

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SJUD 12573



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement HB 19

"An Act relating to ignition interlock limited driver's license privileges."

Currently, a person convicted of driving under the influence has been able to get a limited driver's license from the Division of Motor Vehicles so that they can continue to drive and to earn a living. The limitation currently placed on a license focuses primarily on where a person can drive. House Bill 19 shifts the emphasis from where a person can drive to how a person can drive by changing the type of limited license available to an offender from the traditional limited license to an ignition interlock limited license.

An ignition interlock limited license requires an offender to install and maintain an ignition interlock device on the vehicle they intend to drive. An ignition interlock device analyzes a person's blood alcohol content and prevents the car from being started if the person's blood alcohol level is above a set level. The license allows the offender to drive only the vehicle on which the device is installed. Under HB 19, driving another vehicle is considered the same as driving with a revoked license and that vehicle can be forfeited to the state.

Several states require ignition interlock devices for DUI offenders and studies suggest that ignition interlock devices lead to a substantial decline in recidivism, particularly for offenders with multiple DUI's. More importantly, an ignition interlock device prevents an intoxicated person from starting their car and thereby keeps a potential drunk driver off the road. With an ignition interlock device – if you can't blow, you can't go.

(Updated 1/16/2007)



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: January 16, 2007
TO: Representative Kevin Meyer
FROM: Mike Pawlowski
RE: Sectional Analysis for HB 19
(Version No. 25 - LS0133\E)

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Removes the suspension provision in order to allow early application for an ignition interlock limited license.

Section 2. Creates and establishes requirements for an ignition interlock limited license.

Section 3. Specifies that a person caught violating the provisions of an ignition interlock limited license is subject to 28.15.291 (driving with a suspended or revoked license) and subjects the vehicle in violation to forfeiture.

Section 4. Repeals the existing limited license provisions for DUI convictions in 28.15.201(d) & (e) to allow for the ignition interlock limited license created in section 3.

Section 5. Transitional provision allowing a person convicted prior to the passage of HB 19 to continue to use their limited license.

Section 6. January 1, 2008 effective date.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 23, 2007
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to HB 19 in CSHB 19 (FIN)

The attached blank CS for HB 19 makes substantive changes to the previous versions. The major departure is that rather than attempting to enlarge the sphere of people qualified to apply for a limited license we instead focus on changing the limited license. Below is a comparison of existing law and the new HB 19:

	AS 28.15.201(d)	HB 19 (Section 3)
Authority to Grant:	Court or DMV	Court or DMV
Qualified Offenses:	Misdemeanor DUI	Misdemeanor DUI
Hard Suspension Period:	30 days / 90 days	30 days / 90 days
Enrolled / Completed Treatment:	Yes	Yes
Employed:	Yes	No
Proof of Ignition Interlock Device	No	Yes
Affidavit:	No	Yes
Application Cost:	\$100	\$120
Ignition Interlock Costs:	If required	Yes

The primary differences between the old limited license and the new limited license are:

1. **Where you can drive:**
 - a. The old limited license specified a person could only drive to and from work. The ignition interlock limited license allows a person to drive anywhere as long as they have the device installed on their vehicle.

2. Employment:

- a. The old limited license required a person to be employed. The ignition interlock limited license is based on the ignition interlock device and not on whether or not a person is employed.

The blank CS for HB 19 also contains several changes to existing statutes (Sections 1,2,4,5 & 6). The changes are summarized below:

Section 1: Changes existing AS 11.76.140 (*Avoidance of an Ignition Interlock Device*) by elevating the offense for tampering with an ignition interlock device to a class A misdemeanor from an unclassified offense. Section 1 also clarifies the mental states governing whether or not a person violates AS 11.76.140 when renting or loaning a vehicle to a person that is required to have an ignition interlock device.

Section 2: Adjusts the existing limited license (AS 28.15.201(d)) allowing a person to apply to the courts for the old type of limited license if they cannot reasonably get an ignition interlock device installed on their vehicle.

Section 4: Makes conforming changes to the driving while license suspended or revoked statute.

Section 5 & 6: Requires the court to make findings regarding whether or not a person should be required to have an ignition interlock device on their vehicle throughout the period of their probation.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: February 19, 2006
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to CSHB 19 (STA) in CS HB 19 (JUD) (25-LS0133\L)

The CS for HB 19 (25-LS0133\L) includes new language that includes avoiding an ignition interlock device in the affidavit required under section 3 (old section 2), makes conforming changes to the statute and clarifies that attempting to operate a vehicle that is prevented from starting is not considered a violation of the limited license.

Changes:

Section 1: Adds a new section 1 amending AS 11.76.140 to conform existing statute to the new ignition interlock limited license, removes subsection (2) governing rentals and loans, changes the classification of the offense to a class A misdemeanor.

Renumbered sections accordingly

Section 3: (Old Section 2) Changed "that is" on page 2 line 25 to "shall be" and inserted new language on page 2 line 26: "If the ignition interlock device prevents a vehicle from being operated, the person has not violated the requirements of the limited license by attempting to operate the vehicle."

The new language is intended to address 2 AAC 90.230 (A) which gives the division the power to cancel an ignition interlock limited license if the person "attempted to operate a motor vehicle after consuming alcohol sufficient to lock-out the ignition."

Added, on page 3 lines 7-8 a new (B) in the required affidavit giving notice that circumventing or tampering with an ignition interlock device is a violation of AS 11.76.140.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: February 7, 2006
TO: Representative Meyer
FROM: Mike Pawlowski
RE: Changes to HB 19 in CS HB 19 (STA) (25-LS0133\M)

Changes:

Section 1: No changes.

Section 2: Rewrote lines 4-7 on page 2 to retain the court system's authority to issue a limited license which was repealed by section 6.

Added in subsection (1) (Page 2 lines 12-13) "or a similar municipal ordinance" to ensure that HB 19 applies to convictions under municipal DUI ordinances.

Section 4 & 5: Added new section 4 extending the court's authority to require an ignition interlock device beyond the initial period of probation.



State of Alaska
Department of
Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

February 22, 2007

The Honorable Kevin Meyer
House of Representatives
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182

Dear Representative Meyer:

Re: HB 19

The Alaska Department of Public Safety (DPS) supports HB 19 to enhance current law regarding limited driver's license privileges and ignition interlock devices.

Currently, at least 46 states and the District of Columbia have laws that require some offenders to drive only if their vehicles have been equipped with ignition interlocks.¹ In neighboring Canada, one province that has implemented ignition interlocks is showing a reduction in the repeat DWI rate by 80% during the first 12 months for first-time offenders and by 74% during the first 24 months among repeat offenders.²

Studies have shown that about one-third of all drivers arrested or convicted of driving under the influence of alcohol are repeat offenders (Fell, 1995). In addition, the risk of a driver who has one or more DWI convictions becoming involved in a fatal crash is about 1.4 times the risk of a driver with no DWI conviction (NHTSA, 2000).

The Department of Public Safety is committed to increasing safety on Alaska's highways and supports passage of HB 19 as a means of reducing impaired driving.

Sincerely,

Walt Monegan
Commissioner

¹ Insurance Institute for Highway Safety.

² <http://www.interlockdevice.com/r3.htm>

Promising Sentencing Practice No. 5 Ignition Interlock Devices



By Judge Calvin Holden (Missouri)

Overview

While DWI sanctions have generally focused on punishing, rehabilitating, or incapacitating the drinking driver, another approach to controlling the DWI offender that has emerged in recent years is to focus on the offender's vehicle as a means of influencing the offender. One of these approaches, which has proven to be effective, is the ignition interlock device.

To prevent a convicted DWI offender from driving while intoxicated, courts may require the installation of an ignition interlock device on the offender's vehicle. Courts employ this sentencing practice because:

- Installation of the device allows DWI offenders to maintain their responsibilities (e.g., driving to work, taking children to school, running errands, etc.), while also serving as a constant reminder that their privilege to drive is contingent on their sobriety.
- Given the fact that many offenders whose licenses are suspended or revoked will continue to drive without a license, a deterrent to DWI other than license suspension or revocation is necessary to protect public safety.

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What Is An Ignition Interlock Driver?

An ignition interlock device consists of a breath-testing unit that is connected to a vehicle's ignition switch. To start the vehicle, the driver must blow into the unit. If the breath sample provided by the driver contains more than a predetermined blood alcohol concentration, the ignition interlock device prevents the vehicle from being started. To meet the model specifications set by NHTSA, the ignition interlock device must not only require a breath test to start the vehicle, but must also require a subsequent "rolling or running retest" to prevent another person from starting the vehicle and then allowing an impaired driver to take over the wheel. The ignition interlock system records the results of all breath tests, as well as all attempts to circumvent or tamper with the device.

Federal Law

The TEA-21 Restoration Act supports the use of ignition interlock devices by

mandating that State laws regarding second and subsequent convictions for DWI must require that all vehicles of repeat DWI offenders be impounded or immobilized for some time period during the license suspension period, or require the installation of an ignition interlock system on all of the offender's vehicles for some time period after the end of the suspension. Otherwise, the State risks losing Federal funding.⁵²

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State Laws

Forty-three States have laws providing for either the discretionary or mandatory installation of ignition interlock devices on the vehicles of repeat DWI offenders. New Mexico, for example, requires that as a condition of probation upon a first conviction for aggravated driving while under the influence of intoxicating liquor or drugs,⁵³ an offender shall be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender.⁵⁴

Costs

The offender is required to pay for the ignition interlock device. The average cost for installation of the device is approximately \$100-\$150, and monthly monitoring and calibration is approximately \$65.

Effectiveness Of The Device

The ignition interlock device has proved to be an effective deterrent to DWI because when properly installed and regularly monitored, the device is extremely difficult to circumvent. It has also proved to be an effective deterrent when it is emphasized to the offender that this is a lesser penalty than might be imposed (e.g., impounding the offender's vehicle) and is conditioned on the offender's correct use of the device every time he or she drives.

