

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 195

**SENATE BILL 1252**

AN ACT

AMENDING SECTIONS 9-499.07, 11-459 AND 28-1382, ARIZONA REVISED STATUTES;  
RELATING TO DRIVING UNDER THE INFLUENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-499.07, Arizona Revised Statutes, is amended to  
3 read:

4 9-499.07. Prisoner work, community restitution work and home  
5 detention program; eligibility; monitoring;  
6 procedures; home detention for persons sentenced  
7 for driving under the influence of alcohol or drugs

8 A. A city or town may establish a prisoner work, community restitution  
9 work and home detention program for eligible sentenced prisoners, which shall  
10 be treated the same as confinement in jail. The presiding judge of the city  
11 or town municipal court shall approve the program before its implementation.

12 B. A prisoner is not eligible for a prisoner work, community  
13 restitution work and home detention program if any of the following applies:

14 1. The prisoner is found by the city or town to constitute a risk to  
15 either himself or other members of the community.

16 2. The prisoner has a past history of violent behavior.

17 3. The sentencing judge states at the time of the sentence that the  
18 prisoner may not be eligible for a prisoner work, community restitution work  
19 and home detention program.

20 C. For prisoners who are selected for the program, the city or town  
21 may require electronic monitoring in the prisoner's home whenever the  
22 prisoner is not at the prisoner's regular place of employment or while the  
23 prisoner is assigned to a community work task. If electronic monitoring is  
24 required, the prisoner shall remain under the control of a home detention  
25 device that constantly monitors the prisoner's location in order to determine  
26 that the prisoner has not left the prisoner's premises. In all other cases,  
27 the city or town shall implement a system of monitoring using telephone  
28 contact or other appropriate methods to assure compliance with the home  
29 detention requirements. The city or town may place appropriate restrictions  
30 on prisoners in the program, including testing prisoners for consumption of  
31 alcoholic beverages or drugs or prohibiting association with individuals who  
32 are determined to be detrimental to the prisoner's successful participation  
33 in the program.

34 D. If a prisoner is placed on electronic monitoring pursuant to  
35 subsection C of this section, the prisoner shall pay an electronic monitoring  
36 fee in an amount ranging from zero to full cost and thirty dollars per month  
37 while on electronic monitoring, unless, after determining the inability of  
38 the prisoner to pay these fees, the city or town assesses a lesser fee. The  
39 fees collected shall be used by the city or town to offset operational costs  
40 of the program.

41 E. Prisoners who are selected for the home detention program shall be  
42 employed within the county in which the city or town is located. The city or  
43 town shall review the place of employment to determine whether it is  
44 appropriate for a home detention prisoner. If the prisoner is terminated  
45 from employment or does not come to work, the employer shall notify the city

1 or town. Alternatively, or in addition, a community restitution work  
2 assignment may be made by the city or town to a program recommended by the  
3 community restitution work committee. If a prisoner is incapable of  
4 performing community restitution or being employed, the city or town may  
5 exempt the prisoner from these programs.

6 F. The city or town may require that a prisoner who is employed during  
7 the week also participate in community restitution work programs on weekends.

8 G. The city or town may allow prisoners to be away from home detention  
9 for special purposes, including church attendance, medical appointments or  
10 funerals.

11 H. Community restitution work shall include public works projects  
12 operated and supervised by the city or town or other public agencies of this  
13 state or projects sponsored and supervised by public or private community  
14 oriented organizations and agencies.

15 I. A city or town implementing a program under this section shall  
16 appoint a community restitution work committee. The committee shall  
17 recommend to the city or town appropriate community restitution work projects  
18 for home detention prisoners. Members are not eligible to receive  
19 compensation.

20 J. At any time the city or town may terminate a prisoner's  
21 participation in the prisoner work, community restitution work and home  
22 detention program and require that the prisoner complete the remaining term  
23 of the prisoner's sentence in jail confinement.

24 K. Nothing in this section shall prohibit a city or town from entering  
25 into a joint exercise of powers agreement pursuant to section 11-952 for a  
26 prisoner work, community restitution work and home detention program.

27 L. If authorized by the court, a person who is sentenced pursuant to  
28 section 28-1381 or 28-1382 shall not be placed under home detention in a  
29 prisoner work, community restitution work and home detention program except  
30 as provided in subsections M through R of this section.

