

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO
SENATE, No. 1926

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1926.

This bill, to be known as "Ricci's Law," requires all persons convicted of a second or subsequent drunk driving offense to install an ignition interlock device in any motor vehicle they own, lease or operate during the period that the person's license is suspended for the drunk driving offense, in addition to installing the device as required under current law. The amended bill also requires first offenders whose blood alcohol concentration was 0.15% or higher to install the device in any motor vehicle they own, lease or operate during the period that the person's license is suspended, in addition to installing the device for six months to one year after restoration of the driver's license. The court would retain discretion as provided under current law to require installation of the device for all other first offenders.

Under the State's drunk driving statute, R.S.39:4-50, the court may require first time drunk driving offenders to install an ignition interlock device for a period of six months to one year. Persons convicted of a second offense are required to install this device or have their registration certificate and license plates revoked for two years, and persons convicted of third or subsequent offenses are required to install these devices or have their registration certificate and license plates revoked for 10 years.

The bill removes the option available under current law permitting revocation of the person's registration and license plates if an ignition interlock device is not installed.

Finally, the bill allows a person to start a motor vehicle equipped with an ignition interlock device for the purpose of safety or mechanical repair of the device or repair of the motor vehicle, but only if the person required to have the device installed does not operate the vehicle. Under the ignition interlock law, it currently is a disorderly persons offense to blow into an ignition interlock device or otherwise start a motor vehicle equipped with such a device to provide an

operable motor vehicle to a person required to have the device, or to tamper with such a device to circumvent its operation.

The committee amended the bill to require first offenders whose blood alcohol concentration was 0.15% or greater to install ignition interlock devices on their vehicles during the required period of driver's license suspension and for a period of six months to one year after restoration of the driver's license. As introduced, the bill applied to all first offenders.

According to the sponsor's statement, this bill is named "Ricci's Law" in memory of Ricci Branca, a 17-year-old Egg Harbor Township teenager. Ricci was riding his bicycle with friends when a drunk driver plowed into their group and fled the scene of the accident. Several teenagers in the group were injured, and Ricci succumbed to his injuries four days after the accident. The driver's blood alcohol concentration was .339%, more than four times New Jersey's legal limit of .08%. It is the sponsors' hope that expansion of the ignition interlock requirement will provide another tool to keep intoxicated drivers off of the State's roadways.