

Frequently Asked Questions Concerning: Leandra's Law Ignition Interlock Requirement

August 13, 2010

<i>Court's Obligation in Sentencing, Financial Disclosure & Determination of the Ability to Afford</i>	
<i>A. Ignition Interlock Sentencing Guidelines:</i>	
<i>(1) What charges does this statute apply to?</i>	The Ig. Interlock sentencing requirement applies to convictions for: <ul style="list-style-type: none"> • VTL 1192.2 BAC of .08 or greater • VTL 1192.2-a (a) or (b) Aggravated DWI • VTL 1192.3 DWI or • any crime defined by ... the penal law of which an alcohol-related violation of any provision of section eleven hundred ninety-two of this article is an essential element. <i>[see VTL1193.1 (c)]</i>
<i>(2) What VTL 1192 charges are not included in the Ignition Interlock requirement?</i>	The Ignition Interlock requirement is not included for convictions for: <ul style="list-style-type: none"> • VTL 1192.1 DWAI • VTL 1192.4 DWAI Drugs or • VTL 1192.4-a DWAI Drugs & Alcohol <p>Note: It also <u>does not apply</u> to alcohol convictions under the Navigation Law, Environmental Conservation Law, or any other Law other than the Penal or Vehicle & Traffic Law.</p>
<i>(3) What if the conviction is for VTL 1192.2-a(b) Agg. DWI - Child in Vehicle based solely on a charge of 1192.4 DWAI Drugs and no alcohol is involved; is the IID sentence condition required?</i>	Yes. It is the only instance where interlock is required in connection with DWAI drugs (or combination of drugs), but the conviction must be for VTL 1192(2-a).
<i>(4) Is the IID sentence required if the defendant is adjudicated a Youthful Offender for one of the applicable statutes?</i>	Yes, the Ignition Interlock is a requirement of the sentence for a Youthful Offender Adjudication.
<i>(5) Is the IID sentence condition required if the Defendant doesn't own a vehicle?</i>	Yes. If the defendant does not own a vehicle, he/she is still prohibited from operating a motor vehicle without the IID <i>[see VTL1193.1 (c)(iii)]</i> .

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<p>(6) <i>What dates are important when determining whether the IID condition must be imposed?</i></p>	<p>For purposes of this legislation, the IID condition must be imposed when the offense occurred on or after 11/18/2009, AND the sentence is being imposed on or after 8/15/2010.</p>
<p>(7) <i>Is the IID condition required when the defendant resides out-of-state and/or has an out-of-state license?</i></p>	<p>Yes, the IID sentence condition is still required, and the NYS DMV records should reflect this condition. <i>Note: If a defendant lives in a neighboring state or Canada, it is possible that a NYS Probation office could be the monitor. Some other states can, and do, have monitors for the same purpose. [see Title 9 NYCRR Sec 358.7 (b)(3)]</i></p>
<p>(8) <i>At what point in the proceedings is the Ignition Interlock condition ordered?</i></p>	<p>The IID condition is ordered at sentencing. Notification to DMV should occur at that time. However, if the sentence includes a term of imprisonment, the IID installation and monitoring begins when the defendant is released. [see PL§ 60.21] <i>Note: Imposition of the IID condition differs from when the device must actually be installed. See question #9.</i></p>
<p>(9) <i>Is the court responsible for knowing when an incarcerated defendant is going to be released from custody?</i></p>	<p>No, the monitor is responsible to track the defendant's release.</p>
<p>(10) <i>If the defendant receives a sentence of imprisonment, is a period of probation or conditional discharge still required?</i></p>	<p>Yes, for all convictions for VTL 1192 (2), (2-a) or 3, where a term of incarceration is imposed, a mandatory consecutive term of either probation or conditional discharge must also be imposed.</p>
<p>(11) <i>How long must the court order the defendant to abide by the ignition interlock condition?</i></p>	<p>The term may be up to the entire duration of Probation or Conditional Discharge, but for VTL convictions, not less than six months [see question and answer # 11 for further consideration]. <i>VTL 1193(c)(iii) "... during the term of such probation or conditional discharge imposed for such violation of section eleven hundred ninety-two of this article and in no event for a period of less than six months."</i></p>

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<p><i>(12) Can the reported IID term ever be less than six months?</i></p>	<p>Generally, no. However, OCA counsel's office has opined that if the IID condition had been ordered as a condition of interim probation, the court, in its discretion, could credit the defendant with <i>that</i> period of time at sentencing.</p>
<p><i>(13) Can the court change the term of the IID?</i></p>	<p>Yes, the court may reduce or increase the term of the IID condition within the parameters outlined in question #11. Upon any change in conditions, the court should issue an amended Orders and Conditions form with the new terms.</p>
<p>B. Installation of the Ignition Interlock Device in Vehicles:</p>	
<p><i>(14) On what types of vehicles is the IID installation required?</i></p>	<p>IID installation is required on any motor vehicle operated on a public highway, including motorcycles and farm tractors. However, IIDs are not designed for installation on motorcycles or farm tractors. Therefore, Counsel's Office has recommended that the Court completely prohibits operation of these types of vehicles during the period that the IID is required.</p> <p><i>Note: Snowmobiles, ATVs, and boats are not listed as motor vehicles under the VTL and therefore are exempt from the IID sentencing requirement.</i></p>
<p><i>(15) Who determines which vehicles must have an IID installed?</i></p>	<p>On its order, the court will list the vehicles that are owned and operated by the defendant that have been identified as those requiring installation of the IID. <i>See Form: "Orders and Conditions of Probation or Conditional Discharge Related to Ignition Interlock Device" (CRC IID-CD/Prob)</i></p> <p><i>Note: If a PSI was ordered, the Probation Department will provide information on what vehicles are owned and/or operated by the Defendant. If there is a Conditional Discharge proposed, the prosecutor may provide this information, or the court may need to have the defendant provide the vehicle information.</i></p>

