



American Beverage Institute

Interlock Requirement = Unfunded Mandate

The Federal Highway Bill has an extreme ignition interlock mandate which would force every state to punish all first-time DUI offenders with an in-car breathalyzer, even if they were just one sip over the legal limit.

Adding insult to injury, the interlock mandate will be required by Congress, but not funded by the federal government. As states struggle through an economic crisis, they will have to come up with millions of dollars to pay for enforcement of the new interlock program.

The American Probation and Parole Association (APPA) recently did the math:

$$\begin{array}{r} \$3 \text{ per day (very conservative cost for supervision of offender for 6 months)} \\ \times 791,511 \text{ (convicted offenders in 2007)} \\ \hline \mathbf{\$432,165,306} \text{ Cost of Highway Bill Interlock Mandate to States and Localities} \end{array}$$

States simply do not have the infrastructure necessary to facilitate a successful interlock program. If the Highway Bill's interlock requirement becomes law, the 39 states that don't currently have first-offender laws would see tens of thousands of new offenders enroll in their interlock programs.

And according to the APPA: "No state has the infrastructure in place or the resources currently (or in the foreseeable future) to implement such a far-reaching requirement."

The federal mandate also demands enforcement of the law—which means that states would have pour funds into their existing interlock infrastructure to ensure that all offenders are properly monitored.

The cost to the offender is also of concern. According to California's Assembly Appropriations Committee the cost for each offender prescribed an interlock "can exceed \$6,000." You can imagine the cost to a family whose father who was caught one sip over the limit and now must install interlocks in any car with his name on the title or that he sometimes drives—his car, his wife's car, his teenagers' cars, his work truck, etc.

In addition, the APPA points out that "Not all offenders will have the ability to pay for ignition interlocks and the cost will have to be borne by either state or local government entities for those that do not have the means to pay." Most states with interlock laws have had to create an indigent fund to supplement the cost for those offenders unable to pay.

Between program start-up expenses, annual infrastructure and monitoring costs, and indigent funds for offenders, states can expect to put forth millions of dollars to pay for Congress' unfunded interlock mandate.