit-producing drug or permitting another person who is under the
4 influence of a narcotic, hallucinogenic or habit-producing drug to
5 operate a motor vehicle owned by the person or under the person's
6 custody or control, the person shall forfeit the right to operate a
7 motor vehicle over the highways of this State for a period of not
8 less than seven months nor more than one year;

9 in the case of a person whose blood alcohol concentration is 0.10
10 percent or higher but less than 0.15 percent, the person shall forfeit
11 the right to operate a motor vehicle over the highways of this State
12 until the person installs an ignition interlock device in one motor
13 vehicle the person owns, leases, or principally operates, whichever
14 the person most often operates, for the purpose of complying with
15 the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

16 in the case of a person whose blood alcohol concentration is 0.15
17 percent or higher, the person shall forfeit the right to operate a
18 motor vehicle over the highways of this State for a period of three
19 months following installation of an ignition interlock device in one
20 motor vehicle the person owns, leases, or principally operates,
21 whichever the person most often operates, for the purpose of
22 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
23 al.). A person who has been arrested for a violation of this section
24 whose blood alcohol concentration was 0.15 percent or higher may,
25 upon arrest and prior to any conviction, voluntarily install an
26 ignition interlock device in one motor vehicle the person owns,
27 leases, or principally operates, whichever the person most often
28 operates, and request from the Motor Vehicle Commission a driver's
29 license with a notation stating that the person shall not operate a
30 motor vehicle unless it is equipped with an ignition interlock device
31 pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-
32 50.18). The request shall include a copy of the interlock installer's
33 certification and documentation of pending charges as determined
34 by the Chief Administrator of the New Jersey Motor Vehicle
35 Commission to be submitted no later than seven days after receipt
36 of the documentation. A person who installs an ignition interlock
37 device and obtains a driver's license with the appropriate notation
38 pursuant to this subparagraph shall receive a one-day credit against
39 the period that the person is required to forfeit the right to operate a
40 motor vehicle over the highways of this State pursuant to this
41 subparagraph for every two days that the person has an ignition
42 interlock device installed and a driver's license with the appropriate
43 notation and shall not be subject to a fine pursuant to this
44 subparagraph if the person possessed a valid New Jersey driver's
45 license in good standing at the time of the offense and maintained a
46 license in good standing until the date of conviction. A person shall
47 not be entitled to a credit against the period that the person is
48 required to forfeit the right to operate a motor vehicle over the

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1 highways of this State pursuant to this subparagraph if the violation
2 of this section resulted in serious bodily injury as defined in
3 N.J.S.2C:11-1 to another person;

4 (iii) (Deleted by amendment, P.L.2019, c.248)

5 (2) For a second violation, a person shall be subject to a fine of
6 not less than \$500 nor more than \$1,000, and shall be ordered by
7 the court to perform community service for a period of 30 days,
8 which shall be of such form and on terms the court shall deem
9 appropriate under the circumstances, and shall be sentenced to
10 imprisonment for a term of not less than 48 consecutive hours,
11 which shall not be suspended or served on probation, or more than
12 90 days, and shall forfeit the right to operate a motor vehicle over
13 the highways of this State for a period of not less than one year or
14 more than two years upon conviction. A person who has been
15 arrested for a second violation of this section may, upon arrest and
16 prior to any conviction, voluntarily install an ignition interlock
17 device in one motor vehicle the person owns, leases, or principally
18 operates, whichever the person most often operates, and request
19 from the Motor Vehicle Commission a driver's license with a
20 notation stating that the person shall not operate a motor vehicle
21 unless it is equipped with an ignition interlock device pursuant to
22 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The
23 request shall include a copy of the interlock installer's certification
24 and documentation of pending charges as determined by the Chief
25 Administrator of the New Jersey Motor Vehicle Commission to be
26 submitted no later than seven days after receipt of the
27 documentation. A person who installs an ignition interlock device
28 and obtains a driver's license with the appropriate notation pursuant
29 to this paragraph shall receive a one-day credit against the period
30 that the person is required to forfeit the right to operate a motor
31 vehicle over the highways of this State pursuant to this paragraph
32 for every two days that the person has an ignition interlock device
33 installed and a driver's license with the appropriate notation and
34 shall not be subject to a fine pursuant to this paragraph if the person
35 possessed a valid New Jersey driver's license in good standing at
36 the time of the offense and maintained a license in good standing
37 until the date of conviction. A person shall not be entitled to a
38 credit against the period that the person is required to forfeit the
39 right to operate a motor vehicle over the highways of this State
40 pursuant to this paragraph if the violation of this section resulted in
41 serious bodily injury as defined in N.J.S.2C:11-1 to another person.

42 After the expiration of the license forfeiture period, the person
43 may make application to the Chief Administrator of the New Jersey
44 Motor Vehicle Commission for a license to operate a motor vehicle,
45 which application may be granted at the discretion of the chief
46 administrator, consistent with subsection (b) of this section. For a
47 second violation, a person also shall be required to install an

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1 ignition interlock device under the provisions of P.L.1999, c.417
2 (C.39:4-50.16 et al.).

3 (3) For a third or subsequent violation, a person shall be subject
4 to a fine of \$1,000, and shall be sentenced to imprisonment for a
5 term of not less than 180 days in a county jail or workhouse, except
6 that the court may lower such term for each day, not exceeding 90
7 days, served participating in a substance use disorder inpatient
8 rehabilitation program approved by the Intoxicated Driver Resource
9 Center and shall thereafter forfeit the right to operate a motor
10 vehicle over the highways of this State for eight years. A person
11 who has been arrested for a third or subsequent violation of this
12 section may, upon arrest and prior to any conviction, voluntarily
13 install an ignition interlock device in one motor vehicle the person
14 owns, leases, or principally operates, whichever the person most
15 often operates, and request from the Motor Vehicle Commission a
16 driver's license with a notation stating that the person shall not
17 operate a motor vehicle unless it is equipped with an ignition
18 interlock device pursuant to subsection b. of section 3 of P.L.1999,
19 c.417 (C.39:4-50.18). The request shall include a copy of the
20 interlock installer's certification and documentation of pending
21 charges as determined by the Chief Administrator of the New Jersey
22 Motor Vehicle Commission to be submitted no later than seven
23 days after receipt of the documentation. A person who installs an
24 ignition interlock device and obtains a driver's license with the
25 appropriate notation pursuant to this paragraph shall receive a one-
26 day credit against the period that the person is required to forfeit the
27 right to operate a motor vehicle over the highways of this State
28 pursuant to this paragraph for every two days that the person has an
29 ignition interlock device installed and a driver's license with the
30 appropriate notation and shall not be subject to a fine pursuant to
31 this paragraph if the person possessed a valid New Jersey driver's
32 license in good standing at the time of the offense and maintained a
33 license in good standing until the date of conviction. A person shall
34 not be entitled to a credit against the period that the person is
35 required to forfeit the right to operate a motor vehicle over the
36 highways of this State pursuant to this paragraph if the violation of
37 this section resulted in serious bodily injury as defined in
38 N.J.S.2C:11-1 to another person.