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<p><i>(16) What if the defendant rents or leases a motor vehicle?</i></p>	<p>The IID requirement is also applicable to rented or leased vehicles.</p> <p>Article 9 NYCRR Section 358.7 Monitoring. <i>(c)(5)... Any operator shall provide satisfactory proof to the monitor that any other person who rents, leases, or loans a motor vehicle to him or her has been notified that the operator's driving privilege is restricted and necessitates installation of the ignition interlock device on any vehicle he or she owns or operates and that the person grants permission for the operator to install the device on such vehicle(s) and operate the vehicle(s). Further, prior to return of any vehicle which is leased, rented, or loaned, the operator shall comply with service visit requirements of this Part...</i></p>
<p><i>(17) What if the defendant represents that he does not own, and will not operate a motor vehicle?</i></p>	<p>If the court determines that the Defendant does not own or operate a motor vehicle, it must be indicated on its Orders and Conditions, however, this determination DOES NOT eliminate the need to impose the IID condition at sentencing. The IID condition must also be reported to DMV for notation on the defendant's license or driver's ID, and driving record.</p>
<p><i>(18) What if the defendant drives a vehicle for his or her employer?</i></p>	<p>Article 9 NYCRR Section 358.7 Monitoring. <i>(c) Every operator shall: (5) ... Prior to an operator legally driving an employer's vehicle within the scope of his or her employment, the operator must provide satisfactory proof to the monitor that the employer has been notified of the operator's driving privilege is restricted and necessitates installation and maintenance of a functioning ignition interlock device and such employer grants permission for the operator to drive the employer's vehicle without the device only for business purposes. Such exemption for business purposes shall not apply to any vehicle owned by a business entity all or partly owned or controlled by the operator. [see VTL 1198.8 Employer vehicle].</i></p>

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C. The Ignition Interlock Device:	
<p><i>(19) Who determines what type of device is to be installed?</i></p>	<p>The Monitor decides what class of IID (1,2 or 3) will be installed. The defendant chooses an authorized vendor from a list of those available in the appropriate County. If a vendor has more than one model within the appropriate class, the defendant may select the model.</p> <p><i>Note: As of August 1, 2010 there are no Class 2 devices being offered by vendors in NYS.</i></p> <p><i>Also: Article 9 NYCRR Section 358.7 Monitoring.</i></p> <p><i>(c)(1) ...Nothing in this Part shall preclude an operator from having installed a certified ignition interlock device in excess of the class and/or features authorized herein...</i></p>
D. Financial Disclosure & Determination of the Ability to Afford	
<p><i>(20) Who pays for the device, installation and maintenance?</i></p>	<p>The defendant pays all related costs unless the court determines that he/she cannot afford to pay for part or all of the related costs.</p> <p><i>Article 9 NYCRR Section 358.8 Costs and maintenance.</i></p> <p><i>(a) Any operator shall pay the cost of installing and maintaining the ignition interlock device unless the operator has been determined to be financially unable to afford the cost of the ignition interlock device by the sentencing court whereupon such cost may be imposed pursuant to a payment plan or waived.</i></p> <p><i>(b) Any operator who claims financial inability to pay for the device shall submit in advance of sentencing three (3) copies of his or her financial disclosure report, on a form prescribed by the division, to the sentencing court which shall distribute copies to the district attorney and defense counsel.</i></p> <p><i>[See Appendix D: DPCA-500IID-FDR Ignition Interlock Device Program Financial Report]</i></p>

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<p><i>(21) Who determines whether the Defendant can afford to pay for the device and related costs?</i></p>	<p>If the defendant claims financial inability, he/she should be directed to complete the “<i>Ignition Interlock Device Program- Financial Report</i>”: <i>DPCA-500IID-FDR</i>. This is a tool to assist the court in making the determination.</p> <p><i>Note: If the financial circumstances change so that part or all of the cost becomes affordable during the term of the IID installation, the Defendant must advise the monitor, who will notify the Court to reconsider for purposes of changing the Order.</i></p>
<p><i>(22) What is the standard for considering whether any of the cost to the defendant should be waived?</i></p>	<p>The Court has discretion to determine whether the defendant can financially afford the cost of the IID, and may request documentation of income and expenses for the purpose of determining the actual disposable income of the individual.</p> <p><i>Note: The standard is not the same as that of indigency for the purpose of receiving court appointed counsel. Thus, Counsel's Office has opined that qualification for court-appointed counsel does not automatically confer a right to have the IID costs waived.</i></p>
<p><i>(23) If any of the cost is waived, who will determine which manufacturer will bear the cost?</i></p>	<p>The monitor will select the IID manufacturer that the defendant must use, and the manufacturer will bear the cost of installation and maintenance.</p>
<p><i>(24) If the Defendant is sentenced to a term of imprisonment, when will the Court determine whether the Defendant can afford to pay the costs?</i></p>	<p>In order to avoid any post judgment motions, the court should make a determination of the defendant's ability to pay at the time of sentencing, regardless of whether the sentence includes a term of imprisonment.</p>

