

117TH CONGRESS
1ST SESSION

S. 1999

To amend title 23, United States Code, to authorize the use of certain Federal funds for multiple substance impaired driving countermeasures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2021

Mrs. CAPITO (for herself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 23, United States Code, to authorize the use of certain Federal funds for multiple substance impaired driving countermeasures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Multiple Substance
5 Impaired Driving Prevention Act of 2021”.

6 **SEC. 2. SENSE OF CONGRESS; PURPOSE.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

1 (1) a priority should be placed on creating
 2 State systems, programs, and processes that improve
 3 impaired driving detection in cases in which alcohol,
 4 drugs, and especially multiple substances are in-
 5 volved;

6 (2) States and communities should have access
 7 to a broader range of countermeasures, technologies,
 8 and resources to address multiple substance im-
 9 paired driving; and

10 (3) increased Federal funding should be made
 11 available for efforts to improve public safety through
 12 the approaches described in paragraphs (1) and (2).

13 (b) PURPOSE.—The purpose of this Act is to increase
 14 national investment in, and maximize the use of, innova-
 15 tive programs and technologies to eliminate multiple sub-
 16 stance impaired driving.

17 **SEC. 3. IMPAIRED DRIVING PREVENTION AND REPORTING.**

18 (a) USE OF FUNDS FOR MULTIPLE SUBSTANCE IM-
 19 PAIRED DRIVING.—Section 164(b)(1) of title 23, United
 20 States Code, is amended—

21 (1) in subparagraph (A), by striking “for alco-
 22 hol-impaired” and inserting the following: “for—

23 “(i) alcohol-impaired driving counter-
 24 measures; or

1 “(ii) single or multiple substance im-
 2 paired”.

3 (2) in subparagraph (B), by striking “intoxi-
 4 cated” and all that follows through the period at the
 5 end and inserting the following: “intoxicated, driving
 6 under the influence, driving while multiple substance
 7 impaired, or other related laws (including regula-
 8 tions), including for—

9 “(i) the purchase of equipment dedi-
 10 cated to the enforcement of those laws;

11 “(ii) the training of officers dedicated
 12 to the enforcement of those laws; and

13 “(iii) the use of additional personnel
 14 for specific—

15 “(I) alcohol-impaired driving
 16 countermeasures; or

17 “(II) single or multiple substance
 18 impaired driving countermeasures.”.

19 (b) IMPAIRED DRIVING COUNTERMEASURES.—Sec-
 20 tion 405(d) of title 23, United States Code, is amended—

21 (1) in paragraph (4)—

22 (A) in subparagraph (B)—

23 (i) by striking clause (iii) and insert-
 24 ing the following:

1 “(iii)(I) court support of high-visibility
2 enforcement efforts;

3 “(II) hiring criminal justice profes-
4 sionals, including law enforcement officers,
5 prosecutors, traffic safety resource pros-
6 ecutors, judges, judicial outreach liaisons,
7 and probation officers;

8 “(III) training and education of the
9 criminal justice professionals described in
10 subclause (II) to assist those professionals
11 in preventing impaired driving and han-
12 dling impaired driving cases, including by
13 providing compensation to a law enforce-
14 ment officer to replace a law enforcement
15 officer who is—

16 “(aa) receiving drug recognition
17 expert training; or

18 “(bb) participating as an instruc-
19 tor in drug recognition expert train-
20 ing; and

21 “(IV) establishing driving while intoxi-
22 cated courts;”;

23 (ii) by striking clauses (v) and (vi)
24 and inserting the following:

25 “(v) improving—

1 “(I) blood alcohol concentration
2 screening and testing;

3 “(II) the detection of potentially
4 impairing drugs, including through
5 the use of oral fluid as a specimen;
6 and

7 “(III) reporting relating to the
8 screening, testing, and detection de-
9 scribed in subclauses (I) and (II);

10 “(vi)(I) paid and earned media in sup-
11 port of high-visibility enforcement efforts;

12 “(II) conducting initial and con-
13 tinuing—

14 “(aa) standardized field sobriety
15 training, advanced roadside impaired
16 driving enforcement training, and
17 drug recognition expert training for
18 law enforcement; and