31 M. By a majority vote of the full membership of the governing body of  
32 the municipality after a public hearing and a finding of necessity, a city or  
33 town may establish a home detention program for persons who are sentenced to  
34 jail confinement pursuant to section 28-1381 or 28-1382. A prisoner who is  
35 placed under the program established pursuant to this subsection shall bear  
36 the cost of all testing, monitoring and enrollment in alcohol or substance  
37 abuse programs unless, after determining the inability of the prisoner to pay  
38 the cost, the court assesses a lesser amount. The city or town shall use the  
39 collected monies to offset operational costs of the program.

40 N. If the city or town establishes a home detention program under  
41 subsection M of this section, a prisoner must meet the following eligibility  
42 requirements for the program:

43 1. ~~The provisions of Subsection B of this section apply~~ APPLIES in  
44 determining eligibility for the program.

1           2. If the prisoner is sentenced under section 28-1381, subsection I,  
2 the prisoner first serves a minimum of twenty-four consecutive hours in jail.

3           3. Notwithstanding section 28-1387, subsection C, if the prisoner is  
4 sentenced under section 28-1381, subsection K or section 28-1382, subsection  
5 D or F, the prisoner first serves a minimum of fifteen consecutive days in  
6 jail before being placed under home detention.

7           4. The prisoner is required to comply with all of the following  
8 provisions for the duration of the prisoner's participation in the home  
9 detention program:

10           (a) All of the provisions of subsections C through H of this section.

11           (b) Testing at least once a day for the use of alcoholic beverages or  
12 drugs by a scientific method that is not limited to urinalysis or a breath or  
13 intoxication test in the prisoner's home or at the office of a person  
14 designated by the court to conduct these tests.

15           (c) Participation in an alcohol or drug program, or both. These  
16 programs shall be accredited by the department of health services or a county  
17 probation department.

18           (d) Prohibition of association with any individual determined to be  
19 detrimental to the prisoner's successful participation in the program.

20           (e) All other provisions of the sentence imposed.

21           5. Any additional eligibility criteria that the city or town may  
22 impose.

23           0. If a city or town establishes a home detention program under  
24 subsection M of this section, the court, on placing the prisoner in the  
25 program, shall require electronic monitoring in the prisoner's home and, if  
26 consecutive hours of jail time are ordered, shall require the prisoner to  
27 remain at home during the consecutive hours ordered. The detention device  
28 shall constantly monitor the prisoner's location to ensure that the prisoner  
29 does not leave the premises. Nothing in this subsection shall be deemed to  
30 waive the minimum jail confinement requirements under subsection N, paragraph  
31 2 of this section.

32           P. The court shall terminate a prisoner's participation in the home  
33 detention program and require the prisoner to complete the remaining term of  
34 the jail sentence by jail confinement if:

35           1. The prisoner fails to successfully complete a court ordered alcohol  
36 or drug screening, counseling, education and treatment program pursuant to  
37 subsection N, paragraph 4, subdivision (c) of this section; OR section  
38 28-1381, subsection J or L or VIOLATES AN ORDER PURSUANT TO section 28-1382,  
39 subsection E or G.

40           2. The court finds that the prisoner left the premises without  
41 permission of the court or supervising authority during a time the prisoner  
42 is ordered to be on the premises.

43           Q. At any other time the court may terminate a prisoner's  
44 participation in the home detention program and require the prisoner to  
45 complete the remaining term of the jail sentence by jail confinement.

1 R. The governing body of the city or town may terminate the program  
2 established under subsection M of this section by a majority vote of the full  
3 membership of the governing body.

4 Sec. 2. Section 11-459, Arizona Revised Statutes, is amended to read:

5 11-459. Prisoner work, community restitution work and home  
6 detention program; eligibility; monitoring;  
7 procedures; home detention for persons sentenced for  
8 driving under the influence of alcohol or drugs;  
9 community restitution work committee; members; duties

10 A. The sheriff may establish a prisoner work, community restitution  
11 work and home detention program for eligible sentenced prisoners, which shall  
12 be treated the same as confinement in jail and shall fulfill the sheriff's  
13 duty to take charge of and keep the county jail and prisoners.

14 B. A prisoner is not eligible for a prisoner work, community  
15 restitution work and home detention program if any of the following applies:

16 1. After independent review and determination of the jail's  
17 classification program, the prisoner is found by the sheriff to constitute a  
18 risk to either himself or other members of the community.

19 2. The prisoner has a past history of violent behavior.

20 3. The prisoner has been convicted of a serious offense as defined by  
21 IN section 13-604 or has been determined to be a dangerous and repetitive  
22 offender.