Studies have shown:

- A recidivism rate of 0-4 percent by offenders whose vehicles were equipped with an ignition interlock device.⁵⁵
- That offenders were 65 percent less likely to re-offend while the device was in place than those offenders who were not required to install the device.⁵⁶
- That multiple DWI offenders who were required to install ignition interlock devices were less than half as likely to have subsequent DWI convictions within three years, as compared with other multiple DWI offenders who were not required to install the devices.⁵⁷
- That after 30 months, the recidivism rate for offenders placed in an interlock group was only 1.5 percent, compared to 16.1 percent for offenders in the non-interlock group.⁵⁸
- That a program which combined an ignition interlock requirement with substance abuse treatment and license suspension was more effective in

preventing recidivism than any other program.⁵⁹

Other researchers have found, however, that the deterrent effect of the device generally ends once it is removed, and that the likelihood that offenders who were required to install the device will commit a repeat DWI offense following removal of the device is virtually the same as for those who were not required to install the device.⁶⁰ Research suggests that the device should remain installed until the offender can demonstrate an extended period of sobriety.⁶¹ When combined with substance abuse counseling, there is some evidence that the deterrent effect of the device may continue beyond its removal.⁶²

One court found that the practical effectiveness of the device was limited because only a small number of offenders were willing to install the device in order to be able to drive legally. Consequently, it adopted a court policy that created a strong incentive for offenders to install the device by making traditional penalties, such as jail or electronically monitored house arrest, the alternative to participation in the interlock program. Comparison of the recidivism rates of offenders subject to this policy with offenders in similar, nearby courts, not using interlocks, indicated that the policy was producing substantial reductions in DWI recidivism.⁶³

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Using Data Recorded by Device

The data recorded by the ignition interlock device may provide information regarding the offender's particular pattern of alcohol abuse that may be useful in attempting to change the offender's behavior through counseling or other means (e.g., by showing the offender's attempts to drive while intoxicated at a certain time of day or under certain circumstances).⁶⁴ Some researchers have concluded that interlock data may eventually come to serve as a useful adjunct for monitoring offenders by alcohol counselors, as well as by courts and motor vehicle authorities.⁶⁵

Barriers to Using the Device

Judges and prosecutors who participated in a 2003 study conducted by the California Department of Motor Vehicles noted three barriers that exist to requiring ignition interlock devices:

- Many offenders are unable to pay for these devices;
- Many offenders do not own a vehicle; and
- Monitoring offenders ordered to install an ignition interlock device is time-consuming and difficult.⁶⁶

One method of dealing with offenders who do not own a vehicle is to require them to sign a waiver stating that they will not own or operate a vehicle that is not equipped with an ignition interlock device.

⁵² See 23 U.S.C. § 164(a)(5)(B).

⁵³ N.M. Stat. §66-8-102 (D): Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while driving a vehicle within this state;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

⁵⁴ N.M. Stat. §66-8-102 (N).

⁵⁵ See "The Technology Answer to the Persistent Drinking Driver," National Commission against Drunk Driving (NCADD), <http://www.ncadd.com/015.cfm>.

⁵⁶ See Beck, Kenneth H., et al., "Effects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenses: A Randomized Trial in Maryland," *American Journal of Public Health*, Vol. 89, No. 11, pp. 1696-1700 (November 1999); Coben, Jeffrey, and Gregory Larkin, "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism," *American Journal of Preventive Medicine*, Vol. 16, No. 1S, pp. 81-87 (1999).

⁵⁷ See Fulkerson, Andrew, "Blow and Go: The Breath-Analyzed Ignition Interlock Device as a Technological Response to DWI," *American Journal of Drug and Alcohol Abuse*, Vol. 29, pp. 219-229 (2003).

⁵⁸ See More, Barbara J. and Delbert S. Elliott, "Effects of Ignition Interlock Devices on DUI Recidivism: Findings from a Longitudinal Study in Hamilton County, Ohio," *Crime & Delinquency*, Vol. 38, pp. 131-141 (1992).

⁵⁹ See Tashima, Helen N. and Clifford J. Helander, "1999 Annual Report of the California DUI Management Information System," California Department of Motor Vehicles, pp. 30, 38 (January 1999).

⁶⁰ See Raub, R., et al., "Breath Alcohol Ignition Interlock Devices: Controlling the Recidivist," *Traffic Injury Prevention*, Vol. 4, No. 3, pp. 199-205 (2003); "Alcohol Ignition Interlock Devices I: Position Paper," *International Council on Alcohol, Drugs and Traffic Safety (ICADTS)*, p. 11 (July 2001).

⁶¹ See Raub, supra.

⁶² See Raub, supra.

⁶³ See Voas, Robert A., et al., "Evaluation of a Program to Motivate Impaired Driving Offenders to Install Ignition Interlocks," *Accident Analysis and Prevention*, Vol. 34, No. 4, pp. 449-455 (2002).

⁶⁴ See Marques, Paul R., et al., "Predicting Repeat DUI Offenses With Alcohol Interlock Recorder," *Accident Analysis and Prevention*, Vol. 33, No. 5, pp. 609-619 (2001); Marques, Paul R., et al., "Behavioral Monitoring of DUI Offenders with Alcohol Ignition Interlock Recorder," *Addiction*, Vol. 94, No. 12, pp. 1861-1870 (1999).

⁶⁵ See Marques, Paul R., et al., "Behavioral Measures of Drinking: Patterns from the Alcohol Interlock Record," *Addiction*, Vol. 98, No. 2, pp. 13-19 (2003).

⁶⁶ See DeYoung, David, "An Evaluation of the Implementation of Ignition Interlock in California," *Licensing Operations Division, Research Notes—2003*, http://www.dmv.ca.gov/about/profile/rd/resnotes/evaluation_implementation.htm.

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Alcohol Ignition Interlock Fact Sheet

Alcohol ignition interlocks

An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's alcohol concentration is below a pre-set blood alcohol concentration (BAC). A data recorder logs the driver's BAC for each attempt to start the vehicle. Interlocks may be calibrated to have "rolling retests," which requires a driver to provide breath tests at regular intervals, preventing drivers from asking a sober friend to start the car, drink while driving, or leaving the car idling in a bar parking lot.¹

Use and prevalence of interlocks

Interlocks are used as a condition of probation for drunk driving offenders after their driver's licenses have been reinstated; they can also be directly mandated by judges. Sometimes interlocks can be used when licenses are revoked upon arrest for drunk driving as well, before conviction. As of 2006, 45 states and the District of Columbia allow for interlocks for some drunk driving offenders.²

- In 20 of these states, the law mandates the use of ignition interlock devices for DWI offenders. These states include: Arizona, California, Colorado, Florida, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Virginia and Washington.³
- Twenty-five states have laws that provide for the discretionary use of ignition interlock devices for DWI offenders. These states are: Alaska, Arkansas, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Wyoming, and the District of Columbia.⁴
- Five states, Alabama, Hawaii, Maine, South Dakota and Vermont, have no ignition interlock provisions.⁵

Despite these various laws throughout the nation, only 100,000 interlocks are in service in the United States.⁶

Effectiveness of interlocks

Interlock devices are up to 90 percent effective while installed in a vehicle.⁷ Once the interlock is removed from the offender's vehicle, however, the recidivism is similar for both offender groups.⁸ The average offender with an interlock installed in their vehicle gives a breath test five to nine times per day, of which 99 percent feature a BAC under .02.⁹ This data shows that interlocks are an effective weapon against drunk driving.

Alcohol ignition interlocks save lives

Each year, one-third of all drunk driving arrests are of drivers who have previously been convicted of drunk driving. Installing interlocks on all repeat offenders has the potential to save the lives of at least 300 individuals per year.¹⁰ Expanding the installation of interlocks into the

cars of first time offenders could save at least 1,600 lives.¹¹ By requiring interlocks for all convicted drunk drivers, we could save at least 1,900 lives per year.

The public supports the implementation of alcohol ignition interlocks

Eighty-five percent of the public supports the mandatory installation of alcohol ignition interlocks in the vehicles of repeat DWI offenders and 65 percent also support the mandatory installation of interlocks for first time offenders.¹²

Best use of interlock programs

New Mexico is the best model of successful judicial ignition interlock program. In 2005, New Mexico passed a law making interlocks mandatory for all drunk driving offenders: one year for first offenders, two years for second, three years for third, and a lifetime for the fourth offense. As of June 2006, 5,265 ignition interlocks had been installed in New Mexico, significantly more per capita than in any other state.¹³ Additionally, interlocks are perceived as a fair sanction by 85 percent of more than 3,000 offenders from that state.¹⁴

Alcohol ignition interlock programs have been adapted in other countries, as well.

- Australia has interlock programs in three of its states, adding up to 2,500 total interlock installations as of June 2006.¹⁵
- Almost all of the Canadian provinces have interlock programs for drunk driving offenders, most of which are voluntary.¹⁶
- The European Union has conducted feasibility studies in Belgium, Germany, Norway and Spain, while voluntary ignition interlock programs for convicted drunk drivers are also being tested in Finland, France, Germany and Great Britain.¹⁷
- Sweden has the most advanced interlock laws, as drunk driving offenders can choose between having their drivers license revoked or keeping it and participating in the interlock program. For two years, offenders must drive only interlock vehicles and cannot drive outside of Sweden. Drivers are dropped from the program if they are not completely sober during the second year. Two years after they left the program, successful participants had significantly fewer drunk driving arrests and crashes than they did before starting the program.¹⁸

Expanding interlock use for all convicted drunk drivers

The *Campaign* supports several approaches to implement greater use of interlocks for all convicted drunk driving offenders. First, new state laws need to be enacted to require interlock use by all drunk driving offenders, including first time offenders. Second, judges are one of the keys to increasing interlock use because they have the power to implement interlock laws and to penalize drivers who fail to comply with interlock program requirements. The *Campaign* aims to provide active education among state driver's license officials, judges and prosecutors on interlocks.¹⁹

¹¹ MADD, *International Technology Symposium: A Nation without Drunk Driving Summary Report*, November, 2006: pg 4.

