

Legislative Strategies to Increase Ignition Interlock Usage: "Where There is a Will, There is a Way."

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Ignition Interlock usage has not been even 50% in states with mandatory statutes. What can be done to address this? This paper's objective is to devise strategies within the governmental systems to increase interlock usage. Examples of legislation and ordinances in addition to real world examples of strategies we used here in New Mexico will be presented.

Many of the government officials set policy based on the driver of the vehicle, their rights, concerns, etc. These new strategies look to the vehicle and not the driver. A vehicle does not have the same rights as a driver of the vehicle. Examples of legislation include:

- Vehicle Seizure – By threatening seizure of a vehicle in lieu of an installed ignition interlock device.
- Out of State Driver's Licensees Moving to New Mexico – DWI records check for out of state licensees moving to New Mexico where an interlock is required if they have previous DWI's.
- Tampering with an Interlock as a criminal offense – Most states do not have a statute for this and is quite important to protect the viability of the interlock program.
- Compliance based interlock removal – an interlock offender must show a period of time with no positive BAC readings before the interlock is removed.
- If the offender claims to not have a car, other technology as the option- there are new technologies on the forefront which will allow for an equal penalty should the offender claim to not have a car. This is critical as it affects 50% of the possible offenders who are ordered to an interlock.
- Preventing the offender from waiting out his interlock license term – This forces the offender to complete their interlock period sooner or later.

We also must educate, educate judges, prosecutors, defense attorneys, etc. Forming relationships with criminal justice agencies and private organizations also provides support at the legislature when our bills are introduced. Some of this legislation we were unable to get passed and providing the reasons will help in the drafting of legislation in other jurisdictions. New Mexico is leading the world in cutting edge legislation with increasing usage each and every month. Soon we will be at the 50% level.

In conclusion, learning what worked and did not work in New Mexico will help other organizations in other jurisdictions to increase interlock usage.

Keywords: Interlock, Installation rates, Legislation, Education