23 4. Jail time is being served as a result of a felony conviction.

24 5. The sentencing judge states at the time of the sentence that the  
25 prisoner may not be eligible for a prisoner work, community restitution work  
26 and home detention program.

27 6. The prisoner is sentenced to a county jail and is being held for  
28 another jurisdiction.

29 C. For prisoners who are selected for the program, the sheriff may  
30 require electronic monitoring in the prisoner's home whenever the prisoner is  
31 not at ~~his~~ THE PRISONER'S regular place of employment or while the prisoner  
32 is assigned to a community work task. If electronic monitoring is required,  
33 the prisoner shall remain under the control of a home detention device that  
34 constantly monitors the prisoner's location in order to determine that the  
35 prisoner has not left ~~his~~ THE PRISONER'S premises. In all other cases, the  
36 sheriff shall implement a system of monitoring using visitation, telephone  
37 contact or other appropriate methods to assure compliance with the home  
38 detention requirements. The sheriff may place appropriate restrictions on  
39 prisoners in the program, including testing prisoners for consumption of  
40 alcoholic beverages or drugs or prohibiting association with individuals who  
41 are determined to be detrimental to the prisoner's successful participation  
42 in the program.

43 D. If a prisoner is placed on electronic monitoring pursuant to  
44 subsection C of this section, the prisoner shall pay an electronic monitoring  
45 fee in an amount ranging from zero to full cost and thirty dollars per month

1 while on electronic monitoring, unless, after determining the inability of  
2 the prisoner to pay these fees, the sheriff assesses a lesser fee. The fees  
3 collected shall be used by the sheriff to offset operational costs of the  
4 program.

5 E. Prisoners who are selected for the home detention program shall be  
6 employed in the county in which they are incarcerated. The sheriff shall  
7 review the place of employment to determine whether it is appropriate for a  
8 home detention prisoner. If the prisoner is terminated from employment or  
9 does not come to work, the employer shall notify the sheriff's office.  
10 Alternatively, or in addition, a community restitution work assignment may be  
11 made by the sheriff to a program recommended to the sheriff by the community  
12 restitution work committee. If a prisoner is incapable of performing  
13 community restitution or being employed, the sheriff may exempt the prisoner  
14 from these programs.

15 F. The sheriff may require that a prisoner who is employed during the  
16 week also participate in community restitution work programs on weekends.

17 G. The sheriff may allow prisoners to be away from home detention for  
18 special purposes, including church attendance, medical appointments or  
19 funerals. The standard for review and determination of such leave is the  
20 same as that implemented to decide transportation requests for similar  
21 purposes made by prisoners confined in the county jail.

22 H. Community restitution work shall include public works projects  
23 operated and supervised by public agencies of this state or counties, cities  
24 or towns on recommendation of the community restitution work committee and  
25 approval of the sheriff. The community restitution work committee may also  
26 recommend and the sheriff may approve other forms of community restitution  
27 work sponsored and supervised by public or private community oriented  
28 organizations and agencies.

29 I. The community restitution work committee is established in each  
30 county and is composed of two designees of the sheriff, a representative of  
31 the county attorney's office selected by the county attorney, a  
32 representative of a local police agency selected by the police chief of the  
33 largest city in the county and three persons selected by the county board of  
34 supervisors from the private sector. A sheriff's designee shall serve as  
35 committee chairman and schedule all meetings. The committee shall meet as  
36 often as necessary, but no less than once every three months, for the purpose  
37 of considering and recommending appropriate community restitution work  
38 projects for home detention prisoners. The committee shall make its  
39 recommendations to the sheriff. Members are not eligible to receive  
40 compensation.

41 J. At any time the sheriff may terminate a prisoner's participation in  
42 the prisoner work, community restitution work and home detention program and  
43 require that the prisoner complete the remaining term of the prisoner's  
44 sentence in jail confinement.

1 K. If authorized by the court, a person who is sentenced pursuant to  
2 section 28-1381 or 28-1382 shall not be placed under home detention in a  
3 prisoner work, community restitution work and home detention program except  
4 as provided in subsections L through Q of this section.