¹² MADD (2006), *State-by-State Alcohol-Related Laws*. www.madd.org/laws.

¹³ MADD (2006), *Ignition Interlock Brief*.

¹⁴ *Ibid.*

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- ⁵ Ibid.
- ⁶ Marques, Paul. "Technology Today: Controlling DWI Offenders with Alcohol Ignition Interlock Programs" Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ⁷ Voas, Robert, et al. "The Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 (12): 1849-1859. 1999.
- ⁸ Marques, Paul.
- ⁹ Ibid.
- ¹⁰ Fell, James. "Potential Role of Technology in Reducing Alcohol-Related Traffic Fatalities." Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ¹¹ Ibid.
- ¹² McInturff, Bill. "A Presentation of key findings from a national survey of 800 drivers conducted June 8-11, 2006." Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ¹³ Ibid.
- ¹⁴ Roth, Richard. "Interlocks in New Mexico". Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.
- ¹⁵ MADD, *International Technology Symposium: A Nation Without Drunk Driving Summary Report*, November, 2006: pg 4.
- ¹⁶ Ibid, pg 4.
- ¹⁷ Ibid, pp 4-5.
- ¹⁸ Ibid, pg 5.
- ¹⁹ Ibid, pg 5.



Ignition Interlock - Issue Brief

[Overview](#) | [Take Action](#) | [Related Issues](#) | [Resources](#)

Overview

Repeat offenders are a significant portion of the drunk driving problem – about one-third of all DUI arrests each year are of people who have been convicted previously of driving under the influence. (Fell, 1995) Considering that between 50 and 75 percent of those whose licenses are suspended or revoked as the result of driving under the influence continue to drive without their license, (Nichols and Ross, 1990) (Voas and Tippetts, 1994) revoking a license is good, but not always enough.

Ignition interlocks prevent people who have alcohol in their system from driving a car. An operator breathes into an interlock device to determine blood alcohol concentration. If there is measurable alcohol in the blood, the vehicle does not start.

As one might expect, this stops offenders from re-offending while the interlock device is on the vehicle. Interlocks have been shown to be effective in Maryland (Beck, 1999), Alberta (Voas, et al, 1999), California (Tashima and Helander, 1999), and elsewhere (Weinrath, 1997) (Cohen, 1999) with results ranging from 50 to 90 percent reductions in subsequent offenses by those offenders who were assigned interlock devices, compared with those who were not.

While interlocks are not the only solution, as offenders tend to go back to their old ways once the device is off of the vehicle, they certainly keep the roads safer while these devices are in place.

Take Action

Thirty-one states and the District of Columbia have not yet made interlock interlocks mandatory: Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, and Wyoming. *if you are from one of these states, please click here to email your representatives to tell them you want to mandate the use of ignition interlocks.*

Related Issues

- [Ignition Interlocks](#)
- [Repeat Offenders](#)
- [Ignition Interlocks](#)
- [Driving while suspended](#)
- [Administrative license revocation \(ALR\)](#)
- [Vehicle impoundment](#)
- [Mandatory assessment and treatment](#)

Resources

- *Official Position Statement*
- *State Laws*
- *Studies*
 - *MADD's Impaired Driving Summit Report (PDF)*
 - Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland." *American Journal of Public Health*, 89 vol. 11 (1999): 1696-1700. ([Click here](#))
 - Coben, Jeffrey, and Gregory Larkin. "Effectiveness of Ignition Interlock Devices in Reducing Drunk Driving Recidivism." *American Journal of Preventive Medicine* 16 vol. 1S (1999): 81-87. (not yet online)
 - Fell, Jim. "Repeat DWI Offenders in the United States." Washington, DC: National Department of Transportation, National Highway Traffic Safety Administration Traffic Tech No. 85, February 1995. ([Click here](#))
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 - Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." *Alcohol, Drugs and Driving* 6(2) (1990): 33-55. ([Click here](#))
 - Peck, R.C., R. J. Wilson, and L. Sutton. "Driver License Strategies for Controlling the Persistent DUI Offender," *Strategies for Dealing with the Persistent Drinking Driver*. Transportation Research Board, Transportation Research Circular No. 437. Washington, DC: National Research Council (1995): 48-49. (not yet online)
 - Tashima, H.N., and C.J. Helander. 1999 *Annual Report of the California DUI Management Information System*. Sacramento, CA: California Department of Motor Vehicles Research and Development Section, 1999. (not yet online)
 - Voas, Robert, et al. "Alberta Interlock Program: The Evaluation of a Province-Wide Program on DUI Recidivism." *Addiction* 94 vol. 12 (1999): 1849-1859. (not yet online)
 - Voas, Robert and A. Scott Tippetts, A.S. "Unlicensed Driving by DUIs - A Major Safety Problem?" TRB ID No. CR077. Paper presented at the 73rd Annual Meeting, Transportation Research Board, Landover, MD, (1994, January 9-13). (not yet online)
 - Weinrath, M. "Ignition Interlock Program for Drunk Drivers: A Multivariate Test." *Crime and Delinquency* 43 vol. 1 (1997): 42-59. (not yet online)
- *Fact Sheets*
 - NCLS. "Ignition Interlock Requirements for Convicted Drunk Drivers." As of July 2003. ([Click here](#))
- *Testimony*
 - Wendy Hamilton's testimony before the Senate Appropriations Committee, May 22, 2003. ([Click here](#))
 - Wendy Hamilton's testimony before the Senate Commerce, Science & Transportation Committee, May 22, 2003. ([Click here](#))
- *Press Releases*

- o "Florida Legislature Adopts Stricter DUI Laws", Mothers Against Drunk Driving Press Release. April 3, 2002. (*Click here*)



MADD's Positions on Sanctions

Position:

*License Plate/Vehicle Impoundment and Confiscation
Administrative License Revocation
Progressive Sanctions
Mandatory Confinement for Repeat Offenders
Minimum Security DWI/DUI/ Facilities
Anti Charge Reduction
Equal Penalties
DWI Tracking Systems
Probationary Technology
Ignition Interlock Devices*

License Plate/Vehicle Impoundment And Confiscation

MADD advocates confiscating (or impounding) vehicles or plates from the vehicles of habitual impaired drivers or those who drive while under driver's license suspension or revocation, where the suspension or revocation was the result of driving under the influence or any other alcohol related driving offense.

Administrative License Revocation

MADD advocates implementation of administrative drivers license revocation or suspension laws for drivers whose blood alcohol content exceeds the legal limit defined by law.

Progressive Sanctions

MADD advocates a two-track system of penalties applied in both the administrative and criminal justice systems. Designed to reduce impaired driving by repeat offenders and deter those who have not been detected, the system will administer progressively more severe sanctions to deter offenders who have not been detected and reduce recidivism of those who have been detected.

Mandatory Confinement for Repeat Offenders

MADD favors confinement which cannot be suspended or probated for those convicted more than once of driving while under the influence. Drunk driving is a crime, and continued incidence of such offenses warrants the punitive effect of a certain jail sentence. Making the sentence mandatory removes the uncertainty and increases deterrent value of the sanction.

Minimum Security DWI/DUI/ Facilities

MADD calls for the development of special minimum security facilities for incarceration of convicted DWI/DUI offenders, which include assessment and treatment while incarcerated.

Anti Charge Reduction

MADD believes that all who are charged with DUI/DWI offenses should be prosecuted as charged, rather than be allowed to negotiate to a lesser offense, especially a non alcohol related offense.

Equal Penalties

MADD believes that all impaired driving violations resulting in death or serious bodily injury, as well as leaving the scene of a crash, should be felonies. The penalties for these offenses should be equal.

DWI Tracking Systems

MADD supports the implementation of integrated DWI tracking systems that record pertinent information on DWI offenses from arrest to final disposition by the courts and driver license agencies. Tracking systems should include arrest records from all police agencies, prosecution court disposition and driver licensing records and should be accessible by all law enforcement agencies and courts.

Probationary Technology

MADD supports investigation and evaluation of new scientific technology designed to prevent individuals from driving under the influence of alcohol, such as ignition interlock device; however MADD does not support the use of such technology as a substitute for appropriate traditional penalties and sanctions for drunk driving, such as license revocation and jail sentences.

Ignition Interlock Devices

MADD supports the use of ignition interlock devices as an additional penalty and sanction for drunk driving offenders. The use of such devices should be in addition to normal sanctions such as fines, license sanctions and jail sentences. MADD supports laws that would require that offenders install these devices on their vehicles during probationary periods and as a prerequisite to being issued a limited driving permit or a probationary or restricted license, where such restricted permits are permitted by law.

Blow and go: the breath-analyzed ignition interlock device as a technological response to DWI - driving while intoxicated

Andrew Fulkerson

- judge

BACKGROUND

In the last two decades, the crime of driving while intoxicated (DWI) has been one of the most visible of criminal or traffic related offenses. For many years, until the 1980s, the violation of laws prohibiting the operation of motor vehicles while under the influence of alcohol was not pursued with the same degree of enthusiasm with which they are at the present.

The activist organization, Mothers Against Drunk Driving (MADD), was formed in 1980 as a part of a grassroots campaign to get impaired drivers off of the roadways of America (1). Citizen involvement by groups such as MADD and others resulted in campaigns to increase the minimum drinking age in states that permitted drinking under the age of 21, passage of "dramahop" laws that make sellers of alcohol liable for damages sustained by persons injured by drunk drivers, and programs to make the public more aware of the dangers of driving under the influence (2).

This groundswell of public opinion worked in tandem with legislative reforms to produce significant decreases in alcohol-related crashes. In fact, the public opinion campaign is thought to be so important and effective, that it, in and of itself, should be viewed as an intervention completely separate and apart from the legislative enactments that changed the law and procedure of DWI/DUI offenses in the early 1980s (1).

The United States Department of Justice, Bureau of Justice Statistics, reports a substantial decrease in the DWI arrest rate. The arrest rate per 100,000 drivers fell from 1124 in 1986 to 809 in 1997 (3). This is an impressive decline of 28% in a little over a decade (see Table 1). Thus, it may appear that there has been a positive cumulative effect from a combination of the changing social and cultural climate regarding drinking and driving and the increased attention from law enforcement and the courts.