39 For a third or subsequent violation, a person also shall be
40 required to install an ignition interlock device under the provisions
41 of P.L.1999, c.417 (C.39:4-50.16 et al.).

42 Any person who is required to forfeit the right to operate a motor
43 vehicle over the highways of this State pursuant to this section may,
44 in lieu of forfeiting the right to operate a motor vehicle, install an
45 ignition interlock device and receive a one day credit against the
46 period that the person is required to forfeit the right to operate a
47 motor vehicle over the highways of this State pursuant to this
48 section for every two days that the person has the ignition interlock

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1 device installed. A person shall not be entitled to this credit if the
2 violation of this section resulted in serious bodily injury as defined
3 in N.J.S.2C:11-1 to another person. In addition, a person who has
4 been arrested or convicted of operating a motor vehicle while under
5 the influence of a narcotic, hallucinogenic, or habit-producing drug
6 or permitting another person who is under the influence of a
7 narcotic, hallucinogenic, or habit-producing drug to operate a motor
8 vehicle owned by the person or under the person's custody or
9 control pursuant to the provisions of this section or a person who
10 has been convicted of operating a commercial motor vehicle under
11 the influence of a controlled substance pursuant to section 5 of
12 P.L.1990, c.103 (C.39:3-10.13) shall not be eligible for this credit.

13 Notwithstanding any judicial directive to the contrary, upon
14 recommendation by the prosecutor, a plea agreement under this
15 section is authorized under the appropriate factual basis consistent
16 with any other violation of Title 39 of the Revised Statutes or
17 offense under Title 2C of the New Jersey Statutes; provided,
18 however, that if a person is convicted of operating a motor vehicle
19 while under the influence of a narcotic, hallucinogenic, or habit-
20 producing drug or permitting another person who is under the
21 influence of a narcotic, hallucinogenic, or habit-producing drug to
22 operate a motor vehicle owned by the person or under the person's
23 custody or control pursuant to the provisions of R.S.39:4-50 or a
24 person is convicted of operating a commercial motor vehicle under
25 the influence of a controlled substance pursuant to section 5 of
26 P.L.1990, c.103 (C.39:3-10.13), the person shall forfeit the right to
27 operate a motor vehicle over the highways of this State for a period
28 of not less than six months.

29 As used in this section, the phrase "narcotic, hallucinogenic or
30 habit-producing drug" includes an inhalant or other substance
31 containing a chemical capable of releasing any toxic vapors or
32 fumes for the purpose of inducing a condition of intoxication, such
33 as any glue, cement or any other substance containing one or more
34 of the following chemical compounds: acetone and acetate, amyl
35 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
36 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
37 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
38 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
39 oxide, n-propyl alcohol, phencyclidine, petroleum ether, propyl
40 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
41 any other chemical substance capable of causing a condition of
42 intoxication, inebriation, excitement, stupefaction or the dulling of
43 the brain or nervous system as a result of the inhalation of the
44 fumes or vapors of such chemical substance.

45 Whenever an operator of a motor vehicle has been involved in an
46 accident resulting in death, bodily injury or property damage, a
47 police officer shall consider that fact along with all other facts and
48 circumstances in determining whether there are reasonable grounds

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1 to believe that person was operating a motor vehicle in violation of
2 this section.

3 A conviction of a violation of a law of a substantially similar
4 nature in another jurisdiction, regardless of whether that jurisdiction
5 is a signatory to the Interstate Driver License Compact pursuant to
6 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
7 conviction under this subsection unless the defendant can
8 demonstrate by clear and convincing evidence that the conviction in
9 the other jurisdiction was based exclusively upon a violation of a
10 proscribed blood alcohol concentration of less than 0.08 percent.

11 If the driving privilege of any person is under revocation or
12 suspension for a violation of any provision of this Title or Title 2C
13 of the New Jersey Statutes at the time of any conviction for a
14 violation of this section, the revocation or suspension period
15 imposed shall commence as of the date of termination of the
16 existing revocation or suspension period. In the case of any person
17 who at the time of the imposition of sentence is less than 17 years
18 of age, the forfeiture, suspension or revocation of the driving
19 privilege imposed by the court under this section shall commence
20 immediately, run through the offender's 17th birthday and continue
21 from that date for the period set by the court pursuant to paragraphs
22 (1) through (3) of this subsection. A court that imposes a term of
23 imprisonment for a first or second offense under this section may
24 sentence the person so convicted to the county jail, to the
25 workhouse of the county wherein the offense was committed, to an
26 inpatient rehabilitation program or to an Intoxicated Driver
27 Resource Center or other facility approved by the chief of the
28 Intoxicated Driving Program in the Division of Mental Health and
29 Addiction Services in the Department of Human Services. For a
30 third or subsequent offense a person shall not serve a term of
31 imprisonment at an Intoxicated Driver Resource Center as provided
32 in subsection (f) of this section.

33 A person who has been convicted of a previous violation of this
34 section need not be charged as a second or subsequent offender in
35 the complaint made against the person in order to render the person
36 liable to the punishment imposed by this section on a second or
37 subsequent offender, but if the second offense occurs more than 10
38 years after the first offense, the court shall treat the second
39 conviction as a first offense for sentencing purposes and if a third
40 offense occurs more than 10 years after the second offense, the
41 court shall treat the third conviction as a second offense for
42 sentencing purposes.

43 (b) A person convicted under this section must satisfy the
44 screening, evaluation, referral, program and fee requirements of the
45 Division of Mental Health and Addiction Services' Intoxicated
46 Driving Program, and of the Intoxicated Driver Resource Centers
47 and a program of substance use disorder education and highway
48 safety, as prescribed by the chief administrator. The sentencing

1 court shall inform the person convicted that failure to satisfy such
2 requirements shall result in a mandatory two-day term of
3 imprisonment in a county jail and a driver license revocation or
4 suspension and continuation of revocation or suspension until such
5 requirements are satisfied, unless stayed by court order in
6 accordance with the Rules Governing the Courts of the State of
7 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
8 forward to the Division of Mental Health and Addiction Services'
9 Intoxicated Driving Program a copy of a person's conviction record.
10 A fee of \$100 shall be payable to the Alcohol Education,
11 Rehabilitation and Enforcement Fund established pursuant to
12 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
13 Intoxicated Driving Program.