5 L. By a majority vote of the full membership of the board of  
6 supervisors after a public hearing and a finding of necessity a county may  
7 authorize the sheriff to establish a home detention program for persons who  
8 are sentenced to jail confinement pursuant to section 28-1381 or 28-1382. If  
9 the board authorized the establishment of a home detention program, a county  
10 sheriff may establish the program. A prisoner who is placed under the  
11 program established pursuant to this subsection shall bear the cost of all  
12 testing, monitoring and enrollment in alcohol or substance abuse programs  
13 unless, after determining the inability of the prisoner to pay the cost, the  
14 court assesses a lesser amount. The county shall use the collected monies to  
15 offset operational costs of the program.

16 M. If a county sheriff establishes a home detention program under  
17 subsection L of this section, a prisoner must meet the following eligibility  
18 requirements for the program:

19 1. ~~The provisions of Subsection B of this section apply~~ APPLIES in  
20 determining eligibility for the program.

21 2. If the prisoner is sentenced under section 28-1381, subsection I,  
22 the prisoner first serves a minimum of twenty-four consecutive hours in jail.

23 3. Notwithstanding section 28-1387, subsection C, if the prisoner is  
24 sentenced under section 28-1381, subsection K or section 28-1382, subsection  
25 D or F, the prisoner first serves a minimum of fifteen consecutive days in  
26 jail before being placed under home detention.

27 4. The prisoner is required to comply with all of the following  
28 requirements for the duration of the prisoner's participation in the home  
29 detention program:

30 (a) All of the provisions of subsections C through H of this section.

31 (b) Testing at least once a day for the use of alcoholic beverages or  
32 drugs by a scientific method that is not limited to urinalysis or a breath or  
33 intoxication test in the prisoner's home or at the office of a person  
34 designated by the court to conduct these tests.

35 (c) Participation in an alcohol or drug program, or both. These  
36 programs shall be accredited by the department of health services or a county  
37 probation department.

38 (d) Prohibition of association with any individual determined to be  
39 detrimental to the prisoner's successful participation in the program.

40 (e) All other provisions of the sentence imposed.

41 5. Any additional eligibility criteria that the county may impose.

42 N. If a county sheriff establishes a home detention program under  
43 subsection L of this section, the court, on placing the prisoner in the  
44 program, shall require electronic monitoring in the prisoner's home and, if  
45 consecutive hours of jail time are ordered, shall require the prisoner to

1 remain at home during the consecutive hours ordered. The detention device  
2 shall constantly monitor the prisoner's location to ensure that the prisoner  
3 does not leave the premises. Nothing in this subsection shall be deemed to  
4 waive the minimum jail confinement requirements under subsection M, paragraph  
5 2 of this section.

6 O. The court shall terminate a prisoner's participation in the home  
7 detention program and shall require the prisoner to complete the remaining  
8 term of the jail sentence by jail confinement if either:

9 1. The prisoner fails to successfully complete a court ordered alcohol  
10 or drug screening, counseling, education and treatment program pursuant to  
11 subsection M, paragraph 4, subdivision (c) of this section; OR section  
12 28-1381, subsection J or L or VIOLATES AN ORDER PURSUANT TO section 28-1382,  
13 subsection E or G.

14 2. The prisoner leaves the premises during a time that the prisoner is  
15 ordered to be on the premises without permission of the court or supervising  
16 authority.

17 P. At any other time the court may terminate a prisoner's  
18 participation in the home detention program and require the prisoner to  
19 complete the remaining term of the jail sentence by jail confinement.

20 Q. The sheriff may terminate the program at any time.

21 R. A person who is sentenced pursuant to section 28-1383 shall not be  
22 placed under home detention in a prisoner work, community restitution work  
23 and home detention program.

24 Sec. 3. Section 28-1382, Arizona Revised Statutes, is amended to read:  
25 28-1382. Driving or actual physical control while under the  
26 extreme influence of intoxicating liquor; trial by  
27 jury; sentencing; classification

28 A. It is unlawful for a person to drive or be in actual physical  
29 control of a vehicle in this state if the person has an alcohol concentration  
30 of 0.15 or more within two hours of driving or being in actual physical  
31 control of the vehicle and the alcohol concentration results from alcohol  
32 consumed either before or while driving or being in actual physical control  
33 of the vehicle.

34 B. A person who is convicted of a violation of this section is guilty  
35 of driving or being in actual physical control of a vehicle while under the  
36 extreme influence of intoxicating liquor.

37 C. At the arraignment, the court shall inform the defendant that the  
38 defendant may request a trial by jury and that the request, if made, shall be  
39 granted.

40 D. A person who is convicted of a violation of this section:

41 1. Shall be sentenced to serve not less than thirty consecutive days  
42 in jail and is not eligible for probation or suspension of execution of  
43 sentence unless the entire sentence is served.