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<i>E. Compliance and Non-Compliance</i>	
<i>(25) Who is responsible for monitoring whether the Defendant complies with the IID requirement?</i>	<p>Where the Defendant has been sentenced to probation, the receiving Probation Department is responsible for monitoring compliance.</p> <p>Where the Defendant has been sentenced to a conditional discharge, the designated monitor for the County where the defendant resides is responsible for monitoring compliance. <i>[see the statewide list of monitors posted at the NYS Department of Probation and Correctional Alternatives website: http://dpca.state.ny.us/pdfs/conditionaldischargemonitorsaso15Aug2010.pdf].</i></p> <p><i>Part 358 is added to Title 9 NYCRR</i></p> <p><i>Section 358.4 County Ignition Interlock Program Plan.</i></p> <p><i>c) Every plan shall specify monitoring by the probation department where the operator is subject to a period of probation supervision and may designate one or more alternative persons or entities, in lieu of the probation department, responsible for monitoring where an ignition interlock device has been imposed pursuant to a conditional discharge. An alternative person or entity may include but is not limited to the sheriff, police commissioner, district attorney, STOP-DWI coordinator, traffic safety board representative, drinking driver program, treatment alternative for safer communities program, or any other similar individual, agency, or organization.</i></p>
<i>(26) When must the defendant comply with the installation?</i>	<p>The IID must be installed within 10 business days after sentencing, or if the sentence includes a term of imprisonment, within 10 business days from the defendant's release from imprisonment. Proof must be submitted to the Court within 3 days of installation. <i>[See Article 9 NYCRR Section 358.7]</i></p>
<i>(27) How will the Court know if the Defendant fails to comply?</i>	<p>The monitor must notify the Court within 3 days of detection of any alleged non-compliance or adverse notification from a manufacturer. <i>[See Article 9 NYCRR Section 358.7]</i></p>

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<i>(28) What should the Court do when it receives a notification of failure to comply?</i>	The Court should consider the recommendations from the monitor and determine whether to schedule a Court date, issue a warrant, or take some other appropriate action.
<i>(29) What if a person has served the maximum amount of imprisonment and then fails to comply with the IID requirement?</i>	A sentence of Probation or Conditional Discharge must be imposed in addition to any term of imprisonment, and the Probation or Conditional Discharge must run consecutively to any term of imprisonment. Thus, the Probation Department or the designated Conditional Discharge monitoring authority will monitor compliance with the IID condition and report any failures to comply following the defendant's release.
<i>(30) Who determines when the IID requirement can be lifted, and any device removed?</i>	If the defendant is subject to a sentence of Probation or Conditional Discharge, only the court can modify or lift the IID conditions. Once the term of Probation or Conditional Discharge has expired, the court-imposed IID requirement also expires and can no longer be modified by the court <i>[see question # 8]</i> .
<i>Felony Conviction Considerations:</i>	
<i>(31) What will happen upon a person's release from State Prison?</i>	Following a state prison term, a defendant may be simultaneously subject to Parole supervision and supervision by the Probation Department or designated Conditional Discharge monitoring authority [see #23]. Pursuant to PL § 70.45(3), the Parole Board must require an IID as a condition of the defendant's conditional release or post-release supervision. Therefore, the IID may remain a requirement of the defendant's parole beyond the expiration of his/her Probation or Conditional Discharge. However, the Parole Board is solely responsible for this condition as it relates to parole supervision.

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<i>Criminal Disposition Reporting, DMV Reporting and Notifications to and from the Monitor</i>	
<i>(32) What information should be entered into my case management system when recording this type of disposition?</i>	<i>[See Appendix F]</i>
<i>(33) How is the sentence condition of ignition interlock reported to the monitoring authority?</i>	It is reported by completing and forwarding the Orders and Conditions of Probation or Conditional Discharge Related to Ignition Interlock Device form <i>[see Appendix A]</i> to appropriate monitoring authority immediately after sentence is imposed.
<i>(34) How do I report the sentence of Conditional Discharge or Probation with an IID condition when the defendant is imprisoned?</i>	The correctional authority should be notified of the Conditional Discharge or Probation with IID condition by indicating it on the Sentence & Commitment form or securing order. <i>[Superior Courts see Appendix E (revised UCS-854)]</i> , and the Orders and Conditions of Probation or Conditional Discharge Related to Ignition Interlock Device form <i>[see Appendix A]</i> should be forwarded to the appropriate monitoring authority immediately after sentence is imposed.
<i>(35) How will the court be notified if the defendant violates the IID conditions?</i>	The designated monitoring authority will notify the court of any violations.
<i>(36) Must DMV be notified of the IID condition if the defendant doesn't own or operate a vehicle?</i>	Yes. Regardless of whether the Defendant operates or owns a vehicle at the time of sentencing, the defendant's license or driving privileges will need to reflect the IID requirement.
<i>(37) Where can I find the necessary court forms related to IID?</i>	The necessary court forms are attached as appendices, and will be made available on the UCS intranet.

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<p><i>(38) How does the IID requirement get reflected on the Defendant's drivers license?</i></p>	<p>The MV-1192 form <i>[see Appendix B]</i> filed with DMV will cause the IID condition to be noted on the defendant's license or non-driver ID.</p>
<p><i>(39) Do I need to complete the MV-1192 if the defendant is unlicensed?</i></p>	<p>Yes, the form must be submitted even if the defendant is unlicensed.</p>
<p><i>(40) If I am sending the MV-1192, do I still need to report the disposition to DMV?</i></p>	<p>Yes. The MV-1192 only places the IID annotation on the driver's license. It will not be reflected on the driving abstract unless the disposition is reported to DMV using either a UT-20, UT-60, or A-246 form <i>[see Appendix C]</i>.</p>
<p><i>(41) How does the defendant obtain the Financial Disclosure Report form?</i></p>	<p>The defendant can be referred to the NYS Office of Probation and Correctional Alternatives Website (http://dpca.state.ny.us/) to download the form, or the court can provide a copy to the defendant.</p>
<p><i>(42) Where can the court obtain IID and monitor information when a defendant who resides in another county?</i></p>	<p>Complete lists of IID manufacturers, service centers and monitors can be found on the NYS Office of Probation and Correctional Alternatives Website (http://dpca.state.ny.us/).</p>