14 (c) Upon conviction of a violation of this section, the court shall
15 collect forthwith the New Jersey driver's license or licenses of the
16 person so convicted and forward such license or licenses to the
17 chief administrator. The court shall inform the person convicted
18 that if the person is convicted of personally operating a motor
19 vehicle during the period of license suspension imposed pursuant to
20 subsection (a) of this section, the person shall, upon conviction, be
21 subject to the penalties established in R.S.39:3-40. The person
22 convicted shall be informed orally and in writing. A person shall be
23 required to acknowledge receipt of that written notice in writing.
24 Failure to receive a written notice or failure to acknowledge in
25 writing the receipt of a written notice shall not be a defense to a
26 subsequent charge of a violation of R.S.39:3-40. In the event that a
27 person convicted under this section is the holder of any out-of-State
28 driver's license, the court shall not collect the license but shall
29 notify forthwith the chief administrator, who shall, in turn, notify
30 appropriate officials in the licensing jurisdiction. The court shall,
31 however, revoke the nonresident's driving privilege to operate a
32 motor vehicle in this State, in accordance with this section. Upon
33 conviction of a violation of this section, the court shall notify the
34 person convicted, orally and in writing, of the penalties for a
35 second, third or subsequent violation of this section. A person shall
36 be required to acknowledge receipt of that written notice in writing.
37 Failure to receive a written notice or failure to acknowledge in
38 writing the receipt of a written notice shall not be a defense to a
39 subsequent charge of a violation of this section.

40 (d) The chief administrator shall promulgate rules and
41 regulations pursuant to the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
43 of alcohol education and highway safety, as prescribed by this act.

44 (e) Any person accused of a violation of this section who is
45 liable to punishment imposed by this section as a second or
46 subsequent offender shall be entitled to the same rights of discovery
47 as allowed defendants pursuant to the Rules Governing the Courts
48 of the State of New Jersey.

1 (f) The counties, in cooperation with the Division of Mental
2 Health and Addiction Services and the commission, but subject to
3 the approval of the Division of Mental Health and Addiction
4 Services, shall designate and establish on a county or regional basis
5 Intoxicated Driver Resource Centers. These centers shall have the
6 capability of serving as community treatment referral centers and as
7 court monitors of a person's compliance with the ordered treatment,
8 service alternative or community service. All centers established
9 pursuant to this subsection shall be administered by a counselor
10 certified by the Addiction Professionals Certification Board of New
11 Jersey or other professional with a minimum of five years'
12 experience in the treatment of alcohol use disorder. All centers
13 shall be required to develop individualized treatment plans for all
14 persons attending the centers; provided that the duration of any
15 ordered treatment or referral shall not exceed one year. It shall be
16 the center's responsibility to establish networks with the community
17 substance use disorder education, treatment and rehabilitation
18 resources and to receive monthly reports from the referral agencies
19 regarding a person's participation and compliance with the program.
20 Nothing in this subsection shall bar these centers from developing
21 their own education and treatment programs; provided that they are
22 approved by the Division of Mental Health and Addiction Services.

23 Upon a person's failure to report to the initial screening or any
24 subsequent ordered referral, the Intoxicated Driver Resource Center
25 shall promptly notify the sentencing court of the person's failure to
26 comply.

27 Required detention periods at the Intoxicated Driver Resource
28 Centers shall be determined according to the individual treatment
29 classification assigned by the Intoxicated Driving Program. Upon
30 attendance at an Intoxicated Driver Resource Center, a person shall
31 be required to pay a per diem fee of \$75 for the first offender
32 program or a per diem fee of \$100 for the second offender program,
33 as appropriate. Any increases in the per diem fees after the first full
34 year shall be determined pursuant to rules and regulations adopted
35 by the Commissioner of Human Services in consultation with the
36 Governor's Council on Substance Use Disorder Abuse pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.).

39 The centers shall conduct a program of substance use disorder
40 education and highway safety, as prescribed by the chief
41 administrator.

42 The Commissioner of Human Services shall adopt rules and
43 regulations pursuant to the "Administrative Procedure Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
45 purposes of this subsection.

46 (g) (Deleted by amendment, P.L.2019, c.248)

47 (h) A court also may order a person convicted pursuant to
48 subsection (a) of this section, to participate in a supervised

1 visitation program as either a condition of probation or a form of
2 community service, giving preference to those who were under the
3 age of 21 at the time of the offense. Prior to ordering a person to
4 participate in such a program, the court may consult with any
5 person who may provide useful information on the defendant's
6 physical, emotional and mental suitability for the visit to ensure that
7 it will not cause any injury to the defendant. The court also may
8 order that the defendant participate in a counseling session under
9 the supervision of the Intoxicated Driving Program prior to
10 participating in the supervised visitation program. The supervised
11 visitation program shall be at one or more of the following facilities
12 which have agreed to participate in the program under the
13 supervision of the facility's personnel and the probation department:

14 (1) a trauma center, critical care center or acute care hospital
15 having basic emergency services, which receives victims of motor
16 vehicle accidents for the purpose of observing appropriate victims
17 of drunk drivers and victims who are, themselves, drunk drivers;

18 (2) a facility which cares for persons with advanced substance
19 use disorder, to observe persons in the advanced stages of substance
20 use disorder; or

21 (3) if approved by a county medical examiner, the office of the
22 county medical examiner or a public morgue to observe appropriate
23 victims of vehicle accidents involving drunk drivers.

24 As used in this section, "appropriate victim" means a victim
25 whose condition is determined by the facility's supervisory
26 personnel and the probation officer to be appropriate for
27 demonstrating the results of accidents involving drunk drivers
28 without being unnecessarily gruesome or traumatic to the
29 defendant.

30 If at any time before or during a visitation the facility's
31 supervisory personnel and the probation officer determine that the
32 visitation may be or is traumatic or otherwise inappropriate for that
33 defendant, the visitation shall be terminated without prejudice to the
34 defendant. The program may include a personal conference after
35 the visitation, which may include the sentencing judge or the judge
36 who coordinates the program for the court, the defendant,
37 defendant's counsel, and, if available, the defendant's parents to
38 discuss the visitation and its effect on the defendant's future
39 conduct. If a personal conference is not practicable because of the
40 defendant's absence from the jurisdiction, conflicting time
41 schedules, or any other reason, the court shall require the defendant
42 to submit a written report concerning the visitation experience and
43 its impact on the defendant. The county, a court, any facility visited
44 pursuant to the program, any agents, employees, or independent
45 contractors of the court, county, or facility visited pursuant to the
46 program, and any person supervising a defendant during the
47 visitation, are not liable for any civil damages resulting from injury
48 to the defendant, or for civil damages associated with the visitation

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1 which are caused by the defendant, except for willful or grossly
2 negligent acts intended to, or reasonably expected to result in, that
3 injury or damage.

4 The Supreme Court may adopt court rules or directives to
5 effectuate the purposes of this subsection.

6 (i) In addition to any other fine, fee, or other charge imposed
7 pursuant to law, the court shall assess a person convicted of a
8 violation of the provisions of this section a surcharge of \$125, of
9 which amount \$50 shall be payable to the municipality in which the
10 conviction was obtained, \$50 shall be payable to the Treasurer of
11 the State of New Jersey for deposit into the General Fund, and \$25
12 which shall be payable as follows: in a matter where the summons
13 was issued by a municipality's law enforcement agency, to that
14 municipality to be used for the cost of equipping police vehicles
15 with mobile video recording systems pursuant to the provisions of
16 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
17 summons was issued by a county's law enforcement agency, to that
18 county; and in a matter where the summons was issued by a State
19 law enforcement agency, to the General Fund.
20 (cf: P.L.2023, c.191, s.2)

21

22 2. This act shall take effect immediately, shall apply to any
23 offense occurring on or after the effective date, and shall expire on
24 January 1, 2029.

