



Subject Text

Meeting materials
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File #: 20-118, Version: 1

Title

Rules and Forms | Criminal Procedure: Ignition Interlock Forms (Action Required)

Summary

The Criminal Law Advisory Committee recommends revising the criminal forms implementing ignition interlock device requirements to conform to statutory changes on reporting, compliance, and monitoring requirements; increase clarity and usability; and make nonsubstantive technical changes.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021, renumber and revise six forms, identified below, addressing ignition interlock devices ordered in criminal cases. The proposed changes would revise the forms to conform to the requirements and language of Vehicle Code sections 23575 and 23576 and increase clarity and usability. The proposed changes would also make nonsubstantive technical changes to all six forms, including adding a field for defendant's email address and fax number, and adding "State" to the address fields.

1. *Order to Install Ignition Interlock Device* (form ID-100)

- Renumber as **CR-221**;
- State that the defendant may return a copy of the Department of Motor Vehicle's installation verification form in lieu of the Judicial Council's installation verification form, in order to streamline the process;
- Conform to updated statutory language in Vehicle Code section 23576 by referencing motor vehicles and replacing "wholly" with "all;"
- Delete the advisement that failure to comply with any court order is a violation of the order, as unnecessarily broad;
- Delete the advisement that failure to maintain current license and registration on any vehicle owned by the defendant is a violation of the order, since it is duplicative of language on page 1; and
- Conform to the requirements of Vehicle Code section 23575 through the following:
 - Delete the requirement for installation to occur no later than 30 days from the date of conviction;
 - Delete the advisement that the order is violated if defendant fails to return a completed copy of the verification form to the court or probation within the time limit specified in the order;
 - Delete the advisement that the order is violated if defendant defaults on any payment plan arranged with the installer or ordered by the court, absent a showing in court of good cause;
 - Delete the statement on affirmative defenses to specified violations if the defendant can show that a vehicle was leased, rented, or borrowed for emergency use when no other feasible alternative was available, or for a bona fide business purpose when away from defendant's regular place of business;
 - Delete the "Your Rights" section addressing medical exemptions and the ability to petition the court to review whether continued restrictions are necessary if driving privileges are restored; and
 - Reflect updated statutory language on recalibration and monitoring requirements.

2. *Ignition Interlock Installation Verification* (form ID-110)

- Renumber as **CR-222**;
- Delete the statement that the declaration by the installer is under penalty of perjury, as the statute does not require a sworn statement;
- Delete the requirement for the original form to be sent to the court, and add a line directing the defendant to return a completed and signed form to the court; and
- Delete the line stating “Distribution: Court, Manufacturer or Manufacturer’s Agent, Defendant, Probation Department,” as the distribution requirement appears unnecessary and is not required by statute.

3. *Ignition Interlock Calibration Verification and Tamper Report* (form ID-120)

- Renumber as **CR-223**;
- Convert this form to address only calibration verification, and move the tamper report provisions to Ignition Interlock Noncompliance Report (form ID-130/proposed form CR-224);
- Delete the statement that the declaration by installer is under penalty of perjury, as the statute does not require a sworn statement;
- Update the notice section to the defendant regarding missed appointments and payments to better reflect existing practice; and
- Delete the line stating “Distribution: Court, Manufacturer or Manufacturer’s Agent, Defendant, Probation Department,” as the distribution requirement appears unnecessary and is not required by statute.

4. *Ignition Interlock Noncompliance Report* (form ID-130)

- Renumber as **CR-224**;
- Include the tamper report provisions currently in form ID-120;
- Include a statement for the installer to indicate that the defendant failed to comply with a requirement for the maintenance or calibration of the device on three or more occasions, as required by Vehicle Code section 23575;
- Include a statement for the installer to indicate signs of removal, attempt to bypass, attempt to remove, or tampering as required by Vehicle Code section 23575; and
- Delete the statement that the declaration by installer is under penalty of perjury, as the statute does not require a sworn statement.

5. *Ignition Interlock Removal and Modification to Probation Order* (form ID-140)

- Renumber as **CR-225**.

6. *Notice to Employers of Ignition Interlock Restriction* (form ID-150)

- Renumber as **CR-226**;
- Conform to Vehicle Code section 23576(a) by specifying that the ignition interlock device be functioning and certified; and
- Conform to Vehicle Code section 23576(b) by adding a provision that a motor vehicle owned by a business entity that is all or partly owned or controlled by the defendant is not a motor vehicle owned by

the employer subject to the exemption in Vehicle Code section 23576 (item #4 on proposed form CR-226).