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<i>Appendices: Table of Contents</i>	
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<i>Appendix D</i>	DPCA-500 IID-FDR - Financial Disclosure Report Form
<i>Appendix E</i>	UCS-854 - Uniform Sentence and Commitment form and instructions (superior courts)
<i>Appendix F</i>	Reporting and Entering of IID Sentences in Case Management Systems

notes:

Appendix A



Court of the _____ of New York
 Part _____ County _____

**ORDERS AND CONDITIONS OF PROBATION OR
 CONDITIONAL DISCHARGE RELATED TO
 IGNITION INTERLOCK DEVICE (IID)**

PEOPLE OF THE STATE OF NEW YORK
 against
 _____, Defendant

Docket/SCI/Ind # _____
 NYSID: _____
 Motorist ID/State: _____/_____
 DOB: _____

Defendant having been convicted of Vehicle and Traffic Law § _____ OR adjudicated a Youthful Offender is **ORDERED** sentenced to:

A Conditional Discharge for a period of one three year(s) or _____ term to expire on: _____
 Probation for a period of one three five year(s) or _____ term to expire on: _____
 A period of incarceration of _____ days months years and a sentence of probation or conditional discharge, as ordered above, which shall be served consecutively to the period of incarceration.

The Court has further determined, and it is therefore **ORDERED** that:

The defendant is able to afford the immediate fees/charges associated with the installation and maintenance of an Ignition Interlock Device(s) (IID), and shall enter into a written agreement with the selected IID Vendor; or

Upon review of the Financial Disclosure Report, the Court has determined, and it is, therefore, **ORDERED** that:

The defendant enter into a specific payment plan with the IID vendor, to wit: _____ and such written plan/agreement shall be provided to the IID monitoring authority (monitor) or, if applicable, the probation officer; or

The defendant is NOT able to afford the usual fees/charges associated with the installation and maintenance of an IID, and all such fees/charges are waived.

The Ignition Interlock Device(s) shall be installed for a minimum of six months or _____ months years, and the IID Monitor will determine Class or type of Ignition Interlock Device(s) to be installed by the defendant.

During this period of supervision, the defendant is **ORDERED** to comply with all of the original conditions of Probation or Conditional Discharge, as well as the following conditions and any others the Court may impose at a later date and to follow the instructions of the monitor and, if applicable, probation officer as how these conditions are to be carried out:

1. The Defendant shall install and maintain an IID in any motor vehicle owned, operated or rented by the defendant for the period listed above. Failure to install and maintain such device(s) will subject the defendant to incarceration for violation of the Court's Order. Further, if the defendant operates a motor vehicle without the court-ordered IID, he/she may be arrested and charged with a new crime pursuant to VTL § 1198, a Class A misdemeanor.
2. Report to the monitor as directed by the Court or, if applicable, the probation officer.
3. Answer all reasonable inquiries by the monitor.
4. Notify the monitor prior to any change in address vehicle ownership or access for operation.
5. **An ignition interlock device shall be installed in the below-described vehicle(s) within 10 business days of the conditional discharge or probation sentence or release from incarceration.** The vehicle(s) listed are owned or operated by the defendant. If the vehicle is not owned by the defendant, written and notarized permission for the ignition interlock installation must be completed by the vehicle's titled owner.
6. Where applicable, pursuant to NYS Vehicle and Traffic Law §1193(1-a)(c), the device(s) shall be installed during the period of license revocation and its termination, and for each additional period as the court may determine.
7. The defendant shall provide proof of installation of each device to the monitor and, if applicable, the probation department within 3 (three) business days of installation.
8. The defendant shall notify the monitor and, if applicable, probation officer immediately if any changes occur in vehicle(s)-related information.
9. The defendant will notify the court and, if applicable, probation officer immediately if he/she purchases or rents any new or additional vehicles.
10. The defendant shall be responsible for the entire cost of the installation and maintenance of approved ignition interlock device(s), unless associated fees and charges are waived by the court.
11. The defendant shall deliver the vehicle(s) identified below and equipped with the ignition interlock device to the installer for the inspection and calibration checks as required by the installer or as directed by the court, the monitor or, if applicable, the probation officer in a manner consistent with DPCA Rules and Regulations Part 9NTCRR Part 358.
12. The defendant shall not request, solicit or allow any other person(s) to blow into the ignition interlock device, or start the motor vehicle with the device, for the purpose of providing the defendant with an operable motor vehicle.
13. The defendant shall not tamper with or attempt to circumvent an otherwise operable ignition interlock device. Such tampering is a Class A Misdemeanor under Section 1198 of New York State Vehicle and Traffic Law.
14. The defendant shall notify the court, the monitor and/or the probation officer of his/her intention to operate an employer's vehicle within the scope of his/her employment for business purposes only and shall provide written permission from the employer, to be carried on his/her person and shown to the court, the monitor and/or the probation officer, indicating that the employer is aware that the driving privilege of the defendant has been restricted, and permits operation of the business vehicle within the scope of employment without the ignition interlock device. If the business entity is all or partly owned by the defendant or the defendant has a controlling interest in that business entity, the business vehicles are not exempt from having IID installed.

NO Vehicle	Vehicle #1	Vehicle #2	Vehicle #3	Vehicle #4
Owner				
Make				
Model				
Year				
Color				
VIN				
Plate #				
Insurance Co				

vehicle registrations (# _____) attached to form in lieu of above vehicle information.

Dated _____ Justice/Judge _____

ACKNOWLEDGEMENT

I have read and received a copy of the above Interlock Ignition Device Addendum to Order and Conditions of Probation or Conditional Discharge and agree to comply with them. I understand the conditions and that the Court may, at any time prior to the expiration or termination of the period of probation, modify or enlarge the conditions or, if I violate a condition or commit an additional offense other than a traffic infraction, revoke the sentence.