Much of the public opinion regarding drunken driving mentioned above has supported a "get tough" approach to handling DWI cases. In keeping with this sentiment, the number of persons in jail, prison, or on probation for DWI has increased from 270,100 in 1986 to 513,200 in 1997 (3).

TECHNOLOGICAL RESPONSE TO DWI OFFENSES

The handling of cases involving driving under the influence has become increasingly dependent on technology. Examples include the use of blood and breath tests to establish impairment. The level of alcohol in the system has been measured in terms of blood-alcohol content (BAC). Two pioneer studies that examined the relationship between BAC and its relationship to automobile crashes were the Manhattan Study and the Grand Rapids Study. The Manhattan Study found that alcohol increased the risk of a fatal vehicular crash (4). The Grand Rapids Study produced the "relative risk curve," which predicts the increased likelihood of being involved in an automobile crash at increasing BAC levels (5).

Persons can be, and often are, found guilty of DWI without scientific evidence of the person's BAC through testimony of eyewitnesses who provide evidence of the defendant's demeanor, physical appearance, speech patterns, and driving skill. However, this evidence will often not be enough in close cases where the defendant is not obviously under the influence of

alcohol. As a result, courts began to rely on objective scientific evidence of impairment.

Blood-alcohol content is measured in milligrams of ethanol per milliliters of whole blood. Until recently, most states had laws establishing the BAC level of 100 mg of ethanol per 100 mL of whole blood (0.10 g/dL) as the point at which an individual is incapable of safely operating a motor vehicle. However, it has been reported that even low-dose BAC's (under 0.05) will impair the visual perception, acuity, and complex reaction times of subjects (6). Thus, it could be argued that there is no "safe level" of alcohol in one's system in terms of safely operating motor vehicles. In response to this factor, many states have reduced the "guilty per se" limit to a BAC of 0.08. The federal government has encouraged this change by making the availability of certain highway funding contingent on moving to this lower BAC limit.

Early scientific tests for determining BAC were based on venous blood samples. Alcohol found in the breath of subjects was found to correlate to levels found in venous blood, and the National Safety Council Committee on Alcohol and Drugs recommended the use of breath testing in impaired driving cases in 1953 (6).

The Breathalyzer was developed for use by law enforcement by Robert Borkenstein in 1954. This machine measures the BAC of persons based on breath samples. Because the taking of breath samples is much less intrusive and expensive than sampling blood, the breath test soon became the accepted method for establishing the blood-alcohol level of suspected drunk drivers (7). There are presently several machines that provide breath analysis for law enforcement agencies on the market.

In addition to the use of modern scientific technology for evidentiary purposes, technology may also be used in such a manner as to prevent offenses. Such preventive technology has been considered since before 1970 (8,9). This preventive technology seeks to fill the quest for a "car that drunks can't drive" (8,10).

Early devices included locking systems that required the driver to enter a numerical code in the proper sequence before the vehicle would start. This, and other exercises, called critical tracking tasks (CTT), met with only limited success. In-vehicle breath testing was initially found to be impractical due to concerns over reliability and circumvention. Eventually, the technology of breath testing improved and was found to be reliable (11). But circumvention remained a problem (7). Some methods of circumventing the interlock included giving stored breath samples. When features that reduced the possibility of cheating were introduced, the modern breath-analyzed ignition interlock device emerged. Now, the most frequent method of "circumvention" by offenders is the operation of a vehicle that is not equipped with the interlock (12). The interlock device itself is not circumvented, but the court order requiring the use of the device is violated.

This device is installed in the ignition system of a motor vehicle. An interlock device typically uses a handheld unit connected by a wire to the analyzer unit mounted under the dash (7). The driver must give a breath sample that does not have the presence of alcohol in excess of a predetermined threshold amount. An excessive amount of alcohol in the driver's breath sample will prevent the ignition system from starting the vehicle. A "fail" BAC level will prevent the vehicle from being started for a predesignated time, usually 30 min. The ignition interlock will not prevent a person from drinking, nor will the device prevent a person from driving. But it will prevent one from drinking and driving in a particular vehicle. It has been observed that the ignition interlock is "designed to control the intersecting risk behaviors (drinking and driving) rather than either behavior separately" (13).

The ignition interlock is typically required as a part of an offender's sentence as imposed by the trial judge following a conviction for driving under the influence of alcohol. The offender is under court order not to drive any motor vehicle that is not equipped with an interlock system. The interlock system can also be programmed to require subsequent breath samples, called "rolling re-tests," which are used to deter an impaired driver from attempting to get his or her vehicle started with the aid of a sober person. If not for this feature, a person under the influence of alcohol could have a friend provide the initial sample to get the car started and then drive to his or her desired destination. The driver must continue to give breath samples

even while the vehicle is in motion. A failure of the test while the vehicle is in motion does not cause the vehicle to stop for safety concerns. A retest failure causes the lights to flash and the horn to honk until the driver stops the vehicle. At that point, the vehicle is shut down and will not start again until such time as a "passing" breath sample is provided. These retests should also deter a driver from consuming alcohol while driving. The ignition interlock system records data of all tests and is downloaded at periodic intervals by technicians.

Studies have shown that the ignition interlock is effective in reducing recidivism rates among persons who have an interlock device in their vehicle (14). The Beck study conducted in Maryland reported that offenders in interlock programs have reduced their risk of being involved in an "alcohol traffic violation" within 1 year (13).

A 30-month longitudinal study of the interlock and its effect on recidivism in Ohio showed that a group of drivers who were sentenced to drive with an interlock device experienced a 65% decrease in the probability of a subsequent drunken driving arrest than a comparison group that was not required to use the interlock (15). The ignition interlock has been described as having an educational component in that it "requires the driver to change life habits related to drinking and driving" (16). It may also include rehabilitative features. The machine provides instant feedback to the offender. If one has consumed enough alcohol to exceed the preset BAC limit, then the vehicle will not start. This feature gives the offender the chance to learn how much alcohol consumption is unacceptable prior to driving (10,16).

This study will examine whether the ignition interlock results in a reduction in subsequent convictions of persons convicted of DWI in one court jurisdiction. It will also consider both the deterrent and rehabilitative effect of the interlock as a part of DWI sentences.

STUDY METHODOLOGY

Greene County, Arkansas, is a rural community in Northeast Arkansas with a population of approximately 35,000. Craighead County is an adjoining county with a population of approximately 75,000. Both counties have experienced significant growth in population and industry in recent years. The county seats of each county are only 20 miles apart and are in the same judicial circuit. According to Census 2000 of the U.S. Census Bureau, Greene County is 97% white, 69.5% of its residents are 21 years of age or older, and 72.6% reside in family households. Craighead County is 89.3% white, 69.5% 21 years of age or older, and 68.4% reside in family households.

To evaluate the effectiveness of the interlock system, court records in Greene County were examined to determine the identities of all cases of DWI for the first 14 months of the program (May 1, 1995 through June 30, 1996). This group included 315 offenders. From this group of 315 offenders, a total of 178 actually installed an interlock device on their vehicle. Of the 137 persons who failed to comply, many had no vehicle and made other arrangements for transportation. We must realistically presume that some were driving non-interlock-equipped vehicles. However, all will continue to have the requirement of an interlock device as a restriction on their license until such time as this requirement is completed.

A comparison group of 6 months of offenders in adjoining Craighead County was then identified. This time frame was January 1, 1996 through June 30, 1996. This group was made up of 312 persons. The study population consisted of all DWI offenders in the two courts for the applicable time periods. The Office of Driver Control of the State of Arkansas provided the driving history of all persons in the experimental and comparison groups for a period of 3 years after their conviction dates.

The treatment group subjects were required to use the interlock for time periods of either 6 or 12 months. The 3-year study period provides for examination of recidivism following the removal of the interlock from the subject's vehicle. One criticism of other studies of the ignition interlock is that most only examine recidivism during the time that the interlock is actually in the offenders' vehicle (14). Inasmuch as treatment subjects were required to use the interlock for 6-12 months and their driving

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and criminal records were examined for 3 years following the installation of the interlock, this study has the benefit of at least 2 years of rearrest history after the removal of the device.

The interlock provider for Greene County offenders also reviewed data obtained from interlock devices regarding the blood alcohol level found in breath samples of interlock clients for the time frame from which Greene County offenders were selected.

LIMITATIONS OF STUDY

This study must be viewed as being somewhat limited. Readers are cautioned regarding generalizing data on a nationwide basis due to the fact that this project contains a small study population. The study also suffers from a similar problem for which other studies have been criticized; it is not based on a random experimental design (16). However, an experimental design will be difficult to achieve because most judges will be reluctant to assign offenders randomly to the interlock device. The interlock is, in and of itself, a substantial penalty. Judges will not want to impose this punishment on a random basis, which punishes half of the offenders in this manner while not punishing the other half on the basis of nothing more than the luck of when their case was docketed. Judges strive for fairness in sentences, believing that similarly situated persons should be treated in a similar manner. The random assignment of this form of punishment runs contrary to this principle. When judges impose a treatment procedure as a part of a sentence, they do not want to withhold this component of the sentence on pure random chance.

The differences in experimental and control groups could be addressed in future studies by assigning 100 consecutive subjects to an experimental group and the next 100 consecutive subjects to a control group. This method of group assignment may be more acceptable to a sentencing judge than pure random assignment.

FINDINGS

Recidivism Rates

The experimental group of DWI offenders who were required to drive only when using the interlock device experienced a lower rate of DWI recidivism than did the comparison group. Of the 315 offenders in the Greene County experimental group, 55 (17.5%) were convicted of a subsequent DWI within 3 years. The control group of 312 offenders whose group was not exposed to the ignition interlock produced 79 (25.3%) offenders who had subsequent DWI convictions within the 3-year follow-up period (see Table 2).

