

# SENATE . . . . . No. 1301

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Bruce E. Tarr***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a pilot program to limit driving under the influence of alcohol.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>

# SENATE . . . . . No. 1301

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1301) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund and Donald F. Humason, Jr. for legislation to create a pilot program for repeat offenders driving under the influence. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1174 OF 2013-2014.]

## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act creating a pilot program to limit driving under the influence of alcohol.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. There shall be a pilot program for the purpose of implementing alternatives  
2   to incarceration and strengthening pretrial and post-trial options available to prosecutors and  
3   judges for responding to certain operating under the influence of alcohol or drug offenses.

4           The executive office of public safety and security, in consultation with the attorney  
5   general, the district attorneys association, and the Massachusetts sheriffs association, shall  
6   develop a 3-year pilot program for a county sheriff department to establish a 24/7 sobriety  
7   program. The pilot program shall be a competitive grant process. The executive office of public  
8   safety and security, in consultation with the attorney general, the district attorneys association,  
9   and the Massachusetts sheriffs association, shall develop criteria for grant eligibility, which shall  
10   include the implementation of a 24/7 sobriety program which shall be designed to (1) allow for

those selected by a prosecutor and court charged or convicted of a second or subsequent offense of operating a motor vehicle under the influence to participate; (2) allow a court to condition any bond, pre-trial release, the suspended imposition of a sentence, suspended execution of a sentence, or probation upon participation in the 24/7 sobriety program; (3) test to determine the presence and level of alcohol or a controlled substance in an individual's blood, breath or urine as shown by chemical test or analysis; and (4) provide testing to occur not less than 2 times a day approximately 12 hours apart at multiple testing locations throughout the county.

The executive office of public safety and security, in consultation with the attorney general, the district attorneys association, and the Massachusetts sheriffs association, may promulgate rules and regulations for the pilot program, which may include, though not necessarily limited to:

(i) regulate the nature and manner of testing;

(ii) regulate the procedures and apparatus for testing;

(iii) set user fees; provided, however, that the fees collected shall be deposited into the county sheriff department administering the 24/7 sobriety program; provided, further, however, that fees collected shall be applied and used only toward the costs of twice a day testing, including maintaining equipment, funding support services and ensuring compliance;

(iv) require and provide for a sobriety data management plan to be used by the executive office of public safety and security and the sheriff department to manage testing, data access, fees and fee payments, and any required reports; and

31 (v) allow for those participating in the 24/7 sobriety program, in addition to any and all  
32 necessary education, treatment, or rehabilitation programs, to operate a motor vehicle with any  
33 conditions imposed by the court, sheriff department, and registrar, notwithstanding section 24 of  
34 chapter 90.

35 The executive office of public safety and security, in consultation with the attorney  
36 general, the district attorneys association, and the Massachusetts sheriffs association shall  
37 develop guidelines for review of the sheriff department pilot program. The sheriff department  
38 shall participate in any evaluation or accountability process implemented by or authorized by the  
39 executive office of public safety and security.