Dated _____ Defendant _____

Appendix B



ORDER OF SUSPENSION OR REVOCATION

- Always give Part 2 to the motorist.
- Give Part 1 to the motorist ONLY if you are granting continuation of driving privileges.

PART 1 - CONTINUATION OF DRIVING PRIVILEGES

Motorist Name (Last, First, MI)	Date of Birth	Year License Expires	License Class	Restrictions
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According to Section 1193 of the Vehicle and Traffic Law, your driver license will be suspended revoked on _____ (sentence date plus 20 days)

This order will allow you to drive, with the same limitations as your driver license, until your suspension/ revocation starts, except that if an ignition interlock device is required, it must be installed within 10 business days of the sentence date. **You must have both parts of this order with you when you drive.** If you do not have both parts of this order with you, you may be charged with a violation of the Vehicle and Traffic Law. When the suspension/revocation starts, you do not have the right to drive unless you receive a conditional license. This order must be turned in before a conditional license can be issued to you.

MV-1192 (7/10)

(Signature of Judge or Clerk of Court)



ORDER OF SUSPENSION OR REVOCATION

PART 2

Motorist Name (Last, First, MI)	Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female
Number and Street Address	Apt. #	Ticket Number (if unavailable, enter Docket Number)
City	State	Zip Code
Driver License #		

COURT/VIOLATION (Certificate of Conviction must be attached)

Judge Name	Violation Date	Conviction Date	<input type="checkbox"/> Check if Youthful Offender
Court Code	Vehicle Class (definitions are listed on the back of this form)		
	<input type="checkbox"/> Commercial Motor Vehicle (DMV)	<input type="checkbox"/> Special Vehicle	<input type="checkbox"/> All Others

SUSPENSION/REVOCATION

According to Section 1193-2 of the Vehicle and Traffic Law, your driver license/privilege is:

Suspended for 90 days (conviction of 1192-1 first offense only if not operating a CMV or Special Vehicle).

Revoked for at least _____ Duration (Enter ONLY one of the options listed on the back of this form)

Sentence date ____ / ____ / ____ . This order will be effective on _____ because of your conviction of a (sentence date or sentence date plus 20 days)

violation of Subdivision _____ of Section 1192 of the Vehicle and Traffic Law.

PROBATION/CONDITIONAL DISCHARGE

A person convicted of a violation of VTL 1192(2-a)(a) or (b) **committed on or after 12/18/09** must be sentenced to a conditional discharge or probation and the installation and use of the interlock device.

A person convicted of a violation of VTL 1192(2) or (3) **committed on or after 11/18/09 and who is sentenced on or after 8/15/10** must be sentenced to a conditional discharge or probation and the installation and use of the interlock device.

Is motorist sentenced to: Probation - If sentenced to probation, how long is the sentence? 3 years 5 years
 Conditional Discharge - If sentenced to conditional discharge, how long is the sentence? 1 year 3 years

Must the motorist obtain permission before applying for a license? Only applies if motorist is sentenced to probation. Yes No

If yes, do they need permission from: Court Probation Department Both

Must the motorist install an Ignition Interlock Device? Yes No

★ **THE MOTORIST HAS 10 BUSINESS DAYS FROM THE DATE THE SENTENCE IS IMPOSED TO INSTALL THE IGNITION INTERLOCK DEVICE IN MOTOR VEHICLES OWNED OR OPERATED BY THE MOTORIST.**

LICENSE SURRENDER — Has the motorist surrendered his/her license

Yes No — If you have not turned in your driver license to the court, you must turn it in to the Department of Motor Vehicles. If you turn in a temporary license, you must also turn in your photo license when you receive it.

Motorist Signature	Signature of Judge or Clerk of Court
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Appendix C



New York State Department of Motor Vehicles
**CERTIFICATE CONCERNING VIOLATION OF LAW
 RELATING TO VEHICLES**

						No.	
Class of License	Expires (Mo/Day/Yr)	Date of Birth (Mo/Day/Yr)	Sex <input type="checkbox"/> M <input type="checkbox"/> F	Type of Registration	Expires (Mo/Day/Yr)	You are hereby directed to appear in the Court Code: _____	
Identification Number			Vehicle Identification Number				
Last Name		First	MI	Vehicle Year	Vehicle Year		<input type="checkbox"/> Com. Veh. <input type="checkbox"/> Bus <input type="checkbox"/> Haz. Mat.
Mailing Address (Street & No.)			Plate Number	State			
City or Town		State	Zip Code	THE DEFENDANT WAS ACCUSED OF THE FOLLOWING OFFENSE COMMITTED ON: The _____ Day of _____ Year _____		Operator Owns Vehicle: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Docket Number		Plea <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty				DWI/DWAI/Drugs - Test Results 1. BR _____ % 2. BL _____ % 3. UR _____ %	
LICENSE: <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory _____ Days			Location				
REGISTRATION: <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended _____ Days			In Violation of <input type="checkbox"/> NYS V & T Law <input type="checkbox"/> Sect <input type="checkbox"/> NYS V & T Law <input type="checkbox"/> Sect				
Date of Conviction	If Bail Was Forfeited Enter Date	Charge: <input type="checkbox"/> Traffic Information <input type="checkbox"/> Misdemeanor		Charge: <input type="checkbox"/> Speeding _____ MPH in _____ MPH Zone <input type="checkbox"/> Other _____		Charge--Convicted Of <input type="checkbox"/> V & T <input type="checkbox"/> Other _____	
Sentence		Date of Sentence		Sect _____ Sub. _____			
Officer's Signature			Officer's Identification Info.				

SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW REQUIRES THAT DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition, your license to drive a motor vehicle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

CERTIFICATION (To be completed by Magistrate or Clerk of Court. Check the appropriate box(es) below):

I certify that: <input type="checkbox"/> Upon arraignment, the above instruction was given to the defendant verbally. <input type="checkbox"/> The defendant appeared in response to a summons or ticket upon which the instructions were printed in bold red type, in accordance with Section 1807 of the Vehicle and Traffic Law. <input type="checkbox"/> Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law. The information given on this certificate is a true abstract from the records of this court.		
Signature of Judge or Clerk of Court	Name of Judge	Date

- If a license or registration is picked up, attach it to this certificate.
- Send this certificate to the:

**Department of Motor Vehicles
 Traffic Records Processing
 6 Empire State Plaza Room 210
 Albany NY 12228-0430**

Appendix D

NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL

FINANCIAL DISCLOSURE INSTRUCTIONS

IN ORDER TO BE PROCESSED AS AN APPLICATION FOR JUDICIAL CONSIDERATION OF FINANCIAL AFFORDABILITY, ALL INFORMATION REQUESTED ON THIS REPORT MUST BE COMPLETELY, PROPERLY AND ACCURATELY PROVIDED. DATED SIGNATURE OF THE DEFENDANT IS ALSO REQUIRED.

QUALIFYING INFORMATION SECTION *

DEFENDANT'S NAME LAST, FIRST, MI (MIDDLE INITIAL): ENTER DEFENDANT'S NAME.

ADDRESS: ENTER DEFENDANT'S MAILING ADDRESS

DEFENDANT'S LICENSE NUMBER: ENTER DEFENDANT'S DRIVER LICENSE NUMBER.

DATE OF BIRTH: ENTER DEFENDANT'S BIRTHDATE

LIVING ARRANGEMENTS AND LENGTH OF TIME IN CURRENT ARRANGEMENT: DESCRIBE THE DEFENDANT'S PRESENT LIVING ARRANGEMENT AND THE LENGTH OF TIME IN THIS LIVING ARRANGEMENT (E.G. HOMELESS, MARRIED LIVING WITH SPOUSE AND/OR CHILD(REN), SINGLE/DIVORCED/WIDOWED LIVING ALONE, SINGLE/DIVORCED/WIDOWED LIVING WITH CHILD(REN), SINGLE/DIVORCED/WIDOWED LIVING WITH PARENTS WITH OR WITHOUT CHILD(REN), CO-HABITATING, LIVING WITH RELATIVE(S) OTHER THAN SPOUSE OR PARENT).

LIST OTHER PEOPLE IN HOUSEHOLD: LIST ANY OTHER PEOPLE WHO LIVE IN THE SAME HOUSEHOLD WITH THE DEFENDANT, INCLUDING SPOUSE AND ANY DEPENDENTS.

EMPLOYMENT STATUS: CHECK THE APPROPRIATE RESPONSE. IF EMPLOYED, PROVIDE ALL INFORMATION REQUESTED IN THE "EMPLOYED" SECTION ONLY AND PROCEED TO THE "FINANCIAL REPORTING SECTION". DOCUMENTS THAT CAN BE USED AS VERIFICATION OF EMPLOYMENT INCLUDE A RECENT PAY STUB OR A COMPANY OR EMPLOYER LETTER. IF UNEMPLOYED, PROVIDE ALL INFORMATION REQUESTED IN THE "UNEMPLOYED" SECTION AND PROCEED TO THE "FINANCIAL REPORTING SECTION". DOCUMENTS THAT CAN BE USED AS VERIFICATION OF UNEMPLOYMENT INCLUDE BENEFITS STATEMENT/CHECK STUB FOR UNEMPLOYMENT BENEFITS, EMPLOYER LETTER, OR DISABILITY VERIFICATION.

FINANCIAL REPORTING SECTION **

**DO NOT LEAVE ANY SPACES BLANK. PLACE A ZERO IN THE APPROPRIATE SPACE
IF THE DEFENDANT HAS NO SUCH INCOME OR EXPENSES.**

A - MONTHLY INCOME FROM WAGES: ENTER **TOTAL GROSS** FOR **ALL** WAGES. THE FOLLOWING DOCUMENTS CAN BE USED AS VERIFICATION: PAY CHECK STUB, W-2 FORM OR EMPLOYER STATEMENT.

B - MONTHLY INCOME FROM OTHER SOURCES: ENTER ALL INCOME RECEIVED FROM SOURCES OTHER THAN EMPLOYMENT. ("RENTAL INCOME" REFERS TO INCOME RECEIVED FROM RENTAL PROPERTY THAT IS OWNED BY THE DEFENDANT.) THE FOLLOWING DOCUMENTS CAN BE USED AS VERIFICATION: PAYMENT STUB, MOST RECENT STATE OR FEDERAL TAX RETURN, BANK STATEMENT, COURT RECORDS, LETTERS FROM THE BENEFIT OFFICE REGARDING MONTHLY BENEFIT AMOUNT, ETC.

C - MISCELLANEOUS INCOME DURING PAST 12 MONTHS: SPECIFY **ALL** OTHER INCOME, REGARDLESS OF SOURCE.

D - CURRENT BALANCES: SPECIFY **ALL** TYPES AND AMOUNTS.

E - PERSONAL PROPERTY: LIST THE MARKET VALUE OF **ALL** PERSONAL PROPERTY OWNED.

F - MONTHLY EXPENSES: ENTER **ALL** MONTHLY EXPENSES AS APPROPRIATE. THE FOLLOWING DOCUMENTS CAN BE USED AS VERIFICATION: EXPENSE RECEIPTS, PAYMENT BOOK, MOST RECENT BILL.