25

26

27

STATEMENT

28

29 This bill clarifies P.L.2023, c.191 and the installation of ignition
30 interlock devices (IID) for certain driving while intoxicated (DWI)
31 offenses.

32 Under current law, for a first DWI offense, a person whose blood
33 alcohol concentration was 0.15% or higher is required to forfeit the
34 right to operate a motor vehicle for a period of three months and is
35 required to install an IID during the period of license forfeiture and
36 for an additional 12 to 15 months thereafter. For a second DWI
37 offense, a person is required to forfeit the right to operate a motor
38 vehicle for a period of one to two years and is required to install an
39 IID during the period of license forfeiture and for an additional two
40 to four years thereafter. For a third or subsequent DWI offense, a
41 person is required to forfeit the right to operate a motor vehicle for
42 eight years and is required to install an IID during the period of
43 license forfeiture and for an additional two to four years thereafter.
44 A person may receive a one day credit against the period of license
45 forfeiture for every two days that the person has the ignition
46 interlock device installed under certain conditions.

47 Under the provisions of this bill, any person who is required to
48 forfeit the right to operate a motor vehicle over the highways of this

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13

1 State pursuant to current law may, in lieu of forfeiting the right to
2 operate a motor vehicle, install an ignition interlock device and
3 receive a one day credit against the period of license forfeiture
4 pursuant to current law for every two days that the person has the
5 ignition interlock device installed.

6 The bill provides that a person is not entitled to this credit if the
7 violation of R.S.39:4-50 resulted in serious bodily injury to another
8 person. In addition, a person who has been arrested or convicted of
9 operating or permitting another person to operate a motor vehicle
10 while under the influence of a narcotic, hallucinogenic, or habit-
11 producing drug pursuant to the provisions of R.S.39:4-50 or a
12 person who is convicted of operating a commercial motor vehicle
13 under the influence of a controlled substance pursuant to section 5
14 of P.L.1990, c.103 (C.39:3-10.13) is also not eligible for this credit.

15 The provisions of this bill take effect immediately and apply to
16 any offense occurring on or after the effective date. The bill's
17 provisions expire on January 1, 2029 to conform to the expiration of
18 P.L.2019, c.248 and P.L.2023, c.191 which also expire on January
19 1, 2029 and concern the installation of ignition interlock devices.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4144

STATE OF NEW JERSEY

DATED: MARCH 10, 2025

The Assembly Judiciary Committee reports favorably Senate Bill No. 4144.

This bill addresses aspects of P.L.2023, c.191 (C.39:4-50.21a et al.) regarding the installation of ignition interlock devices (IID) for certain driving while intoxicated (DWI) offenses.

Under the provisions of this bill, any person who is required to forfeit the right to operate a motor vehicle in this State may, in lieu of forfeiting the right to operate a motor vehicle, install an IID and receive a one day credit against the period of license forfeiture for every two days that the person has the IID installed.

The bill provides that a person is not entitled to this credit if the DWI violation under R.S.39:4-50 resulted in serious bodily injury to another person. In addition, a person who has been convicted of operating or permitting another person to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug pursuant to the provisions of R.S.39:4-50 or convicted of operating a commercial motor vehicle under the influence of a controlled substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13) is also not eligible for this credit.

The provisions of this bill take effect immediately and apply to any offense occurring on or after the effective date. The bill's provisions expire on January 1, 2029 to conform to the expiration dates of P.L.2019, c.248 and P.L.2023, c.191 which also expire on January 1, 2029 and concern the installation of IID.

As reported by the committee, Senate Bill No. 4144 is identical to Assembly Bill No. 5411, which was also reported by the committee on this date.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4144

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 2025

The Senate Judiciary Committee reports favorably Senate Bill No. 4144.

This bill addresses aspects of P.L.2023, c.191 (C.39:4-50.21a et al.) regarding the installation of ignition interlock devices (IID) for certain driving while intoxicated (DWI) offenses.

Under the provisions of this bill, any person who is required to forfeit the right to operate a motor vehicle over the highways of this State pursuant to current law may, in lieu of forfeiting the right to operate a motor vehicle, install an ignition interlock device and receive a one day credit against the period of license forfeiture pursuant to current law for every two days that the person has the ignition interlock device installed.

The bill provides that a person is not entitled to this credit if the violation of R.S.39:4-50 resulted in serious bodily injury to another person. In addition, a person who has been arrested or convicted of operating or permitting another person to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug pursuant to the provisions of R.S.39:4-50 or a person who is convicted of operating a commercial motor vehicle under the influence of a controlled substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13) is also not eligible for this credit.

The provisions of this bill take effect immediately and apply to any offense occurring on or after the effective date. The bill's provisions expire on January 1, 2029 to conform to the expiration of P.L.2019, c.248 and P.L.2023, c.191 which also expire on January 1, 2029 and concern the installation of ignition interlock devices.

ASSEMBLY, No. 5411

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 6, 2025

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman LINDA S. CARTER

District 22 (Somerset and Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Clarifies installation of ignition interlock devices for certain DWI offenses.

CURRENT VERSION OF TEXT

As introduced.



A5411 MURPHY, CARTER

2

1 AN ACT clarifying time frames of ignition interlock devices and
2 amending R.S.39:4-50.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.39:4-50 is amended to read as follows:

8 39:4-50. (a) A person who operates a motor vehicle while under
9 the influence of intoxicating liquor, narcotic, hallucinogenic or
10 habit-producing drug, or operates a motor vehicle with a blood
11 alcohol concentration of 0.08 percent or more by weight of alcohol
12 in the defendant's blood or permits another person who is under the
13 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
14 producing drug to operate a motor vehicle the person owns or which
15 is in the person's custody or control or permits another to operate a
16 motor vehicle with a blood alcohol concentration of 0.08 percent or
17 more by weight of alcohol in the defendant's blood shall be subject:

18 (1) For the first offense:

19 (i) if the person's blood alcohol concentration is 0.08 percent or
20 higher but less than 0.10 percent, or the person operates a motor
21 vehicle while under the influence of intoxicating liquor, or the
22 person permits another person who is under the influence of
23 intoxicating liquor to operate a motor vehicle owned by him or in
24 his custody or control or permits another person with a blood
25 alcohol concentration of 0.08 percent or higher but less than 0.10
26 percent to operate a motor vehicle, to a fine of not less than \$250
27 nor more than \$400 and a period of detainment of not less than 12
28 hours nor more than 48 hours spent during two consecutive days of
29 not less than six hours each day and served as prescribed by the
30 program requirements of the Intoxicated Driver Resource Centers
31 established under subsection (f) of this section and, in the discretion
32 of the court, a term of imprisonment of not more than 30 days. In
33 addition, the court shall order the person to forfeit the right to
34 operate a motor vehicle over the highways of this State until the
35 person installs an ignition interlock device in one motor vehicle the
36 person owns, leases, or principally operates, whichever the person
37 most often operates, for the purpose of complying with the
38 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A person who
39 has been arrested for a violation of this section whose blood alcohol
40 concentration was at least 0.08 percent but less than 0.10 percent or
41 who was otherwise under the influence of intoxicating liquor may,
42 upon arrest and prior to any conviction, voluntarily install an
43 ignition interlock device in one motor vehicle the person owns,
44 leases, or principally operates, whichever the person most often
45 operates, and request from the New Jersey Motor Vehicle
46 Commission a driver's license with a notation stating that the person

