



Performance Note
HB0026S01 - 24-7 Sobriety
Program Expansion
Sponsor: Rep. Pitcher, Stephanie



Performance Note Report

Author: Joseph Brown

Agency: Department of Public Safety

Funding For:

New Services or Benefit

Public Benefit:

Purpose: The 24/7 sobriety program is an evidence-based approach to improving public safety and reducing recidivism rates of impaired driving. The program provides an alternative sentencing option that allows offenders to be tested for alcohol or drugs on a daily basis and, if they abstain from the use of alcohol or drugs they are able to get their driver license reinstated while in the program instead of the term of suspension as under current law. The program includes sanctions for noncompliance. In turn, offenders are able to remain in the community, maintain employment rather than incarceration, and receive social services resources to assist with addiction and other personal needs.

Services: The services provide greater accountability for repeat offenders who have been convicted for driving while impaired by alcohol or other drugs. This will also relieve the effects of not having a driver license for the suspension period for those that comply with the program. While the program focuses on repeat offenders, first-time offenders may be ordered to participate in the program. The program will be administered by local law enforcement agencies. Participating agencies will oversee the local program, provide testing facilities, and operators to administer tests.

Expected Outcome: Expected outcome of the program is that each participating county will require all repeat offenders be assessed using the National Highway Traffic Safety Administrations Impaired Driver Assessment to determine if the offender can be successful in the program. Participants are expected to have a 95% compliance rate in the program. Participant completion rates are expected to exceed 80%.

Implementations and Resources: The 24/7 sobriety program is an offender-paid program and designed to become self-sufficient at the local level. To administer the program, the Utah Department of Public Safety will employ a State Coordinator to assist the county law enforcement and correctional officers (county agency) as they implement their county-wide 24/7 sobriety programs. The State Coordinator will provide training to county agency staff on the proper administration of the program to ensure consistency and successful implementation. The State Coordinator will also provide technical assistance to the individual county agencies and monitor their progression in the program. State grant funds may be available to assist the county agencies in obtaining the necessary equipment to implement the program, such as hand held breath testing instruments. When the program is fully implemented and self-sufficient at the local level, the program will be expanded to include participation

from offenders convicted of drug-related driving offenses. To implement this phase of the program requires additional funding for the purchase of remote monitoring devices. Of Utahs 29 counties, three (Rich, Wayne and Piute) do not have correctional facilities. Offenders in these counties may be eligible to participate under the remote testing program or have the option to travel to a neighboring county to engage in on-site testing. The Utah Department of Public Safety will enter into a state contract with an appropriate software company in order to track participation in the program. The Department will purchase and distribute licenses to local participating agencies. County agency staff will be trained on how to use the software. Staff will also be trained on how to treat a person who is not successful in the test.

How: Offenders of Utahs DUI laws may be considered for the program. A Impaired Driving Assessment will be given to determine if the offender will be a successful candidate for the 24/7 sobriety program. Participants are required to abstain from alcohol and/or drugs while in the program. To ensure this, they will be required to visit a local correctional facility two times a day, approximately 12 hours apart. They will make contact with a designated staff member who will have them complete a breath test into a portable breath tester. The staff member will input the results of the test into a data collection program. Individuals who fail, will be required to retest on an evidentiary intoxilyzer instrument. Participants may be given the option to use remote transdermal alcohol testing for an additional fee. All remote testing equipment will be purchased by the Utah Department of Public Safety and disseminated upon request, to ensure standardized testing or participants statewide. Participants who fail testing will be given immediate short-term incarceration. For the first violation, incarceration will be for 8 hours. For the second and third violation, incarceration will be for 16 and 24 hours, respectively. Upon the fourth violation, the participant will be removed from the program and will begin serving the original sentence, including license revocation.

Performance Measures

Goal

Title: 24/7 Sobriety Program Completion and Compliance Rate

Description: Measure the number of participants that complete the program and those that remain in compliance with the program requirements

Collection Method: All testing will be recorded by using the vendor software. This data will be the property of the administrators of the program and can easily measure compliance rates.

| | 2021 | 2022 | 2023 |
|-------------------|------|-------|-------|
| Compliance Rate % | 0.00 | 80.00 | 80.00 |
| Compliance Rate % | 0.00 | 95.00 | 95.00 |

By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.