This is a 31% decrease in recidivism rates after 3 years for the interlock group subjects. What is the measure of association between the independent variable of interlock use and the dependent variable of recidivism? The two variables produce a Phi of only 0.096, which must be described as a weak to moderate relationship.

Length of time for use of the interlock had no effect on recidivism. As mentioned above, some offenders were required to drive with the ignition interlock for a period of 6 months, whereas others were sentenced to an interlock term of 1 year. The 6-month interlock users and 12-month interlock users had almost identical recidivism rates. This could be attributed to the fact that 12-month interlock users tended to be offenders who were convicted of multiple DWI offenses, a group that may be more difficult to reach through treatment or punishment.

Survival Rates

The subject groups were followed for 3 years subsequent to their offense dates for the purpose of comparing survival data. For the interlock group, 4.1% of the subjects had been charged with another DWI offense at the end of 6 months, compared to 8%

of the control group subjects. Thus, the interlock group had a 6-month survival rate of 95.9%, whereas the control subjects had a 92% survival rate at this point. At 1 year, the interlock group had a 92.4% survival rate compared with 85.3% rate for the control group. At 18 months, the survivors were 88.9% for the interlock subjects and 80.8% for the control group offenders. This point marked the largest spread between the two groups. After 24 months, 85.4% of the interlock group remained free of additional DWI charges compared to 78.2% of the control subjects. At 36 months, the gap narrowed to 81.3% of the 1995-1996 interlock group surviving 3 years without subsequent DWI charges compared with 74.7% of the Craighead County control group.

The 1995-1996 interlock group had higher survival rates at all time periods. Both groups showed declining survival rates with the lowest being at the 3-year mark. It is noteworthy that the spread between the two groups increased with the passage of time, peaking at a difference of 8.1% points after 18 months. Even a year or more after the device is removed, subjects were exhibiting continued reductions in reoffense rates. However, the difference between the two groups declined sharply at the 24- and 36-month intervals. This may indicate lessening long-term benefit of the interlock, with the increased passage of time after removal of the device (see Table 3).

Compliance with Interlock Requirement

As mentioned previously, of the 315 cases in 1995-1996 where the offenders were ordered to install an interlock in their vehicle, 178 of the offenders complied with the court's order and 137 did not comply. Thus, only a little more than half (57%) completed the interlock requirement of their sentence. This compliance rate is consistent with that found in the Maryland study by Beck, Rauch, and Baker (13). Those who did not comply with the interlock requirement will continue to have the requirement of an interlock as a restriction on their driver license until such time as they have completed this part of the sentence.

Any reduction in future offenses is desirable. However, the overall recidivism rate for the interlock subjects is not substantially better than the non-interlock group. As noted above, the recidivism rate for the interlock group was 17.5% compared to the comparison group rate of 25.3%, with a Phi of 0.096 and a significance level of 0.016, indicating a weak to moderate relationship. However, when we control for whether the interlock group subject is a first offender or a multiple DWI offender, the differences become more pronounced. First offenders experienced a 17.2% recidivism rate for interlock group, compared to a 21.1% recidivism rate for the comparison group. The Phi value is 0.048, indicating a weak relationship. This, of course, is an improvement, but not substantial. In contrast, the multiple offenders in the interlock group had a reoffense rate of 18.1%, whereas the non-interlock group had a recidivism rate of 36.9%. The Phi value for the multioffender variable was 0.211, indicating a moderate to strong relationship. The multioffenders in the group not subjected to the interlock were more than twice as likely to have a subsequent DWI conviction within 3 years than the repeat offenders who were subject to the interlock requirement. This suggests that the interlock may be most effective when selectively used (see Table 4).

Controlling for age of the offender also produced interesting results. Offenders under 30 years of age showed much greater improvement in recidivism rates than did the over 30 offenders. The interlock group under age 30 experienced a recidivism rate of 12.2% compared to an under 30 comparison group rate of 23.3%. The interlock group subjects over 30 had a recidivism rate of 19.8%. The over 30 comparison group members exhibited a recidivism rate of 27.1% (see Table 5).

Selective use of the interlock appears to produce much more substantial results than across-the-board use. Offenders under 30 years of age in the non-interlock group had nearly twice the recidivism rate than the interlock group members in the same age group. The most important variable is prior DWI history. The offenders who had previously been convicted of DWI in the interlock group were less than half as likely to receive another DWI within 3 years than the multioffenders in the non-interlock comparison group. The Phi value for the multiple offender variable (0.211) was much stronger than the value for the under 30 years of age variable (0.138).

Deterrent Effect

One of the traditional purposes of punishment is deterrence. Deterrence rational choice theory is at least partially based on economic perspective of criminal behavior. The would-be offender is presumed to make a calculation, which weighs the potential benefit that may be gained from the contemplated criminal act against the potential cost if the person is caught and punished. The "cost" of criminal behavior may be increased by making greater the likelihood of detection and punishment (2). The cost of criminal behavior is increased by enhancing the punishment. This punishment may include fines, incarceration, public service work, treatment requirements, license suspension, probation supervision, and other sentencing provisions, which may include the use of an ignition interlock device. This punishment goal can be directed toward the individual offender in the form of specific deterrence or to society as a whole in the form of general deterrence (17). Deterrence is limited by low rates of detection. Low detection rates regarding drunken drivers is also a serious limitation in measures of recidivism based on rearrest rates (10).

Incapacitation

The ignition interlock also uses another of the traditional purposes of punishment, incapacitation. The ultimate form of incapacitation, in non-capital punishment, is incarceration. Jail sentences are totally effective in preventing the offender from driving under the influence of alcohol while the person remains incarcerated. As mentioned above, studies have shown that incarceration has little deterrent effect on future violations. Another form of incapacitation is license suspension.

A device such as the interlock is a form of partial incapacitation. The offender is partially incapacitated in that his vehicle is rendered functionally inoperable if the offender, or any person, attempts to start the vehicle with a prohibited breath alcohol level.

Routine Activities Theory

Society's mobility subsequent to World War II is noted to be related to crime and criminal activity. Cohen and Felson's (18) "routine activities theory points to "... the convergence in space and time of the three minimal elements of direct-contact predatory violations: (1) motivated offenders, (2) suitable targets, and (3) the absence of capable guardians against a violation." (p. 589). Drunken driving is always potentially predatory, given the likelihood of injury of persons or property. It thus appears that drunken driving could be examined in the context of this theory. The offender (a person under the influence of alcohol and in control of a motor vehicle) meets in time and place with a victim (any member of society or their property in the path of the offender) in the absence of a capable guardian (anyone or anything that can stop the offender).

Routine activities theory ignores the motivation of criminal offenders. The theory assumes that certain persons are motivated to commit offenses and will do so if they meet with a target and there is no one or nothing to stop them. A person who has been convicted of DWI is such an offender. In fact, it could be said that the DWI offender is quite predisposed to commit this offense. The vehicle is not the target of the offense but, rather, is the tool for the commissions of the offense. As stated above, the victim is any member of society, or their property, who gets in the way of the impaired driver. The interlock becomes the capable guardian. The interlock is an example of "opportunity blocking." It is similar to anti-theft devices installed in vehicles (19). The major distinction between such devices and the interlock is that the crime-preventing device is installed in the vehicle of the potential offender instead of that of the potential victim.

The ignition interlock is a very capable guardian. As mentioned above, the interlock was extremely effective in preventing drivers from operating the interlocked vehicle while intoxicated. One driver of 315 (0.32%) was charged with DWI with an interlock in place. This offender had a child provide the breath sample while she drove the vehicle. This incident is the only time in over 5 years in the subject jurisdiction that an offender has been discovered driving under the influence with an

interlock device in place.

This incident underscores the fact that the interlock is effective but still imperfect. Other possible scenarios include the fact that an offender can drive a vehicle that is not equipped with an interlock. The offender is legally constrained, but not physically restrained, from driving another vehicle that is not equipped with an interlock. A household with more than one vehicle will not be required to install the interlock in all of the family vehicles. In addition, being a mechanical device, it may be possible to circumvent the system in some manner (13).

The provider of interlock devices (a private contractor) in the subject jurisdiction reviewed the data retrieved from the company's client base for the period of July 1, 1995 through June 30, 1996. The interlock devices were all set to prevent the operation of a vehicle if the driver's blood-alcohol level (BAC) exceeded 0.025%. Interlock unit reports indicate that the subjects were prevented from driving with a BAC in violation of the state's then-current illegal per se limit of 0.10% a total of 90 times. Another 33 starts at the 0.08% BAC level (the present legal limit) were also prevented.

Punishment in General

The interlock may be viewed as an additional sentencing option, which has a specifically deterrent effect on the offender. It may also be viewed as rehabilitative, or at least educational, in that it provides instant feedback to the offender whether an excessive amount of alcohol has been consumed to safely operate a motor vehicle. It is certainly a form of incapacitation, in that the offender is limited in what he or she can do with regard to operating the interlock-equipped vehicle. It also may satisfy that basic societal urge to get revenge on lawbreakers. The DWI sentences may include incarceration, public service work, treatment or counseling, probation supervision, license suspension, and alternatives such as the ignition interlock. All of these sentencing components, individually or collectively, cover each of the four basic punishment goals. The interlock may be viewed as another reasonable form of punishment, which covers each of these four traditional sentencing goals.

Other Intervening Factors

Are there other factors that may have played a part in this reduction in recidivism rates, particularly among repeat offenders? State law mandates alcohol education or counseling. As such, these services were provided to offenders in both jurisdictions. Moreover, the program was delivered by the same source, and subjects in both groups were provided the same program. A review of court sentences indicates that the court's sentences were similar in both groups. First offenders typically were sentenced to public service work in lieu of incarceration. Second offenders were usually sentenced to serve 10 days in jail. Third offenders were normally sentenced to serve a mandatory minimum of 90 days in jail. However, in Greene County, third offenders typically were sentenced to a 6-month jail sentence, twice the normal sentence used in Craighead County. It is possible that the stiffer jail sentence in Greene County could be associated with the lesser rate of recidivism found in Greene County. But it must be recognized that jail has not been found to have a significant deterrent effect. As stated above, all offenders were sentenced to some form of treatment based on recommendations of a presentence screening report. All offenders had additional jail time suspended on the condition that the other requirements of their sentence be completed.