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall not operate a motor vehicle unless it is equipped with an
2 ignition interlock device pursuant to subsection b. of section 3 of
3 P.L.1999, c.417 (C.39:4-50.18). The request shall include a copy of
4 the interlock installer's certification and documentation of pending
5 charges as determined by the Chief Administrator of the Motor
6 Vehicle Commission to be submitted no later than seven days after
7 receipt of the documentation. A person who installs an ignition
8 interlock device and obtains a driver's license with the appropriate
9 notation pursuant to this subparagraph shall not be subject to a fine
10 pursuant to this subparagraph if the person possessed a valid New
11 Jersey driver's license in good standing at the time of the offense
12 and maintained a license in good standing until the date of
13 conviction;

14 (ii) if the person's blood alcohol concentration is 0.10 percent or
15 higher, or the person operates a motor vehicle while under the
16 influence of a narcotic, hallucinogenic or habit-producing drug, or
17 the person permits another person who is under the influence of a
18 narcotic, hallucinogenic or habit-producing drug to operate a motor
19 vehicle owned by him or in his custody or control, or permits
20 another person with a blood alcohol concentration of 0.10 percent
21 or more to operate a motor vehicle, to a fine of not less than \$300
22 nor more than \$500 and a period of detainment of not less than 12
23 hours nor more than 48 hours spent during two consecutive days of
24 not less than six hours each day and served as prescribed by the
25 program requirements of the Intoxicated Driver Resource Centers
26 established under subsection (f) of this section and, in the discretion
27 of the court, a term of imprisonment of not more than 30 days. A
28 person who has been arrested for a violation of this section whose
29 blood alcohol concentration was 0.10 percent or higher may, upon
30 arrest and prior to any conviction, voluntarily install an ignition
31 interlock device in one motor vehicle the person owns, leases, or
32 principally operates, whichever the person most often operates, and
33 request from the Motor Vehicle Commission a driver's license with
34 a notation stating that the person shall not operate a motor vehicle
35 unless it is equipped with an ignition interlock device pursuant to
36 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The
37 request shall include a copy of the interlock installer's certification
38 and documentation of pending charges as determined by the Chief
39 Administrator of the New Jersey Motor Vehicle Commission to be
40 submitted no later than seven days after receipt of the
41 documentation. A person who installs an ignition interlock device
42 and obtains a driver's license with the appropriate notation pursuant
43 to this subparagraph shall not be subject to a fine pursuant to this
44 subparagraph if the person possessed a valid New Jersey driver's
45 license in good standing at the time of the offense and maintained a
46 license in good standing until the date of conviction;

47 in the case of a person who is convicted of operating a motor
48 vehicle while under the influence of a narcotic, hallucinogenic or

1 habit-producing drug or permitting another person who is under the
2 influence of a narcotic, hallucinogenic or habit-producing drug to
3 operate a motor vehicle owned by the person or under the person's
4 custody or control, the person shall forfeit the right to operate a
5 motor vehicle over the highways of this State for a period of not
6 less than seven months nor more than one year;

7 in the case of a person whose blood alcohol concentration is 0.10
8 percent or higher but less than 0.15 percent, the person shall forfeit
9 the right to operate a motor vehicle over the highways of this State
10 until the person installs an ignition interlock device in one motor
11 vehicle the person owns, leases, or principally operates, whichever
12 the person most often operates, for the purpose of complying with
13 the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

14 in the case of a person whose blood alcohol concentration is 0.15
15 percent or higher, the person shall forfeit the right to operate a
16 motor vehicle over the highways of this State for a period of three
17 months following installation of an ignition interlock device in one
18 motor vehicle the person owns, leases, or principally operates,
19 whichever the person most often operates, for the purpose of
20 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
21 al.). A person who has been arrested for a violation of this section
22 whose blood alcohol concentration was 0.15 percent or higher may,
23 upon arrest and prior to any conviction, voluntarily install an
24 ignition interlock device in one motor vehicle the person owns,
25 leases, or principally operates, whichever the person most often
26 operates, and request from the Motor Vehicle Commission a driver's
27 license with a notation stating that the person shall not operate a
28 motor vehicle unless it is equipped with an ignition interlock device
29 pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-
30 50.18). The request shall include a copy of the interlock installer's
31 certification and documentation of pending charges as determined
32 by the Chief Administrator of the New Jersey Motor Vehicle
33 Commission to be submitted no later than seven days after receipt
34 of the documentation. A person who installs an ignition interlock
35 device and obtains a driver's license with the appropriate notation
36 pursuant to this subparagraph shall receive a one-day credit against
37 the period that the person is required to forfeit the right to operate a
38 motor vehicle over the highways of this State pursuant to this
39 subparagraph for every two days that the person has an ignition
40 interlock device installed and a driver's license with the appropriate
41 notation and shall not be subject to a fine pursuant to this
42 subparagraph if the person possessed a valid New Jersey driver's
43 license in good standing at the time of the offense and maintained a
44 license in good standing until the date of conviction. A person shall
45 not be entitled to a credit against the period that the person is
46 required to forfeit the right to operate a motor vehicle over the
47 highways of this State pursuant to this subparagraph if the violation

1 of this section resulted in serious bodily injury as defined in
2 N.J.S.2C:11-1 to another person;

3 (iii) (Deleted by amendment, P.L.2019, c.248)

4 (2) For a second violation, a person shall be subject to a fine of
5 not less than \$500 nor more than \$1,000, and shall be ordered by
6 the court to perform community service for a period of 30 days,
7 which shall be of such form and on terms the court shall deem
8 appropriate under the circumstances, and shall be sentenced to
9 imprisonment for a term of not less than 48 consecutive hours,
10 which shall not be suspended or served on probation, or more than
11 90 days, and shall forfeit the right to operate a motor vehicle over
12 the highways of this State for a period of not less than one year or
13 more than two years upon conviction. A person who has been
14 arrested for a second violation of this section may, upon arrest and
15 prior to any conviction, voluntarily install an ignition interlock
16 device in one motor vehicle the person owns, leases, or principally
17 operates, whichever the person most often operates, and request
18 from the Motor Vehicle Commission a driver's license with a
19 notation stating that the person shall not operate a motor vehicle
20 unless it is equipped with an ignition interlock device pursuant to
21 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). The
22 request shall include a copy of the interlock installer's certification
23 and documentation of pending charges as determined by the Chief
24 Administrator of the New Jersey Motor Vehicle Commission to be
25 submitted no later than seven days after receipt of the
26 documentation. A person who installs an ignition interlock device
27 and obtains a driver's license with the appropriate notation pursuant
28 to this paragraph shall receive a one-day credit against the period
29 that the person is required to forfeit the right to operate a motor
30 vehicle over the highways of this State pursuant to this paragraph
31 for every two days that the person has an ignition interlock device
32 installed and a driver's license with the appropriate notation and
33 shall not be subject to a fine pursuant to this paragraph if the person
34 possessed a valid New Jersey driver's license in good standing
35 at the time of the offense and maintained a license in good standing
36 until the date of conviction. A person shall not be entitled to a
37 credit against the period that the person is required to forfeit the
38 right to operate a motor vehicle over the highways of this State
39 pursuant to this paragraph if the violation of this section resulted in
40 serious bodily injury as defined in N.J.S.2C:11-1 to another person.