44 2. Shall pay a fine of not less than two hundred fifty dollars. The  
45 fine prescribed in this paragraph and any assessments, restitution and

1 incarceration costs shall be paid before the assessment prescribed in  
2 paragraph 3 of this subsection.

3 3. Shall pay an additional assessment of two hundred fifty dollars. If  
4 the conviction occurred in the superior court or a justice court, the court  
5 shall transmit the monies received pursuant to this paragraph to the county  
6 treasurer. If the conviction occurred in a municipal court, the court shall  
7 transmit the monies received pursuant to this paragraph to the city  
8 treasurer. The city or county treasurer shall transmit the monies received  
9 to the state treasurer. The state treasurer shall deposit the monies  
10 received in the driving under the influence abatement fund established by  
11 section 28-1304.

12 4. May be ordered by a court to perform community restitution.

13 5. Shall be required by the department, on receipt of the report of  
14 conviction, to equip any motor vehicle the person operates with a certified  
15 ignition interlock device pursuant to section 28-3319. In addition, the  
16 court may order the person to equip any motor vehicle the person operates  
17 with a certified ignition interlock device for more than twelve months  
18 beginning on the date of reinstatement of the person's driving privilege  
19 following a suspension or revocation or on the date of the department's  
20 receipt of the report of conviction, whichever occurs later. The person who  
21 operates a motor vehicle with a certified ignition interlock device under  
22 this paragraph shall comply with article 5 of this chapter.

23 6. Shall pay an additional assessment of one thousand dollars to be  
24 deposited by the state treasurer in the prison construction and operations  
25 fund established by section 41-1651. This assessment is not subject to any  
26 surcharge. If the conviction occurred in the superior court or a justice  
27 court, the court shall transmit the assessed monies to the county treasurer.  
28 If the conviction occurred in a municipal court, the court shall transmit the  
29 assessed monies to the city treasurer. The city or county treasurer shall  
30 transmit the monies received to the state treasurer.

31 7. Shall pay an additional assessment of one thousand dollars to be  
32 deposited by the state treasurer in the state general fund. This assessment  
33 is not subject to any surcharge. If the conviction occurred in the superior  
34 court or a justice court, the court shall transmit the assessed monies to the  
35 county treasurer. If the conviction occurred in a municipal court, the court  
36 shall transmit the assessed monies to the city treasurer. The city or county  
37 treasurer shall transmit the monies received to the state treasurer.

38 ~~E. Notwithstanding subsection D, paragraph 1 of this section, At the~~  
39 ~~time of sentencing the judge may suspend all but ten days of the sentence if~~  
40 ~~the person completes a court ordered alcohol or other drug screening,~~  
41 ~~education or treatment program. If the person fails to complete the court~~  
42 ~~ordered alcohol or other drug screening, education or treatment program and~~  
43 ~~has not been placed on probation, the court shall issue an order to show~~  
44 ~~cause to the defendant as to why the remaining jail sentence should not be~~  
45 ~~served~~ ORDER THE PERSON TO NOT CONSUME ALCOHOL FOR A PERIOD OF THIRTY DAYS OR

1 MORE AS DEMONSTRATED THROUGH CONTINUOUS ALCOHOL MONITORING OR TWICE DAILY  
2 ALCOHOL TESTING. THE COURT MAY EXTEND THE PERIOD OF CONTINUOUS ALCOHOL  
3 MONITORING.

4 F. If within a period of eighty-four months a person is convicted of a  
5 second violation of this section or is convicted of a violation of this  
6 section and has previously been convicted of a violation of section 28-1381  
7 or 28-1383 or an act in another jurisdiction that if committed in this state  
8 would be a violation of this section or section 28-1381 or 28-1383, the  
9 person:

10 1. Shall be sentenced to serve not less than one hundred twenty days  
11 in jail, sixty days of which shall be served consecutively, and is not  
12 eligible for probation or suspension of execution of sentence unless the  
13 entire sentence has been served.

14 2. Shall pay a fine of not less than five hundred dollars. The fine  
15 prescribed in this paragraph and any assessments, restitution and  
16 incarceration costs shall be paid before the assessment prescribed in  
17 paragraph 3 of this subsection.