There was also a difference in fines and court costs from the control group and the experimental group. Fines in Craighead County were normally \$500 for first offenders, \$1500 for second offenders, and \$2500 for third offenses. Court costs ranged from \$300 to \$340. In 1996, fines, in Greene County for DWI, were normally \$500 for a first offense; \$750 for a second offense; and \$1000 for a third offense. Court costs were set at \$325. Thus, Greene County used more jail time in some sentences and Craighead County used higher fines. In both courts, persons were permitted to perform public service work for credit toward fines if they were financially unable to pay fines. Both jurisdictions had the benefit of probation services to monitor offender compliance regarding the specific terms of their sentences.

Judicial Response

Members of the Arkansas District Judges Council were surveyed regarding their usage of the ignition interlock device at an annual meeting in May 1999. Thirty-seven judges participated in the survey. Thirty percent indicated that the interlock was available for them to use as a part of a DWI sentence. Sixty-eight percent of respondents stated they do not use the interlock as part of their DWI sentences. Twenty-two percent of the judges make use of the interlock as part of their sentences. Of those judges who do not use the interlock, 53% stated the primary reason was that the cost to the offender was prohibitive; 36% did not know how to arrange for the use of the device; and 12% said they believed the device was ineffective.

CONCLUSION

The breath-analyzed ignition interlock device is an example of a technological response to a technological problem. The problem is that the technology of the modern automobile in the hands of an impaired driver has created a serious danger to society. The technological response is to render the vehicle inoperable for a driver with a proscribed amount of alcohol in his or her system.

The ignition interlock device is not a perfect response, but it may be viewed as appropriate in certain cases. The sentencing judge must weigh the relevant factors. The interlock may be a burden on other family members who may have to share an interlock-equipped vehicle with an offender. It may also be a financial hardship on some offenders and their families. However, the device may also prevent numerous alcohol-related motor vehicle crashes. It provides both incapacitative and rehabilitative functions. The device is also a new approach to the concept of target hardening.

Although there is a difference in recidivism rates between the experimental and control groups, comparing these rates for all offenders, there was not a clear statistical relationship between the two. But the study demonstrates that recidivism is decreased significantly for multiple offenders who are required to drive with the interlock. Multiple offenders who are ordered to use the interlock are less than half as likely to have a subsequent conviction for drunken driving over a 3-year period. This decrease in subsequent violations has been shown by this study to continue even after the removal of the interlock device. In view of the foregoing, especially when applied to multioffenders, the breath alcohol ignition interlock device appears to be an effective tool in the prevention of drunken driving.

Table 1. DWI arrest rates.

Year	Licensed drivers	Arrests for DWI	Rate of arrest per 100,000 drivers
1986	159,486,000	1,793,300	1,124
1987	161,916,000	1,727,300	1,067
1988	162,854,000	1,792,500	1,101
1989	165,864,000	1,736,300	1,049
1990	167,018,000	1,810,800	1,084
1991	168,368,000	1,771,400	1,053
1992	173,125,000	1,824,500	1,053
1993	173,149,000	1,824,300	1,053
1994	175,403,000	1,884,600	1,074
1995	176,623,000	1,436,000	813
1996	179,539,000	1,467,300	817
1997	182,709,000	1,477,300	811

Change (%) 14.6 -17.6 -28.0

Table taken from Ref. (3), citing FBI, crime in the United States (1986-1997), and Federal Highway Administration. Highway Statistics (1986-1997).

Table 2. Three-year recidivism rates by group.

	Interlock group	Comparison group
Total DWI offenders	312	315
Total offenders with DWI within 3 years (%)	55 (17.5)	79 (25.3)

Table 3. Survival rates by group.

Time (months)	Interlock (N = 315) (%)	Comparison (N = 312) (%)
6	302 (95.9)	287 (92)
12	295 (92.4)	266 (85.3)
18	(284 (88.9)	252 (80.8)
24	273 (85.4)	244 (78.2)
36	260 (81.3)	233 (74.7)

Table 4. Three-year recidivism rates by offense level.

	Interlock group	Comparison group
Total DWI first offenders	232	228
First offenders with DWI within 3 years (%)	40 (17.2)	48 (21.1)
Total DWI multioffenders	83	84
Multi offenders with DWI within 3 years (%)	15 (18.1)	31 (36.9)

Symmetric measure

Offense Level	Value
First offender Phi	0.048
Multi offender Phi	0.211

Table 5. Three-year recidivism rates by offender age.

Subsequent conviction	Interlock (%)	Comparison (%)
Under age 30	12.2	23.3
Over age 30	19.8	27.1

Symmetric measures

Age	Value
Under 30 Phi	0.138
Over 30 Phi	0.086

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Representative Kevin Meyer
State Capitol
Juneau, AK 99801

Dear Mr Meyer

I was fortunate to receive a draft copy of the Alcohol Interlock legislation that is being proposed for Alaska and would like to take this opportunity to offer my support for the Bill and congratulate all those that were involved in its development.

I met Narda Butler in October last year at the International Interlock Symposium in Colorado. At the Symposium I presented on the Western Australian Interlock Scheme and spent a memorable evening with Narda discussing the work we were both doing. During that discussion we discovered that Alaska and Western Australia have much in common, especially concerning our Indigenous populations, and that we share many of the same challenges in relation to establishing an effective response for convicted drink drivers.

In my role as a consultant to the Government of Western Australia (WA), I have been working on a comprehensive strategy to reduce repeat drink driving and unlicensed driving. This includes new legislation for an alcohol interlock scheme that, like Alaska, will make provision for all convicted drink drivers to apply to our Transport Department for a special interlock licence that will allow them to drive a vehicle fitted with an interlock device for the full period of their licence revocation. The aim of our program is to reduce repeat drink driving and unlicensed driving by drink driving offenders and in doing so reduce the associated road trauma and harm to the community.

The program in WA has been developed over a number of years and I believe that the process we undertook was extremely rigorous. All the components of our program are based on the latest international research and best practice indicators, which clearly suggest that interlock schemes should be managed administratively and that, if we are really serious about reducing drink driving recidivism, drink driving offenders should be engaged in an interlock program as soon as possible after receiving a drink driving conviction and retained on that program until such time that they demonstrate a clean driving record.

It is great to see another jurisdiction base their program on the evidence that interlocks provide the best opportunity to effectively separate drinking and driving, whilst at the same time allowing drink driving offenders to remain in employment and contributing to their families and wider community. As you will be aware, the majority of these people need to drive to remain in employment and the evidence is clear that simply revoking their driver's licence does not stop them driving, nor does it stop them drink driving. A special interlock licence that restricts these offenders to only driving a vehicle fitted with an interlock device allows them to continue to drive legally and ensures that when they do they are under the

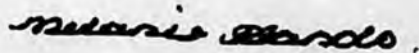
legal alcohol limit. In addition, it also reduces the incidence of unlicensed driving, which like drink driving is associated with significant road safety risks.

It is very heartening to learn that Alaska is proposing to introduce such a well considered interlock program and we should all be encouraged by the very positive results that are coming out of New Mexico, which has pioneered the approach that both Alaska and Western Australia are hoping to establish.

The Drink Driving Bill in WA is due to be considered by our Parliament in March of this year. We have done a great deal of consultation with all our legislators and politicians and all the indicators are pointing to a positive result. The community wants safer roads and everyone is keen to see legislation enacted that will reduce drink driving recidivism and the associated death and serious injury that results.

I wish you the best of luck as you progress your legislation through your political processes and will wait with interest to hear about your success.

Yours sincerely



Melanie Hands
Consultant, Office of Road Safety

17 January 2007

States turn on to idea of ignition locks

By Haya El Nasser, USA TODAY

More convicted drunken drivers may have to blow into devices that won't let them start their cars if they're intoxicated now that several states are embracing tougher penalties.



Lobbyist Richard Roth, holds up the ignition interlock device which keeps a car from starting if the driver has been drinking.

By Jeff Geissler, AP

New Mexico last Friday became the first state to require "ignition interlock" systems for first-time offenders. The devices, which act as breath-alcohol analyzers that control a car's ignition, will be on their cars for one year. Drivers with four or more DWI convictions are required to drive with the interlocks for the rest of their lives.

The devices cost the offenders about \$1,000 a year.

Until now, they were required only for repeat offenders and for a maximum of a year.

"This is the first time it's been so broad," Jonathan Adkins, communications director for the Governors Highway Safety Association, says of the New Mexico law. "States realize we haven't won the drunken driving battle yet."

At the same time, the Senate version of a federal highway spending bill before Congress threatens to withhold about \$600 million in highway construction and maintenance funds if states don't subject high-risk offenders to stiffer sanctions, including ignition interlocks and license suspensions.

'Excellent tool'

Mothers Against Drunk Driving says 17,000 people are killed and a half-million injured in alcohol-related crashes every year. Only 18 states have mandatory ignition interlock laws, according to MADD President Wendy Hamilton.

"They have to play a bigger role," she says about the devices. "They're an excellent tool and should be used for higher-risk drivers."

High-risk drivers include repeat offenders and those convicted of driving with a blood-alcohol levels of 0.15% or higher. By August, when a Minnesota law goes into effect, the legal limit in every state will be 0.08%.

Forty-three states and the District of Columbia have the option to make convicted drunken drivers use interlocks, MADD says. More are making them mandatory, applying the sentence to all offenders or lengthening the penalty:

- This month, Florida Gov. Jeb Bush signed a bill that allows the state to require the device without a court order.
- Last year, Washington state began requiring interlocks for first-time offenders with a blood-alcohol level of 0.15% or higher.
- New York Assemblyman Felix Ortiz, who spearheaded legislation that bans hands-on use of cell phones while driving in his state, introduced a bill that would require interlocks on all new cars. A similar measure failed in New Mexico last year, but others are being proposed in New Jersey, Connecticut and Washington state.