41 After the expiration of the license forfeiture period, the person
42 may make application to the Chief Administrator of the New Jersey
43 Motor Vehicle Commission for a license to operate a motor vehicle,
44 which application may be granted at the discretion of the chief
45 administrator, consistent with subsection (b) of this section. For a
46 second violation, a person also shall be required to install an
47 ignition interlock device under the provisions of P.L.1999, c.417
48 (C.39:4-50.16 et al.).

1 (3) For a third or subsequent violation, a person shall be subject
2 to a fine of \$1,000, and shall be sentenced to imprisonment for a
3 term of not less than 180 days in a county jail or workhouse, except
4 that the court may lower such term for each day, not exceeding 90
5 days, served participating in a substance use disorder inpatient
6 rehabilitation program approved by the Intoxicated Driver Resource
7 Center and shall thereafter forfeit the right to operate a motor
8 vehicle over the highways of this State for eight years. A person
9 who has been arrested for a third or subsequent violation of this
10 section may, upon arrest and prior to any conviction, voluntarily
11 install an ignition interlock device in one motor vehicle the person
12 owns, leases, or principally operates, whichever the person most
13 often operates, and request from the Motor Vehicle Commission a
14 driver's license with a notation stating that the person shall not
15 operate a motor vehicle unless it is equipped with an ignition
16 interlock device pursuant to subsection b. of section 3 of P.L.1999,
17 c.417 (C.39:4-50.18). The request shall include a copy of the
18 interlock installer's certification and documentation of pending
19 charges as determined by the Chief Administrator of the New Jersey
20 Motor Vehicle Commission to be submitted no later than seven
21 days after receipt of the documentation. A person who installs an
22 ignition interlock device and obtains a driver's license with the
23 appropriate notation pursuant to this paragraph shall receive a one-
24 day credit against the period that the person is required to forfeit the
25 right to operate a motor vehicle over the highways of this State
26 pursuant to this paragraph for every two days that the person has an
27 ignition interlock device installed and a driver's license with the
28 appropriate notation and shall not be subject to a fine pursuant to
29 this paragraph if the person possessed a valid New Jersey driver's
30 license in good standing at the time of the offense and maintained a
31 license in good standing until the date of conviction. A person shall
32 not be entitled to a credit against the period that the person is
33 required to forfeit the right to operate a motor vehicle over the
34 highways of this State pursuant to this paragraph if the violation of
35 this section resulted in serious bodily injury as defined in
36 N.J.S.2C:11-1 to another person.

37 For a third or subsequent violation, a person also shall be
38 required to install an ignition interlock device under the provisions
39 of P.L.1999, c.417 (C.39:4-50.16 et al.).

40 Any person who is required to forfeit the right to operate a motor
41 vehicle over the highways of this State pursuant to this section may,
42 in lieu of forfeiting the right to operate a motor vehicle, install an
43 ignition interlock device and receive a one day credit against the
44 period that the person is required to forfeit the right to operate a
45 motor vehicle over the highways of this State pursuant to this
46 section for every two days that the person has the ignition interlock
47 device installed. A person shall not be entitled to this credit if the
48 violation of this section resulted in serious bodily injury as defined

1 in N.J.S.2C:11-1 to another person. In addition, a person who has
2 been arrested or convicted of operating a motor vehicle while under
3 the influence of a narcotic, hallucinogenic, or habit-producing drug
4 or permitting another person who is under the influence of a
5 narcotic, hallucinogenic, or habit-producing drug to operate a motor
6 vehicle owned by the person or under the person's custody or
7 control pursuant to the provisions of this section or a person who
8 has been convicted of operating a commercial motor vehicle under
9 the influence of a controlled substance pursuant to section 5 of
10 P.L.1990, c.103 (C.39:3-10.13) shall not be eligible for this credit.

11 Notwithstanding any judicial directive to the contrary, upon
12 recommendation by the prosecutor, a plea agreement under this
13 section is authorized under the appropriate factual basis consistent
14 with any other violation of Title 39 of the Revised Statutes or
15 offense under Title 2C of the New Jersey Statutes; provided,
16 however, that if a person is convicted of operating a motor vehicle
17 while under the influence of a narcotic, hallucinogenic, or habit-
18 producing drug or permitting another person who is under the
19 influence of a narcotic, hallucinogenic, or habit-producing drug to
20 operate a motor vehicle owned by the person or under the person's
21 custody or control pursuant to the provisions of R.S.39:4-50 or a
22 person is convicted of operating a commercial motor vehicle under
23 the influence of a controlled substance pursuant to section 5 of
24 P.L.1990, c.103 (C.39:3-10.13), the person shall forfeit the right to
25 operate a motor vehicle over the highways of this State for a period
26 of not less than six months.

27 As used in this section, the phrase "narcotic, hallucinogenic or
28 habit-producing drug" includes an inhalant or other substance
29 containing a chemical capable of releasing any toxic vapors or
30 fumes for the purpose of inducing a condition of intoxication, such
31 as any glue, cement or any other substance containing one or more
32 of the following chemical compounds: acetone and acetate, amyl
33 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
34 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
35 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
36 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
37 oxide, n-propyl alcohol, phencyclidine, petroleum ether, propyl
38 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
39 any other chemical substance capable of causing a condition of
40 intoxication, inebriation, excitement, stupefaction or the dulling of
41 the brain or nervous system as a result of the inhalation of the
42 fumes or vapors of such chemical substance.

43 Whenever an operator of a motor vehicle has been involved in an
44 accident resulting in death, bodily injury or property damage, a
45 police officer shall consider that fact along with all other facts and
46 circumstances in determining whether there are reasonable grounds
47 to believe that person was operating a motor vehicle in violation of
48 this section.

1 A conviction of a violation of a law of a substantially similar
2 nature in another jurisdiction, regardless of whether that jurisdiction
3 is a signatory to the Interstate Driver License Compact pursuant to
4 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
5 conviction under this subsection unless the defendant can
6 demonstrate by clear and convincing evidence that the conviction in
7 the other jurisdiction was based exclusively upon a violation of a
8 proscribed blood alcohol concentration of less than 0.08 percent.

