

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR20-13

Title	Action Requested
Criminal Procedure: Ignition Interlock Forms	Review and submit comments by June 9, 2020
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms ID-100, ID-110, ID-120, ID-130, ID-140, ID-150	January 1, 2021
Proposed by	Contact
Criminal Law Advisory Committee Hon. J. Richard Couzens, Chair	Sarah Fleischer-Ihn, 415-865-7702 Sarah.Fleischer-Ihn@jud.ca.gov

Executive Summary and Origin

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

Background

In 1993, the Judicial Council adopted six forms to assist courts with ordering and monitoring ignition interlock devices (“IID”) in criminal cases. The forms were based on Vehicle Code sections 23575 and 23576. The forms were last amended over 10 years ago and do not reflect subsequent statutory changes.

Historically, Vehicle Code section 23575 outlined the court’s role in ordering and monitoring ignition interlock devices for persons convicted of driving under the influence¹ or driving on a suspended or revoked license.² Section 23575 previously made installation of IIDs optional for persons convicted of driving under the influence and mandatory for persons convicted of driving on a suspended or revoked license.

Under Senate Bill 1046 (Stats. 2016, ch. 783), section 23575 was amended, effective January 1, 2019, to January 1, 2026, deleting the subdivision applying to driving under the influence but maintaining the subdivision on driving on a suspended or revoked license. The bill added a

¹ Veh. Code, §§ 23152, 23153.

² Veh. Code, § 14601.2.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee.
It is circulated for comment purposes only.*

separate code section,³ effective January 1, 2019, to January 1, 2026, establishing a statewide pilot program mandating installation of IIDs for persons convicted of driving under the influence. Under this statute, courts are required to notify persons convicted of driving under the influence of the requirement to install an IID, but the Department of Motor Vehicles largely monitors installation and maintenance. Under SB 1046, the former version of section 23575 would go back into effect on January 1, 2026. This would again make IID installation for driving under the influence optional and revert monitoring duties back to the court.

The proposed changes to the IID forms comply with both the current version of section 23575 and the version set to go into effect on January 1, 2026. However, because the forms are based on section 23575, they currently only apply to suspended/revoked license referrals, not driving under the influence referrals. There is no Judicial Council form ordering IIDs for driving under the influence convictions under the pilot program.

The forms are currently identified as “ID” forms.⁴ The Rules Committee previously recommended shifting the forms to the criminal category, identified with the “CR” designation, which is reflected in the recommended changes.

The Proposal

This proposal would revise the ignition interlock forms to conform to statutory changes, increase clarity and usability, and make nonsubstantive technical changes through the following:

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

Page 1, Order

- Renumber as CR-221;
- State that the defendant may return a copy of the Department of Motor Vehicles’ installation verification form in lieu of the Judicial Council’s installation verification form, in order to streamline the process;
- Include technical, nonsubstantive changes, including adding a field for defendant’s email address and fax number, and adding “State” to the address fields; and
- Conform to the requirements of Vehicle Code sections 23575 and 23576:
 - Require the installed device to be certified;
 - Delete the statement that the order does not reinstate the defendant’s driving privilege, and replace with a statement that the order does not allow the defendant to drive without a valid driver’s license;
 - Revise the requirement that installation must be within 30 days from the date of conviction, and allow the court to indicate a date instead;
 - Delete the requirement for the defendant to return the completed installation verification form to probation;
 - Revise the requirement that the defendant return a completed installation

³ Veh. Code, § 23575.3 (Link C).

⁴ E.g., forms ID-100 and ID-110.

verification form no later than 30 days from the date of conviction, and allow the court to indicate a date instead;

- Clarify the duty to take the vehicle to the installer to recalibrate or monitor the device once every 60 days or as otherwise specified;
- Delete the requirement that the defendant must make payments to the installer and must adhere to the payment plan for installation; and
- Clarify that the duty to inform an employer applies to motor vehicles owned by the employer and driven by the defendant.