Growing business

About 80,000 interlocks are used in the USA, according to Lamar Ball, chief executive of Smart Start Inc., a manufacturer in Irving, Texas.

"I would expect that to more than double in the next five years," he says. His business is growing 30% a year.

Interlocks also can be installed voluntarily by parents who worry about their teenage children's driving habits. The system keeps a log of failed attempts to turn on the ignition.

Some drivers have tried to bypass the system by starting the car when sober and drinking while the engine is running. Others have used air compressor hoses. The devices now require random breath samples while the person is driving. They have only a few minutes to comply.

Amy Berning, research psychologist at the National Highway Transportation Safety Administration, says interlocks are "extremely effective" when they're on a car. "The concern is when the devices come off the vehicle, the recidivism starts to go back up."

Tackling the problem

New Mexico, which ranks sixth in the nation in the rate of alcohol-related car fatalities, is becoming one of the toughest enforcers. There are 3,000 interlocks on cars in the state, the highest per capita of any state.

In 2003, 198 of New Mexico's 439 traffic fatalities were alcohol-related, according to the most recent government data. It was the first time since 1998 that the state's alcohol-related fatalities fell below 200.

Fighting drunken driving is one of Gov. Bill Richardson's signature issues. He has appointed DWI Czar Rachel O'Connor and several task forces to tackle the problem of repeat offenders and set up drunken-driving checkpoints statewide.

"An interlock device is like a mechanical probation officer on duty and monitoring DWI offenders 24 hours per day and seven days per week," Richardson says. "It's a wonderful device. It's going to dramatically curb DWI in New Mexico."

REPRINTS & PERMISSIONS

Find this article at:

http://www.usatoday.com/news/nation/2005-06-23-drunk-driving_x.htm

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House Bill 22 am

Extend the Termination Date for the Board of Governors ABA

"An act extending the termination date for the Board of Governors of the Alaska Bar Association; and providing for an effective date."

House Bill 22 extends the sunset date of the Board of Governors of the Alaska Bar Association until June 30, 2009.

The Board of Governors for the Alaska Bar Association is comprised of 12 members. Nine members are elected by active members of the Alaska Bar Association: two from the 1st judicial district, four from the 3rd judicial district, two from the 2nd/4th judicial districts, and one at-large member. There are also three non-attorney members appointed by the Governor and confirmed by the Legislature. The Board governs the Bar Association, administers exams, approves, recommends rules concerning practice of law to the State Supreme Court and provides continuing legal education and member services.

It is the opinion of the Legislative Budget and Audit Committee that the Board of Governors of the Alaska Bar Association should be extended. I ask for your support in extending its sunset date to June 30, 2009.

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LEGISLATIVE RESEARCH REPORT

SEPTEMBER 12, 2006



REPORT NUMBER 07.001

STATE BAR ASSOCIATION DUES

PREPARED FOR SENATOR HOLLIS FRENCH

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked for information on state bar associations. Specifically, you wanted to know what organization administers the bar exam in each state and the amount of each state bar's membership dues and fees.

As you may know, state bar associations are generally either "unified" or "voluntary." Under unified associations, membership to the state bar is commonly mandatory for attorneys in active practice. According to the American Bar Association (ABA), 33 states have unified bar associations. At least seventeen states, primarily in the Northeast and Midwest, have voluntary statewide associations.¹

BAR EXAM ADMINISTRATION

In twelve states, Alaska among them, the state bar association administers the bar exam. Each of these twelve states have unified bar associations. In other states, the bar exam is most commonly administered by judicially appointed, quasi-independent organizations, variously known as state boards of law examiners, boards of bar examiners, or a similar title. States' Supreme Courts or Courts of Appeals most often appoint the members of such boards; although some states require gubernatorial or legislative approval of board members. For instance, Michigan law provides that board members be nominated by the Supreme Court and appointed

¹ The following states are identified by the American Bar Association (ABA) as having voluntary bar associations: Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Tennessee. Some states, Vermont and Virginia, for example, have both mandatory and voluntary statewide bar associations. The ABA, Division for Bar Services, provides a comprehensive online guide to state and local bar associations at <http://www.abanet.org/barserv/stlobar.html>.

by the governor for five-year terms. Table 1 shows the division among the states of bar exam administrators between state bar associations and judicial agencies.²

Table 1: State Bar Exam Administrating Agencies					
State	Bar Exam Administrator		State	Bar Exam Administrator	
	State Bar Assoc.	Judicial Branch Agency		State Bar Assoc.	Judicial Branch Agency
Alabama	X		Montana	X	
Alaska	X		Nebraska	X	
Arizona		X	Nevada	X	
Arkansas		X	New Hampshire		X
California	X		<i>New Jersey</i>		X
Colorado		X	New Mexico		X
Connecticut		X	<i>New York</i>		X
Delaware		X	North Carolina	X	
Florida		X	North Dakota		X
Georgia		X	Ohio		X
Hawaii		X	Oklahoma		X
Idaho	X		Oregon	X	
<i>Illinois</i>		X	<i>Pennsylvania</i>		X
<i>Indiana</i>		X	Rhode Island		X
<i>Iowa</i>		X	South Carolina		X
<i>Kansas</i>		X	South Dakota		X
Kentucky		X	<i>Tennessee</i>		X
Louisiana		X	Texas		X
<i>Maine</i>		X	Utah	X	
<i>Maryland</i>		X	Vermont		X
<i>Massachusetts</i>		X	Virginia		X
Michigan		X	Washington	X	
<i>Minnesota</i>		X	West Virginia		X
Mississippi		X	Wisconsin		X
Missouri		X	Wyoming	X	

Notes: States in italics are those identified by the American Bar Association (ABA) as having a primary volunteer bar association. "Judicial Agency" means an agency directly under the auspices of the state court system or a judicially appointed board or committee. Most often the members of these bodies are appointed by states' Supreme Courts; however, appeals courts in some states serve as the appointing body. Some states—Michigan for example—require gubernatorial or legislative approval of nominees to such boards and committees.

Source: American Bar Association, Section of Legal Education and Admission to the Bar; available online at <http://www.abanet.org/legaled/publications/compguide2006/directory.pdf>.

² We provide a copy of the ABA's directory of state bar admission agencies as Attachment A.

BAR ASSOCIATION DUES AND FEES

Significant variation exists among state bar associations' membership dues and fees. The annual "total cost to practice" ranges from highs of about \$550 in Alaska and Connecticut to lows of approximately \$105 in Indiana and Maryland. Likewise, dues and fees structures range from very basic—Alaska charges \$540 for active attorneys, plus a \$10 "client security fund" fee, or \$180 for inactive members—to fairly complex—Illinois has at least twenty-three distinct dues rates and four fees, which are assessed depending on years of experience and type of law practiced.³

We include, as Attachment B, the following excerpts from the ABA's *2006 State and Local Bar Membership Dues and Mandatory Fees*, which collectively detail and rank bar association dues and fees for each state:

- ◆ Section 1: Dues Structures and Mandatory Fees of State Bar Associations;
- ◆ Section 4: Ranking and Lists of Dues Levels and Fees:
 - (A) Ranking by Top Membership Dues for All State Bar Associations;
 - (F) Ranking by Total Cost to Practice in Each State; and
 - (G) Mandatory Dues and Fees in Each State.

Attachment C, excerpted from the American Bar Association's *Comprehensive Guide to Bar Admissions*, shows the bar exam and admission fees for each state association.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

³ American Bar Association, Division for Bar Services, *2006 State and Local Bar Membership Dues and Mandatory Fees*, Joanne O'Reilly, ed., January 2006.

Attachment A

**American Bar Association, Section of Legal Education and Admission to the Bar,
"Directory of State Bar Admission Agencies" in *Comprehensive Guide to Bar
Admissions*, pp 43-46; available online at
<http://www.abanet.org/legaled/baradmissions/bar.html>**



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Attachment B

American Bar Association, Division for Bar Services, "Section 1: Dues Structures and Mandatory Fees of State Bar Associations," and "Section 4: Ranking and Lists of Dues Levels and Fees: (A) Ranking by Top Membership Dues for All State Bar Associations; (F) Ranking by Total Cost to Practice in Each State; and (G) Mandatory Dues and Fees in Each State in 2006 *State and Local Bar Membership Dues and Mandatory Fees*, Joanne O'Reilly, ed., January 2006

State Bar Associations

KEY:

Dues

- - Unified bar association
- ASSO - Associates
- CORP - Corporate lawyers
- DIS - Disabled
- GOVT - Government lawyers
- INA - Inactive
- JUD - Judiciary
- LOA - Law office administrators
- MIL - Military
- NA - New admittees (first year)
- OOS - Out-of-state
- PARA - Paralegals
- PROF - Law school professors
- PS - Public sector
- RET - Retired
- ST - Students

Fees

- CSF - Client security fund
- LAP - Lawyer assistance program
- L/RF - Licensing/registration fee
- MCLE - Mandatory continuing legal education
- Mins - Mandatory insurance
- PRF - Professional responsibility fee

***Alabama State Bar (14,991 members)**

DUES

- \$250 - Active/licensed
- \$125 - JUD, CORP, GOVT
- \$125 - Partial year fee (for six months or less)

FEES

- \$100 - CSF (one-time fee, payable over four years)

***Alaska Bar Association (3,713 members)**

DUES

- \$540 - Active/licensed
- \$180 - INA

FEES

- \$10 - CSF

***State Bar of Arizona (18,735 members)**

DUES

- \$430 - 2+ yrs
- \$295 - JUD
- \$285 - 0-2 yrs
- \$235 - INA
- \$215 - RET
- \$0 - Over 70 yrs of age

FEES

- \$30 - CSF
(not charged to JUD or RET)

Arkansas Bar Association (4,873 members)

DUES
\$210 - Standard
\$70 - OOS
\$45 - 0-1 yr
\$0 - NA, seniors (over 75 yrs of age and member for 10 yrs)

FEES
\$175 - L/RF
\$10 - CSF

Members may elect to pay based upon the following income levels:

\$270 - over \$125,000
\$210 - \$75,001-\$125,000
\$145 - \$50,001-\$75,000
\$100 - \$25,001-\$50,000
\$55 - \$0-\$25,000

***State Bar of California (201,682 members)**

DUES
\$320 - All active members
\$65 - INA
\$0 - INA and over 70 yrs of age

FEES
\$40 - CSF (active)/\$10 - CSF (inactive)
\$25 - Discipline
\$10 - Building fund

Reduction of dues based on income; deductions for lobbying activities and elimination of bias programs are optional.