9 If the driving privilege of any person is under revocation or
10 suspension for a violation of any provision of this Title or Title 2C
11 of the New Jersey Statutes at the time of any conviction for a
12 violation of this section, the revocation or suspension period
13 imposed shall commence as of the date of termination of the
14 existing revocation or suspension period. In the case of any person
15 who at the time of the imposition of sentence is less than 17 years
16 of age, the forfeiture, suspension or revocation of the driving
17 privilege imposed by the court under this section shall commence
18 immediately, run through the offender's 17th birthday and continue
19 from that date for the period set by the court pursuant to paragraphs
20 (1) through (3) of this subsection. A court that imposes a term of
21 imprisonment for a first or second offense under this section may
22 sentence the person so convicted to the county jail, to the
23 workhouse of the county wherein the offense was committed, to an
24 inpatient rehabilitation program or to an Intoxicated Driver
25 Resource Center or other facility approved by the chief of the
26 Intoxicated Driving Program in the Division of Mental Health and
27 Addiction Services in the Department of Human Services. For a
28 third or subsequent offense a person shall not serve a term of
29 imprisonment at an Intoxicated Driver Resource Center as provided
30 in subsection (f) of this section.

31 A person who has been convicted of a previous violation of this
32 section need not be charged as a second or subsequent offender in
33 the complaint made against the person in order to render the person
34 liable to the punishment imposed by this section on a second or
35 subsequent offender, but if the second offense occurs more than 10
36 years after the first offense, the court shall treat the second
37 conviction as a first offense for sentencing purposes and if a third
38 offense occurs more than 10 years after the second offense, the
39 court shall treat the third conviction as a second offense for
40 sentencing purposes.

41 (b) A person convicted under this section must satisfy the
42 screening, evaluation, referral, program and fee requirements of the
43 Division of Mental Health and Addiction Services' Intoxicated
44 Driving Program, and of the Intoxicated Driver Resource Centers
45 and a program of substance use disorder education and highway
46 safety, as prescribed by the chief administrator. The sentencing
47 court shall inform the person convicted that failure to satisfy such
48 requirements shall result in a mandatory two-day term of

1 imprisonment in a county jail and a driver license revocation or
2 suspension and continuation of revocation or suspension until such
3 requirements are satisfied, unless stayed by court order in
4 accordance with the Rules Governing the Courts of the State of
5 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
6 forward to the Division of Mental Health and Addiction Services'
7 Intoxicated Driving Program a copy of a person's conviction record.
8 A fee of \$100 shall be payable to the Alcohol Education,
9 Rehabilitation and Enforcement Fund established pursuant to
10 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
11 Intoxicated Driving Program.

12 (c) Upon conviction of a violation of this section, the court shall
13 collect forthwith the New Jersey driver's license or licenses of the
14 person so convicted and forward such license or licenses to the
15 chief administrator. The court shall inform the person convicted
16 that if the person is convicted of personally operating a motor
17 vehicle during the period of license suspension imposed pursuant to
18 subsection (a) of this section, the person shall, upon conviction, be
19 subject to the penalties established in R.S.39:3-40. The person
20 convicted shall be informed orally and in writing. A person shall be
21 required to acknowledge receipt of that written notice in writing.
22 Failure to receive a written notice or failure to acknowledge in
23 writing the receipt of a written notice shall not be a defense to a
24 subsequent charge of a violation of R.S.39:3-40. In the event that a
25 person convicted under this section is the holder of any out-of-State
26 driver's license, the court shall not collect the license but shall
27 notify forthwith the chief administrator, who shall, in turn, notify
28 appropriate officials in the licensing jurisdiction. The court shall,
29 however, revoke the nonresident's driving privilege to operate a
30 motor vehicle in this State, in accordance with this section. Upon
31 conviction of a violation of this section, the court shall notify the
32 person convicted, orally and in writing, of the penalties for a
33 second, third or subsequent violation of this section. A person shall
34 be required to acknowledge receipt of that written notice in writing.
35 Failure to receive a written notice or failure to acknowledge in
36 writing the receipt of a written notice shall not be a defense to a
37 subsequent charge of a violation of this section.

38 (d) The chief administrator shall promulgate rules and
39 regulations pursuant to the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
41 of alcohol education and highway safety, as prescribed by this act.

42 (e) Any person accused of a violation of this section who is
43 liable to punishment imposed by this section as a second or
44 subsequent offender shall be entitled to the same rights of discovery
45 as allowed defendants pursuant to the Rules Governing the Courts
46 of the State of New Jersey.

47 (f) The counties, in cooperation with the Division of Mental
48 Health and Addiction Services and the commission, but subject to

1 the approval of the Division of Mental Health and Addiction
2 Services, shall designate and establish on a county or regional basis
3 Intoxicated Driver Resource Centers. These centers shall have the
4 capability of serving as community treatment referral centers and as
5 court monitors of a person's compliance with the ordered treatment,
6 service alternative or community service. All centers established
7 pursuant to this subsection shall be administered by a counselor
8 certified by the Addiction Professionals Certification Board of New
9 Jersey or other professional with a minimum of five years'
10 experience in the treatment of alcohol use disorder. All centers
11 shall be required to develop individualized treatment plans for all
12 persons attending the centers; provided that the duration of any
13 ordered treatment or referral shall not exceed one year. It shall be
14 the center's responsibility to establish networks with the community
15 substance use disorder education, treatment and rehabilitation
16 resources and to receive monthly reports from the referral agencies
17 regarding a person's participation and compliance with the program.
18 Nothing in this subsection shall bar these centers from developing
19 their own education and treatment programs; provided that they are
20 approved by the Division of Mental Health and Addiction Services.

21 Upon a person's failure to report to the initial screening or any
22 subsequent ordered referral, the Intoxicated Driver Resource Center
23 shall promptly notify the sentencing court of the person's failure to
24 comply.

25 Required detention periods at the Intoxicated Driver Resource
26 Centers shall be determined according to the individual treatment
27 classification assigned by the Intoxicated Driving Program. Upon
28 attendance at an Intoxicated Driver Resource Center, a person shall
29 be required to pay a per diem fee of \$75 for the first offender
30 program or a per diem fee of \$100 for the second offender program,
31 as appropriate. Any increases in the per diem fees after the first full
32 year shall be determined pursuant to rules and regulations adopted
33 by the Commissioner of Human Services in consultation with the
34 Governor's Council on Substance Use Disorder Abuse pursuant to
35 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.).

37 The centers shall conduct a program of substance use disorder
38 education and highway safety, as prescribed by the chief
39 administrator.

40 The Commissioner of Human Services shall adopt rules and
41 regulations pursuant to the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
43 purposes of this subsection.