Page 2, Notices

- Delete the statement that failure to comply with any court order is a violation of the order, as unnecessarily broad;
- Delete the statement 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 sections 23575 and 23576:
 - Revise the statement that failure to have a device installed within 30 days of the order date is a violation of the order, to instead state that failure to have ignition interlock devices installed as ordered is a violation of the order;
 - Revise the statement that failure to return the installation verification form is a violation of the order, to instead require proof of installation;
 - Delete the statement that defaulting on a payment plan, absent a showing of good cause, is a violation of the order;
 - Create a separate section notifying the defendant of misdemeanor conduct;
 - Add that operating a vehicle not equipped with a functioning device is a misdemeanor;
 - Update language notifying the defendant that tampering with a device is a misdemeanor;
 - Delete sections on the defendant's rights as to a medical exemption and petitioning the court on whether continued restrictions are necessary; and
 - Delete the requirement that the defendant contact an installer within 48 hours of the order.

Ignition Interlock Installation Verification (form ID-110)

- Renumber as CR-222;
- Delete 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;
- Delete the line stating "Distribution: Court, Manufacturer or Manufacturer's Agent, Defendant, Probation Department," and;
- Include technical, nonsubstantive changes, including adding a field for defendant's email

address and fax number, and adding “State” to the address fields.

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

- Renumber as CR-223;
- Convert this form to a calibration verification form, and move the tamper report provisions to *Ignition Interlock Noncompliance Report* (form ID-130);
- Delete 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;
- Delete the line stating “Distribution: Court, Manufacturer or Manufacturer’s Agent, Defendant, Probation Department,” and
- Include technical, nonsubstantive changes, including adding a field for defendant’s email address and fax number, and adding “State” to the address fields.

Ignition Interlock Noncompliance Report (form ID-130)

- Renumber as CR-224;
- Include the tamper report provision currently in form ID-120;
- Include statement for installer to indicate that 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 statement for installer to indicate signs of removal, attempt to bypass, attempt to remove, or tampering as required by Vehicle Code section 23575;
- Delete that the declaration by installer is under penalty of perjury, as the statute does not require a sworn statement; and
- Include technical, nonsubstantive changes, including reformatting, adding a field for defendant’s email address and fax number, and adding “State” to the address fields.

Ignition Interlock Removal and Modification to Probation Order (form ID-140):

- Renumber as CR-225; and
- Include technical, nonsubstantive changes, including adding a field for defendant’s email address and fax number, and adding “State” to the address fields.

Notice to Employers of Ignition Interlock Restriction (form ID-150):

- Renumber as CR-226;
- Include technical, nonsubstantive changes, including adding a field for defendant’s email address and fax number, and adding “State” to the address fields; and
- Conform to Vehicle Code section 23576:
 - Specify that a person may operate a vehicle without a functioning, certified-approved device if certain conditions are met; and
 - Add that if a business entity is totally or partially owned or controlled by the

defendant, then the defendant is not eligible under Vehicle Code section 23576 to drive a vehicle without an ignition interlock device installed.

Alternatives Considered

The committee conducted an informal survey of courts to determine usage of the forms. A moderate number of courts responded that they used the forms, so the committee decided to move forward with the proposed changes.

Three forms—*Ignition Interlock Installation Verification* (form ID-110/CR-222), *Ignition Interlock Calibration Verification* (form ID-120/CR-223), and *Ignition Interlock Noncompliance Report* (form ID-130/CR-224)—require the installer to sign a declaration under penalty of perjury. Vehicle Code section 23575 does not require a sworn statement by an installer, but it does require the court to monitor the installation and maintenance of a functioning, certified ignition interlock device restriction ordered under the section. Because the section does not require a sworn statement, the committee discussed amending the declaration to state that the information provided is true and correct. A committee member expressed concern that not requiring a sworn statement would limit the court's ability to properly monitor the IID requirement as required by statute, as the court would have limited recourse for a falsified document. The committee decided to amend the declaration at this time and seek additional public comment on the issue.

Fiscal and Operational Impacts

Expected costs are limited to training, possible case management system updates, and the production of new forms. No other implementation requirements or operational impacts are expected.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is it sufficient for an IID installer to declare that information provided is true and correct, rather than under penalty of perjury? Does this limit the court's ability to properly monitor the IID installation and maintenance as required by statute?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-221, CR-222, CR-223, CR-224, CR-225, and CR-226 at pages 8–14
2. Link A: Vehicle Code section 23575,
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=23575.&lawCode=VEH
3. Link B: Vehicle Code section 23576,
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=23576.&lawCode=VEH
4. Link C: Senate Bill 1046 (Stats. 2016, ch. 783),
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1046

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <div style="text-align: center; border: 1px solid black; padding: 5px;"> DRAFT Not approved by the Judicial Council </div>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: DRIVER'S LICENSE NO.:	
ORDER TO INSTALL IGNITION INTERLOCK DEVICE	CASE NUMBER:

Under Vehicle Code section 23575, **the court orders:** a functioning, certified Ignition Interlock Device installed on the following vehicles operated by defendant:

	<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Color</u>	<u>License Plate No. and/or VIN</u>
a.					
b.					
c.					