18 3. Shall pay an additional assessment of two hundred fifty dollars.  
19 If the conviction occurred in the superior court or a justice court, the  
20 court shall transmit the monies received pursuant to this paragraph to the  
21 county treasurer. If the conviction occurred in a municipal court, the court  
22 shall transmit the monies received pursuant to this paragraph to the city  
23 treasurer. The city or county treasurer shall transmit the monies received  
24 to the state treasurer. The state treasurer shall deposit the monies  
25 received in the driving under the influence abatement fund established by  
26 section 28-1304.

27 4. Shall be ordered by a court to perform at least thirty hours of  
28 community restitution.

29 5. Shall have the person's driving privilege revoked for at least one  
30 year. The court shall report the conviction to the department. On receipt  
31 of the report, the department shall revoke the person's driving privilege and  
32 shall require the person to equip any motor vehicle the person operates with  
33 a certified ignition interlock device pursuant to section 28-3319. In  
34 addition, the court may order the person to equip any motor vehicle the  
35 person operates with a certified ignition interlock device for more than  
36 twelve months beginning on the date of reinstatement of the person's driving  
37 privilege following a suspension or revocation or on the date of the  
38 department's receipt of the report of conviction, whichever is later. The  
39 person who operates a motor vehicle with a certified ignition interlock  
40 device under this paragraph shall comply with article 5 of this chapter.

41 6. Shall pay an additional assessment of one thousand two hundred  
42 fifty dollars to be deposited by the state treasurer in the prison  
43 construction and operations fund established by section 41-1651. This  
44 assessment is not subject to any surcharge. If the conviction occurred in  
45 the superior court or a justice court, the court shall transmit the assessed

1 monies to the county treasurer. If the conviction occurred in a municipal  
2 court, the court shall transmit the assessed monies to the city treasurer.  
3 The city or county treasurer shall transmit the monies received to the state  
4 treasurer.

5 7. Shall pay an additional assessment of one thousand two hundred  
6 fifty dollars to be deposited by the state treasurer in the state general  
7 fund. This assessment is not subject to any surcharge. If the conviction  
8 occurred in the superior court or a justice court, the court shall transmit  
9 the assessed monies to the county treasurer. If the conviction occurred in a  
10 municipal court, the court shall transmit the assessed monies to the city  
11 treasurer. The city or county treasurer shall transmit the monies received  
12 to the state treasurer.

13 ~~G. Notwithstanding subsection F E, paragraph 1 of this section, at~~  
14 ~~the time of sentencing, the judge may suspend all but sixty days of the~~  
15 ~~sentence if the person completes a court ordered alcohol or other drug~~  
16 ~~screening, education or treatment program. If the person fails to complete~~  
17 ~~the court ordered alcohol or other drug screening, education or treatment~~  
18 ~~program and has not been placed on probation, the court shall issue an order~~  
19 ~~to show cause as to why the remaining jail sentence should not be served.~~

20 G. AT THE TIME OF SENTENCING, THE JUDGE MAY ORDER THE PERSON TO NOT  
21 CONSUME ALCOHOL FOR A PERIOD OF NINETY DAYS OR MORE AS DEMONSTRATED THROUGH  
22 CONTINUOUS ALCOHOL MONITORING OR A MINIMUM OF TWICE DAILY ALCOHOL TESTING.  
23 THE COURT MAY EXTEND THE PERIOD OF CONTINUOUS ALCOHOL MONITORING.

24 H. In applying the eighty-four month provision of subsection F of this  
25 section, the dates of the commission of the offense shall be the determining  
26 factor, irrespective of the sequence in which the offenses were committed.

27 I. A second violation for which a conviction occurs as provided in  
28 this section shall not include a conviction for an offense arising out of the  
29 same series of acts.

30 J. A person who is convicted of a violation of this section is guilty  
31 of a class 1 misdemeanor.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House April 24, 20 07,

by the following vote: 52 Ayes,

1 Nays, 7 Not Voting

*[Signature]*  
Speaker of the House

*[Signature]*  
Chief Clerk of the House

Passed the Senate February 19, 20 07,

by the following vote: 29 Ayes,

0 Nays, 6 Not Voting

*[Signature]*  
President of the Senate

*[Signature]*  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1252

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 2, 2007

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Timothy S Bee  
President of the Senate

Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

2nd day of May, 2007

at 11:05 o'clock a M.

Wendee Ybarra  
Secretary to the Governor

Approved this 8 day of

May 2007

at 4:50 o'clock P. M.

J. R. Kyl  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 9 day of May, 2007

at 8:35 o'clock A. M.

Janice J. Brewer  
Secretary of State