44 (g) (Deleted by amendment, P.L.2019, c.248)

45 (h) A court also may order a person convicted pursuant to
46 subsection (a) of this section, to participate in a supervised
47 visitation program as either a condition of probation or a form of
48 community service, giving preference to those who were under the

1 age of 21 at the time of the offense. Prior to ordering a person to
2 participate in such a program, the court may consult with any
3 person who may provide useful information on the defendant's
4 physical, emotional and mental suitability for the visit to ensure that
5 it will not cause any injury to the defendant. The court also may
6 order that the defendant participate in a counseling session under
7 the supervision of the Intoxicated Driving Program prior to
8 participating in the supervised visitation program. The supervised
9 visitation program shall be at one or more of the following facilities
10 which have agreed to participate in the program under the
11 supervision of the facility's personnel and the probation department:

12 (1) a trauma center, critical care center or acute care hospital
13 having basic emergency services, which receives victims of motor
14 vehicle accidents for the purpose of observing appropriate victims
15 of drunk drivers and victims who are, themselves, drunk drivers;

16 (2) a facility which cares for persons with advanced substance
17 use disorder, to observe persons in the advanced stages of substance
18 use disorder; or

19 (3) if approved by a county medical examiner, the office of the
20 county medical examiner or a public morgue to observe appropriate
21 victims of vehicle accidents involving drunk drivers.

22 As used in this section, "appropriate victim" means a victim
23 whose condition is determined by the facility's supervisory
24 personnel and the probation officer to be appropriate for
25 demonstrating the results of accidents involving drunk drivers
26 without being unnecessarily gruesome or traumatic to the
27 defendant.

28 If at any time before or during a visitation the facility's
29 supervisory personnel and the probation officer determine that the
30 visitation may be or is traumatic or otherwise inappropriate for that
31 defendant, the visitation shall be terminated without prejudice to the
32 defendant. The program may include a personal conference after
33 the visitation, which may include the sentencing judge or the judge
34 who coordinates the program for the court, the defendant,
35 defendant's counsel, and, if available, the defendant's parents to
36 discuss the visitation and its effect on the defendant's future
37 conduct. If a personal conference is not practicable because of the
38 defendant's absence from the jurisdiction, conflicting time
39 schedules, or any other reason, the court shall require the defendant
40 to submit a written report concerning the visitation experience and
41 its impact on the defendant. The county, a court, any facility visited
42 pursuant to the program, any agents, employees, or independent
43 contractors of the court, county, or facility visited pursuant to the
44 program, and any person supervising a defendant during the
45 visitation, are not liable for any civil damages resulting from injury
46 to the defendant, or for civil damages associated with the visitation
47 which are caused by the defendant, except for willful or grossly

1 negligent acts intended to, or reasonably expected to result in, that
2 injury or damage.

3 The Supreme Court may adopt court rules or directives to
4 effectuate the purposes of this subsection.

5 (i) In addition to any other fine, fee, or other charge imposed
6 pursuant to law, the court shall assess a person convicted of a
7 violation of the provisions of this section a surcharge of \$125, of
8 which amount \$50 shall be payable to the municipality in which the
9 conviction was obtained, \$50 shall be payable to the Treasurer of
10 the State of New Jersey for deposit into the General Fund, and \$25
11 which shall be payable as follows: in a matter where the summons
12 was issued by a municipality's law enforcement agency, to that
13 municipality to be used for the cost of equipping police vehicles
14 with mobile video recording systems pursuant to the provisions of
15 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
16 summons was issued by a county's law enforcement agency, to that
17 county; and in a matter where the summons was issued by a State
18 law enforcement agency, to the General Fund.

19 (cf: P.L.2023, c.191, s.2)

20

21 2. This act shall take effect immediately, shall apply to any
22 offense occurring on or after the effective date, and shall expire on
23 January 1, 2029.

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STATEMENT

27

28 This bill clarifies P.L.2023, c.191 and the installation of ignition
29 interlock devices (IID) for certain driving while intoxicated (DWI)
30 offenses.

31 Under current law, for a first DWI offense, a person whose blood
32 alcohol concentration was 0.15% or higher is required to forfeit the
33 right to operate a motor vehicle for a period of three months and is
34 required to install an IID during the period of license forfeiture and
35 for an additional 12 to 15 months thereafter. For a second DWI
36 offense, a person is required to forfeit the right to operate a motor
37 vehicle for a period of one to two years and is required to install an
38 IID during the period of license forfeiture and for an additional two
39 to four years thereafter. For a third or subsequent DWI offense, a
40 person is required to forfeit the right to operate a motor vehicle for
41 eight years and is required to install an IID during the period of
42 license forfeiture and for an additional two to four years thereafter.
43 A person may receive a one day credit against the period of license
44 forfeiture for every two days that the person has the ignition
45 interlock device installed under certain conditions.

46 Under the provisions of this bill, any person who is required to
47 forfeit the right to operate a motor vehicle over the highways of this
48 State pursuant to current law may, in lieu of forfeiting the right to

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13

1 operate a motor vehicle, install an ignition interlock device and
2 receive a one day credit against the period of license forfeiture
3 pursuant to current law for every two days that the person has the
4 ignition interlock device installed.

5 The bill provides that a person is not entitled to this credit if the
6 violation of R.S.39:4-50 resulted in serious bodily injury to another
7 person. In addition, a person who has been arrested or convicted of
8 operating or permitting another person to operate a motor vehicle
9 while under the influence of a narcotic, hallucinogenic, or habit-
10 producing drug pursuant to the provisions of R.S.39:4-50 or a
11 person who is convicted of operating a commercial motor vehicle
12 under the influence of a controlled substance pursuant to section 5
13 of P.L.1990, c.103 (C.39:3-10.13) is also not eligible for this credit.

14 The provisions of this bill take effect immediately and apply to
15 any offense occurring on or after the effective date. The bill's
16 provisions expire on January 1, 2029 to conform to the expiration of
17 P.L.2019, c.248 and P.L.2023, c.191 which also expire on January
18 1, 2029 and concern the installation of ignition interlock devices.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5411

STATE OF NEW JERSEY

DATED: MARCH 10, 2025

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5411.

This bill addresses aspects of P.L.2023, c.191 (C.39:4-50.21a et al.) regarding the installation of ignition interlock devices (IID) for certain driving while intoxicated (DWI) offenses.

Under the provisions of this bill, any person who is required to forfeit the right to operate a motor vehicle in this State may, in lieu of forfeiting the right to operate a motor vehicle, install an IID and receive a one day credit against the period of license forfeiture for every two days that the person has the IID installed.

The bill provides that a person is not entitled to this credit if the DWI violation under R.S.39:4-50 resulted in serious bodily injury to another person. In addition, a person who has been convicted of operating or permitting another person to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug pursuant to the provisions of R.S.39:4-50 or convicted of operating a commercial motor vehicle under the influence of a controlled substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13) is also not eligible for this credit.

The provisions of this bill take effect immediately and apply to any offense occurring on or after the effective date. The bill's provisions expire on January 1, 2029 to conform to the expiration dates of P.L.2019, c.248 and P.L.2023, c.191 which also expire on January 1, 2029 and concern the installation of IID.

As reported by the committee, Assembly Bill No. 5411 is identical to Senate Bill No. 4144, which was also reported by the committee on this date.

Governor Murphy Takes Action on Legislation

04/3/2025

TRENTON – Today, Governor Murphy signed the following bill into law:

S-4144/A-5411 (Scutari/Murphy, Carter, Reynolds-Jackson) - Clarifies installation of ignition interlock devices for certain DWI offenses.