- Installation of an ignition interlock device on a vehicle does not allow defendant to drive without a valid driver's license.
- Installation must be no later than *(date)*:
- Defendant must present this form to the installer at the time of installation.
- Defendant must return completed *Ignition Interlock Installation Verification* (form CR-222) or the Department of Motor Vehicles *Verification of Installation - Ignition Interlock* (DL 920) to the court no later than *(date)*:
- Defendant must take vehicles to the installer to recalibrate or monitor the device:
 once every 60 days other *(specify frequency)*: _____ following the date of installation.
- Without a court order, the devices may not be removed prior to *(specify a date no later than three years from the date of conviction)*:
- Defendant's employer requires defendant to drive a motor vehicle owned by the employer within the course and scope of defendant's employment. Defendant must provide the employer with the *Notice to Employers of Ignition Interlock Restriction* (form CR-226) no later than *(specify date)*: _____. Defendant must keep a copy of the *Notice to Employers of Ignition Interlock Restriction* in defendant's possession or keep the original or a copy in the employer's vehicle.
- Defendant must maintain current insurance and registration on all vehicles owned.
- Other *(specify)*:

Date: _____

I acknowledge receipt of this order.

 (TYPE OR PRINT NAME OF DEFENDANT)

 (DEFENDANT'S SIGNATURE)

Date: _____

 JUDICIAL OFFICER OF THE SUPERIOR COURT

ORDER TO INSTALL IGNITION INTERLOCK DEVICE

CASE NUMBER:

What is a violation of this order?

1. Failure to have ignition interlock devices installed **as ordered**.
2. Failure to **show proof of installation** to the court within the time limit specified in this order.
3. Failure to comply three or more times with any requirement for the maintenance or calibration of the ignition interlock devices.
4. If defendant has a valid driver's license, driving any vehicle without an ignition interlock device except as provided below and except for employer-owned vehicles required to be operated within the course and scope of employment. A motor vehicle owned by a business entity that is **all** or partly owned or controlled by defendant is not a motor vehicle owned by an employer subject to the exemption.

What will happen if you violate this order?

Under Vehicle Code section 23575, if a defendant fails to comply with this court order the court must notify the Department of Motor Vehicles.

Violation of the following is a misdemeanor and can be punished by imprisonment in the county jail and/or a fine:

1. Failure to notify any person who rents, leases, or loans a motor vehicle to defendant of the restriction imposed by this order.
2. Requesting or soliciting any person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing defendant with an operable motor vehicle.
3. **Operating a vehicle not equipped with a functioning ignition interlock device.**
4. **Removing, bypassing, or tampering with an ignition interlock device.**

Defendant: Call the ignition interlock device installer and arrange for the installation of the device(s). The court will provide you with a list of manufacturers certified by the Department of Motor Vehicles. Contact a certified manufacturer to locate an installer.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: BRANCH NAME:	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: DRIVER'S LICENSE NO.:	
DATE OF COURT ORDER:	
IGNITION INTERLOCK CALIBRATION VERIFICATION	CASE NUMBER:

1. Defendant's name: _____

2. Installer's name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone no.: _____

3. Vehicles:

	<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Color</u>	<u>License Plate No.</u>	<u>VIN:</u>
a.						
b.						
c.						

4. Installation date: a. _____ b. _____ c. _____

5. Odometer reading: a. _____ b. _____ c. _____

6. Calibration setting: a. _____ b. _____ c. _____

7. Unit serial no.: a. _____ b. _____ c. _____

8. Program to end (date): _____

9. The system is in calibration a. b. c.

10. The system has been inspected and is functioning properly. a. b. c.

11. Payment of \$ _____ + sales tax \$ _____ Total collected \$ _____ paid by _____

a. Credit card

b. Money order/cashier's check/certified check

c. Cash/personal check


I declare that the information provided is true and correct.