SUBMIT 3 COPIES OF THIS COMPLETED REPORT TO THE SENTENCING COURT

**NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL**

QUALIFYING INFORMATION SECTION *

DEFENDANT'S LAST NAME _____ FIRST NAME _____ MI _____

DEFENDANT'S LICENSE NUMBER _____ DATE OF BIRTH _____

HOME ADDRESS _____

CITY _____ STATE _____ ZIP _____

MAILING ADDRESS
IF DIFFERENT _____

CITY _____ STATE _____ ZIP _____

	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>VALUE</u>
VEHICLE ONE				
VEHICLE TWO				
VEHICLE THREE				

PROVIDE INFORMATION FOR EACH VEHICLE OWNED
**IF MORE THAN 3 VEHICLES PLEASE ATTACH ADDITIONAL SHEET WITH REQUIRED INFORMATION*

DESCRIBE LIVING ARRANGEMENTS _____

LENGTH OF TIME IN CURRENT ARRANGEMENT _____

OTHER PEOPLE LIVING IN HOUSEHOLD:

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>

EMPLOYMENT STATUS (CHECK ONE)

EMPLOYED

UNEMPLOYED

PLACE OF EMPLOYMENT _____

ADDRESS _____

POSITION _____

LENGTH OF TIME _____

VERIFICATION DOCUMENT (SPECIFY & ATTACH)

LENGTH OF UNEMPLOYMENT _____

LAST PLACE OF EMPLOYMENT _____

LAST EMPLOYMENT FROM _____

TO _____

TO _____

VERIFICATION DOCUMENT (SPECIFY & ATTACH)

**NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL**

FINANCIAL REPORTING SECTION **

A: MONTHLY INCOME FROM WAGES

SELF \$ _____
 SPOUSE \$ _____
 OTHER HOUSEHOLD MEMBERS \$ _____
 \$ _____
 HOW OFTEN IS DEFENDANT PAID? _____
 (WKLY, BI-WKLY, MNTHLY, BI-MNTHLY)

B: MONTHLY INCOME FROM OTHER SOURCES

PENSION INCOME \$ _____
 RENTAL INCOME \$ _____
 CERTIFICATES OF DEPOSIT \$ _____
 TRUSTS/STOCKS/BONDS \$ _____
 CHILD SUPPORT \$ _____
 SPOUSAL MAINTENANCE/ALIMONY \$ _____
 LEGAL SETTLEMENTS/AWARD \$ _____
 AFDC/FOOD STAMPS/RENTAL ASSISTANCE \$ _____
 WORKERS COMP \$ _____
 UNEMPLOYMENT COMP \$ _____
 COUNTY/CITY WELFARE \$ _____
 OTHER: _____ \$ _____
 _____ \$ _____
 _____ \$ _____

C: MISCELLANEOUS INCOME DURING PAST 12 MONTHS

LOTTERY \$ _____
 SWEEPSTAKE(S) \$ _____
 DISABILITY INSURANCE \$ _____
 BONUS \$ _____

WAGERING \$ _____
 LEGAL SETTLEMENT/AWARD \$ _____
 ANNUITY \$ _____

<u>SPECIFY</u>	<u>AMOUNTS</u>
OTHER _____	\$ _____
_____	\$ _____
_____	\$ _____

D: CURRENT ACCOUNT BALANCES

SAVINGS ACCOUNT \$ _____
 CHECKING ACCOUNT \$ _____
 INDIVIDUAL RETIREMENT ACCOUNT \$ _____

DEFERRED COMPENSATION ACCOUNT \$ _____
 TRUST ACCOUNT \$ _____
 OTHER ACCOUNTS (SPECIFY & AMOUNT) \$ _____

**NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL**

E: PERSONAL PROPERTY

DO YOU OWN:

REAL ESTATE

LOCATION		VALUE	\$
LOCATION		VALUE	\$
LOCATION		VALUE	\$

REC VEHICLE/CAMPER

MAKE		VALUE	\$
------	--	-------	----

ATV 3/4 WHEEL

MAKE		VALUE	\$
------	--	-------	----

MOTORCYCLE

MAKE		VALUE	\$
------	--	-------	----

BOAT

MAKE		VALUE	\$
------	--	-------	----

MAKE		VALUE	\$
------	--	-------	----

PERSONAL PROPERTY (ELECTRONICS, ART, JEWELRY, FURNITURE, ETC.)

APPROXIMATE VALUE _____

F: MONTHLY EXPENSES

RENT/MORTGAGE \$ _____

WATER/SEWER \$ _____

HOME ELECTRIC/GAS \$ _____

FOOD \$ _____

TELEPHONE (LANDLINE) \$ _____

TELEPHONE (CELL) \$ _____

HEALTH/LIFE INSURANCE \$ _____

CHILD CARE \$ _____

AUTOMOBILE INSURANCE(S) \$ _____

AUTOMOBILE FUEL/GAS \$ _____

SPECIFY NUMBER _____

AUTOMOBILE LOAN(S) \$ _____

ALCOHOL \$ _____

SPECIFY NUMBER _____

CIGARETTES/OTHER TOBACCO PRODUCTS \$ _____

SPOUSAL MAINTENANCE/ALIMONY \$ _____

CABLE TELEVISION \$ _____

INTERNET SERVICE \$ _____

SATELLITE TV/RADIO \$ _____

BEEPERS/PAGERS \$ _____

MEDICAL PRESCRIPTIONS \$ _____

SPECIFY NUMBER _____

NEW YORK STATE
IGNITION INTERLOCK DEVICE PROGRAM - FINANCIAL DISCLOSURE REPORT
CONFIDENTIAL

F: MONTHLY EXPENSES CONTINUED *

	<u>SPECIFY BELOW:</u>	<u>AMOUNTS</u>
CREDIT CARD CHARGE(S)/OTHER	_____	\$ _____
LOAN AMOUNT(S)	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
WORK RELATED TRAVEL	_____	\$ _____
RECREATION	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
OTHER EXPENSES	_____	\$ _____
	_____	\$ _____
	_____	\$ _____

* ATTACH ADDITIONAL SHEET WITH REQUIRED INFORMATION IF MORE SPACE IS NECESSARY.