19 “(bb) law enforcement phle-
20 botomy training; and

21 “(III) purchasing equipment to carry
22 out impaired driving enforcement activities
23 authorized by this subsection;”;

24 (iii) in clause (ix), by striking “and”
25 at the end;

1 (iv) in clause (x), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (v) by adding at the end the following:
4 “(xi) testing and implementing pro-
5 grams and purchasing technologies to bet-
6 ter identify, monitor, or treat impaired
7 drivers, including—

8 “(I) oral fluid screening tech-
9 nologies;

10 “(II) electronic warrant pro-
11 grams;

12 “(III) equipment to increase the
13 scope, quantity, quality, and timeli-
14 ness of forensic toxicology chemical
15 testing;

16 “(IV) case management software
17 to support the management of im-
18 paired driving offenders; and

19 “(V) technology to monitor im-
20 paired driving offenders.”; and

21 (B) in subparagraph (C)—

22 (i) in the second sentence, by striking
23 “Medium-range” and inserting the fol-
24 lowing:

1 “(ii) MEDIUM-RANGE AND HIGH-
 2 RANGE STATES.—Subject to clause (iii),
 3 medium-range”;

4 (ii) in the first sentence, by striking
 5 “Low-range” and inserting the following:

6 “(i) LOW-RANGE STATES.—Subject to
 7 clause (iii), low-range”; and

8 (iii) by adding at the end the fol-
 9 lowing:

10 “(iii) ALL STATES.—

11 “(I) REPORTING OF IMPAIRED
 12 DRIVING INFORMATION.—A State may
 13 use grant funds for any expenditure
 14 designed to increase the timely and
 15 accurate reporting of impaired driving
 16 crash information, including electronic
 17 crash reporting systems that allow ac-
 18 curate real- or near-real-time
 19 uploading of crash information, and
 20 impaired driving criminal justice in-
 21 formation to Federal, State, and local
 22 databases.

23 “(II) IMPAIRED DRIVING COUN-
 24 TERMEASURES.—A State may use
 25 grant funds for any expenditure to re-

1 search or evaluate impaired driving
2 countermeasures.”; and

3 (2) in paragraph (7)(A), in the matter pre-
4 ceding clause (i), by inserting “or local” after “au-
5 thorizes a State”.

6 (c) GAO STUDY ON NATIONAL DUI REPORTING.—

7 (1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct a study on the re-
9 porting of impaired driving arrest and citation data
10 to Federal databases and the interstate sharing of
11 information about convictions and license suspen-
12 sions relating to impaired driving to facilitate the
13 widespread identification of repeat impaired driving
14 offenders.

15 (2) INCLUSIONS.—The study conducted under
16 paragraph (1) shall include a detailed assessment
17 of—

18 (A) the extent to which State and local
19 criminal justice agencies are reporting impaired
20 driving arrest and citation data to Federal
21 databases;

22 (B) any barriers—

23 (i) at the Federal, State, or local level
24 to the reporting of impaired driving arrest

1 and citation data to Federal databases;

2 and

3 (ii) to the use by State and local

4 criminal justice agencies of—

5 (I) those databases; and

6 (II) any systems for the report-

7 ing of that data;

8 (C) the extent to which States are sharing

9 impaired driving conviction and license-suspen-

10 sion data;

11 (D) any barriers at the Federal, State, or

12 local level to the sharing of impaired driving

13 conviction and license-suspension data;

14 (E) any Federal, State, and local resources

15 available to improve the reporting and sharing

16 of impaired driving data;

17 (F) any recommendations for policies and

18 programs to be carried out by the National

19 Highway Traffic Safety Administration to im-

20 prove—

21 (i) the reporting of impaired driving

22 arrest and citation data to Federal data-

23 bases; or

1 (ii) the interstate sharing of impaired
2 driving conviction and license-suspension
3 data; and

4 (G) any recommendations for programs or
5 grant funding to be authorized by Congress to
6 improve—

7 (i) the reporting of impaired driving
8 arrest and citation data to Federal data-
9 bases; or

10 (ii) the interstate sharing of impaired
11 driving conviction and license-suspension
12 data.

13 (3) REPORT.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller Gen-
15 eral of the United States shall submit to the appro-
16 priate committees of Congress a report on the re-
17 sults of the study conducted under paragraph (1).

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