Date: _____  _____
 (SIGNATURE OF INSTALLER)

DEFENDANT: Your next monitoring check is (date): _____. If you have not had your system serviced within a few days after a missed monitoring check, the system will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the calibration location. You may also owe a missed appointment fee.

Your next payment of \$ _____ is due at the above monitoring check. Payment must be made in full before service is performed. If payment is not made, the system may shut down and you may not be able to start your car. This will result in a service call that will be your responsibility. You may be required to make an additional payment for late payments.

I acknowledge receipt of a copy of this form.

Date: _____  _____
 (SIGNATURE OF DEFENDANT)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: BRANCH NAME:	DRAFT Not approved by the Judicial Council
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: DRIVER'S LICENSE NO.:	
IGNITION INTERLOCK NONCOMPLIANCE REPORT	CASE NUMBER:

1. **Vehicle** Make Model Year Color License Plate No. and/or VIN
- a.
- b.
- c.

2. The defendant failed to comply with a requirement for the maintenance or calibration of the ignition interlock device installed in the vehicle indicated below on three or more occasions:

	<u>Date</u>	<u>Describe Noncompliance</u>	<u>Vehicle</u>
a.			<input type="checkbox"/> a. <input type="checkbox"/> b. <input type="checkbox"/> c.
b.			<input type="checkbox"/> a. <input type="checkbox"/> b. <input type="checkbox"/> c.
c.			<input type="checkbox"/> a. <input type="checkbox"/> b. <input type="checkbox"/> c.

3. The ignition interlock device installed in the vehicle indicated below showed evidence of:

<u>Vehicle</u>	<u>Date</u>	<u>Removal</u>	<u>Attempt to bypass</u>	<u>Attempt to remove</u>	<u>Tampering</u>
a.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. I declare that the information provided is true and correct.

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF FACILITY MONITOR)

Name of facility monitor (*specify*):

Name of facility (*specify*):

Address of facility (*specify*):

Telephone number of facility (*specify*):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> <div style="border: 2px solid black; padding: 5px; display: inline-block; text-align: center;"> DRAFT Not approved by the Judicial Council </div>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: DRIVER'S LICENSE NO.:	
IGNITION INTERLOCK REMOVAL AND MODIFICATION TO PROBATION ORDER (Ignition Interlock Device)	CASE NUMBER:

1. **Order to change vehicles.** The above-named defendant has approval of the court to change the ignition interlock device (system serial number: _____) to another vehicle.

a. Remove from vehicle:

Make Model Year Color License Plate No. and/or VIN

b. Reinstall in vehicle:

Make Model Year Color License Plate No. and/or VIN

2. **Order for additional installation.** The above-named defendant must install an ignition interlock device on the vehicle designated below by (date): _____

Make Model Year Color License Plate No. and/or VIN

3. **Order to remove device.**

Additional orders:

Date: _____

 (TYPE OR PRINT NAME)

I acknowledge receipt of this order.

 (SIGNATURE OF DEFENDANT)

Date: _____

 JUDICIAL OFFICER OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: BRANCH NAME:	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: DRIVER'S LICENSE NO.:	
<p style="text-align: center;">NOTICE TO EMPLOYERS OF IGNITION INTERLOCK RESTRICTION</p>	CASE NUMBER:

INSTRUCTIONS TO DEFENDANT

You are required to provide this notice to any employer who owns a vehicle that you operate in the course and scope of your employment with that employer. You are also required to keep this notice in your possession or with your employer's vehicle.

NOTICE TO EMPLOYER

1. This is to inform the employers of the above named defendant that the defendant is required by court order to have installed, on all vehicles that the defendant owns or operates, an ignition interlock device pursuant to Vehicle Code section 23575 et seq.
2. This court order is effective *(date)*: _____ and will expire *(date)*: _____
3. Note: Vehicle Code section 23576 provides:
 "[I]f a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of a **functioning, certified** approved ignition interlock device if the employer has been notified by the person that the person's driving privilege has been restricted ... and if the person has proof of that notification in his or her possession, or if the notice, or a facsimile copy thereof, is with the vehicle."
4. **If a business entity is totally or partially owned or controlled by the defendant, then the defendant is not eligible under Vehicle Code section 23576 to drive a vehicle without an ignition interlock device installed.**
5. This notice satisfies the requirements of Vehicle Code section 23576.