Colorado Bar Association (15,400 members)

DUES
\$185 - 8+ yrs (called "senior")
\$165 - 4-8 yrs (called "intermediate")
\$125 - PARA, ASSO, LOA, 0-3 yrs (called "junior")
\$75 - INA, RET (65 yrs of age and not practicing full-time)
\$25 - ST
\$0 - NA (first six months only)

FEES
\$195 - L/RF (3+ yrs)
\$155 - L/RF (0-3 yrs)
\$50 - L/RF (INA)

Connecticut Bar Association (11,400 members)

DUES
\$260 - 10+ yrs
\$210 - 6-10 yrs
\$185 - 4-5 yrs, OOS
\$135 - 2-3 yrs, 75 yrs of age
\$80 - ASSO, NA
\$0 - ST

FEES
\$450 - Occupational tax
\$110 - CSF (\$17.50 for LAP)

GOVT, JUD, PROF, PS receive 25% discount

Delaware State Bar Association (3,534 members)

<u>DUES</u>	
\$230	- 15+ yrs
\$180	- 10-15 yrs, licensed in other states, ASSO
\$140	- 5-9 yrs
\$130	- GOVT >10 yrs
\$110	- GOVT 5-10 yrs, INA, RET
\$100	- JUD
\$95	- 1-4 yrs
\$90	- GOVT 1-4 yrs
\$30	- ST
\$0	- NA

<u>FEES</u>	
<u>L/RF</u>	
\$10	- All attorneys
<u>PRF</u>	
\$100	- 10+ yrs
\$50	- 5-10 yrs
\$20	- 0-4 yrs
\$10	- GOVT

<u>CSF</u>	
\$180	- 10+ yrs
\$120	- 5-10 yrs
\$90	- 1-4 yrs
\$80	- GOVT, CORP
<u>MCLE</u>	
\$10	- MCLE
\$75	- Occupational tax

***The District of Columbia Bar (82,545 members)**

<u>DUES</u>	
\$173	- Active
\$11	- INA
\$99	- JUD

<u>FEES</u>	
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The Bar Association of the District of Columbia (1,800 members)

<u>DUES</u>		<u>FEES</u>	
\$150	- 6+ yrs		
\$75	- Over 65 yrs of age or member for 15 yrs, GOVT, PS, affiliates		
\$65	- 2-6 yrs		
\$15	- ST		
\$0	- NA		

***The Florida Bar (75,000 members)**

<u>DUES</u>	
\$265	- General
\$190	- INA
\$25	- PROF
\$0	- RET

<u>FEES</u>	
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***State Bar of Georgia (35,656 members)**

<u>DUES</u>	
\$218	- Active, Foreign law consultants
\$109	- INA
\$100	- ASSO
\$25	- ST
\$0	- 70 yrs of age, in practice more than 25 yrs and INA

<u>FEES</u>	
\$100	- CSF, one-time fee, payable over 4 yrs
\$200	- Bar facility assessment, payable over 5 yrs

***Hawaii State Bar Association (6,941 members)**

DUES
 \$160 - 5+ yrs
 \$150 - JUD
 \$100 - <5 yrs
 \$40 - ASSO, OOS, INA
 \$20 - ST
 \$0 - RET

FEES
 \$50 - CSF, 5 yrs+
 \$25 - CSF, <5 yrs
 \$250 - PRF, 5 yrs+
 \$150 - PRF, <5 yrs
 \$25 - PRF, INA
 \$20 - Lawyer assistance program (active)
 \$10 - Lawyer assistance program (inactive)

***Idaho State Bar (4,708 members)**

DUES
 \$340 - 3+ yrs
 \$255 - 1-3 yrs
 \$140 - NA (before July 1)
 \$120 - INA
 \$90 - NA (after July 1)
 \$55 - 72 yrs of age
 \$0 - JUD

FEES
 \$20 - CSF

Illinois State Bar Association (30,000 members)

DUES
 \$279 - 20+ yrs
 \$266 - 16-20 yrs
 \$262 - 15 yrs
 \$254 - 14 yrs
 \$246 - 13 yrs
 \$235 - 12 yrs
 \$231 - 11 yrs
 \$220 - 10 yrs
 \$193 - 9 yrs
 \$173 - 8 yrs
 \$159 - 7 yrs
 \$135 - 6 yrs
 \$112 - 5 yrs
 \$90 - 4 yrs
 \$67 - 3 yrs
 \$54 - OOS
 \$50 - INA
 \$48 - LOA, PARA
 \$45 - 2 yrs
 \$40 - RET
 \$12 - ST or \$30 for 3 yrs membership
 \$0 - MIL, NA, over 75 yrs old and 25 yrs of membership
 \$5,580 - Life membership

FEES
 \$180 - L/RF, 3+ yrs
 \$42 - IOLTA
 \$7 - LAP
 \$90 - L/RF, 1-3 yrs

Indiana State Bar Association (11,750 members)

<u>DUES</u>	<u>FEES</u>
\$230 - 6+ yrs, ASSO (residents)	\$90 - L/RF
\$115 - 3-6 yrs (residents), 75 yrs of age and member for 25 yrs	\$15 - MCLE
\$110 - PARA 6+ yrs	
\$105 - OOS	
\$95 - GOVT 6+ yrs	
\$85 - PARA 3-6 yrs	
\$75 - GOVT 3-6 yrs	
\$60 - PARA, LOA <3 yrs	
\$45 - GOVT <3 yrs	
\$15 - ST	
\$0 - NA (0-6 mos.), MIL	

Iowa State Bar Association (7,900 members)

<u>DUES</u>	<u>FEES</u>
\$210 - 5+ yrs	\$200 - CSF (one-time fee)
\$100 - 3-5 yrs, OOS	\$125 - PRF (also funds LAP)
\$35 - 2 yrs	\$10 - MCLE
\$25 - RET	
\$10 - MIL	
\$0 - NA (0-2 yrs)	

Kansas Bar Association (6,651 members)

<u>DUES</u>	<u>FEES</u>
\$175 - 5+ yrs	\$150 - L/RF (active)
\$135 - 4 yrs, GOVT 5 yrs	\$50 - L/RF (INA)
\$105 - 3 yrs, GOVT 4 yrs	\$20 - MCLE
\$80 - 2 yrs, GOVT 3 yrs	
\$60 - 1 yr, INA, PARA, GOVT 2 yrs	
\$45 - GOVT 1 yr	
\$0 - ST, member for 50 yrs	

***Kentucky Bar Association (14,880 members)**

<u>DUES</u>	<u>FEES</u>
\$270 - 5+ yrs	
\$220 - 0-5 yrs	
\$110 - JUD	
\$0 - MIL, RET (75 yrs of age or member for 50 yrs)	

***Louisiana State Bar Association (19,600 members)**

<u>DUES</u>	<u>FEES</u>
\$100 - 3+ yrs	\$165 - PRF (3+ yrs)
\$40 - 1-3 yrs, NA	\$100 - PRF (0-3 yrs)
\$0 - INA	

Maine State Bar Association (3,250 members)

<u>DUES</u>		<u>FEES</u>	
\$245	- 4+ yrs	\$192	- L/RF (3+ yrs and active)
\$150	- OOS	\$122	- L/RF (3+ yrs and inactive, OOS)
\$145	- ASSO, JUD, Semi-retired	\$87	- L/RF (0-3 yrs and active, OOS 0-3 yrs and active, OOS 3+ yrs and inactive)
\$100	- 1-4 yrs	\$67	- L/RF (50 yrs in practice and active)
\$35	- 0-1 yr		
\$30	- ST (or \$50 for all three years)	\$43.50	- L/RF (0-3 yrs and inactive, OOS 0-3 yrs and inactive)
\$0	- NA*		
		\$33.50	- L/RF (50 yrs in practice and inactive, OOS)
		\$30	- Client protection assessment

*Dues are waived for the first fiscal year if first admission to the Maine State Bar Association and member makes application during the same fiscal year.

Maryland State Bar Association (21,800 members)

<u>DUES</u>		<u>FEES</u>	
\$125	- 5+ yrs	\$85*	- PRF
\$75	- 0-5 yrs, LOA	\$20	- CSF
\$50	- PARA		
\$25	- ST		
\$0	- NA, RET (70 yrs of age and member for 30 yrs)		

*PRF will increase \$5 each year for the next 5 years.

Massachusetts Bar Association (17,500 members)

<u>DUES</u>		<u>FEES</u>	
\$300	- 10+ yrs	\$220	- L/RF (5+ yrs)
\$200	- 6-10 yrs	\$165	- L/RF (0-5 yrs)
\$150	- 1-5 yrs, GOVT, PROF, OOS, PARA, RET, affiliates	\$110	- L/RF (INA 5+ yrs)
\$35	- ST	\$82.50	- L/RF (INA 0-5 yrs)
\$0	- NA, JUD, magistrates, member for 50 yrs	\$20	- L/RF (50 yrs+, active)
\$450	- Sustaining	\$10	- L/RF (50 yrs+, INA)
		\$0	- L/RF (JUD)

***State Bar of Michigan (37,923 members)**

<u>DUES</u>		<u>FEES</u>	
\$180	- Active	\$120	- Discipline
\$90	- INA	\$15	- CSF, active
\$0	- 50 yrs of membership, cmentus	\$7.50	- CSF, inactive (50 yrs of service)