THE INFORMATION PRESENTED HEREIN IS TRUTHFUL AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DEFENDANT SIGNATURE

DATE

PRINT NAME

Appendix E

UNIFORM SENTENCE & COMMITMENT

UCS-854 (8/2010)

STATE OF NEW YORK

Court Part: _____

COURT, COUNTY OF _____

Court Reporter: _____

PRESENT: HON _____

Superior Ct. Case #: _____

The People of the State of New York																
-vs-																
Defendant																
SEX	D.O.B.	NYSID NUMBER				CRIMINAL JUSTICE TRACKING NUMBER										

Accusatory Instrument Charge(s): Law/Section & Subdivision:

1	_____	_____
2	_____	_____
3	_____	_____
4	_____	_____

Date(s) of Offense: ____/____/____
To ____/____/____

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY [PLEA OR VERDICT], THE MOST SERIOUS OFFENSE BEING A [FELONY OR MISDEMEANOR OR VIOLATION], IS HEREBY SENTENCED TO:

Crime	Count No.	Law Section and Subdivision	SMF, Hate or Terror	Minimum Term	Maximum Term	<input type="checkbox"/> Definite (circle: D, M or Y) <input type="checkbox"/> Determinate (in years) **	Post-Release Supervision
1	_____	_____	_____	_____ years	_____ years	_____ days/months/years	_____ years
2	_____	_____	_____	_____ years	_____ years	_____ days/months/years	_____ years
3	_____	_____	_____	_____ years	_____ years	_____ days/months/years	_____ years
4	_____	_____	_____	_____ years	_____ years	_____ days/months/years	_____ years
5	_____	_____	_____	_____ years	_____ years	_____ days/months/years	_____ years

** NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST-RELEASE SUPERVISION MUST be indicated [PL § 70.45].

- Counts _____ shall run CONCURRENTLY with each other Count(s) _____ shall run CONSECUTIVELY to count(s) _____
- Sentence imposed herein shall run CONCURRENTLY with _____, and/or CONSECUTIVELY to _____
- Sentence imposed herein shall run CONSECUTIVELY to a _____ term of [PROBATION OR CONDITIONAL DISCHARGE] with and Ignition Interlock Device condition to commence upon the defendant's release from imprisonment [PL § 60.21]
- Conviction includes: WEAPON TYPE: _____ and/or DRUG TYPE: _____
- Charged as a JUVENILE OFFENDER—age at time crime committed: _____ years
- Adjudicated a YOUTHFUL OFFENDER [CPL § 720.20] Court certified the Defendant a SEX OFFENDER [Cor. L § 168-d]
- Execute as a sentence of PAROLE SUPERVISION [CPL § 410.91] CASAT ordered [PL § 60.04(6)]
- Re-sentenced as a PROBATION VIOLATOR [CPL § 410.70] SHOCK INCARCERATION ordered [PL § 60.04(7)]

As a: Second Second Violent Second Drug Second Drug w/prior VFO Predicate Sex Offender Predicate Sex Offender w/prior VFO Second Child Sexual Assault Persistent Persistent Violent **FELONY OFFENDER**

Paid	Not Paid	Deferred—court must file written order [CPL § 420.40(5)]			Paid	Not Paid	Deferred—court must file written order [CPL § 420.40(5)]		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mandatory Surcharge	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Crime Victim Assistance Fee	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fine	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Restitution	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DNA Fee	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sex Offender Registration Fee	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DWI/Other: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplemental Sex Off. Victim Fee	\$ _____

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

- NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Dept. Of Correction) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCRR Part 103.
- NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.
- NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.
- _____ County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS: _____

Pre-Sentence Investigation Report Attached: YES NO Amended Commitment: _____
 Order of Protection Issued: YES NO Original Sentence Date ____/____/____
 Order of Protection Attached: YES NO

Commitment, Order of Protection & Pre-Sentence Report received by Correctional Authority as indicated:

Official Name

Shield No.

_____/_____/_____ by: _____
 Date Clerk of the Court Signature Title



UNIFORM SENTENCE & COMMITMENT

UCS-854 (8/2010)

STATE OF NEW YORK

Court Part: 9

1 COURT, COUNTY OF 2

Court Reporter: 10

PRESENT: HON 3

Superior Ct. Case #: 11

Form with fields for Defendant name, Sex, D.O.B., NYSID Number, and Criminal Justice Tracking Number.

Accusatory Instrument Charge(s): Law/Section & Subdivision:

1 12 13
2
3
4

Date(s) of Offense: 14 / 15 / 16
To 17 / 18 / 19

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY [20 PLEA OR 21 VERDICT], THE MOST SERIOUS OFFENSE BEING A [22 FELONY OR 23 MISDEMEANOR OR 24 VIOLATION], IS HEREBY SENTENCED TO:

Table with columns: Crime, Count No., Law Section and Subdivision, SMF, Hate or Terror, Minimum Term, Maximum Term, 31 Definite, 32 Determinate, Post-Release Supervision.

** NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST-RELEASE SUPERVISION MUST be indicated [PL § 70.45].

35 Counts 36 shall run CONCURRENTLY with each other 37 Count(s) 38 shall run CONSECUTIVELY to count(s) 39

40 Sentence imposed herein shall run CONCURRENTLY with 41 and/or CONSECUTIVELY to 42

43 Sentence imposed herein shall run CONSECUTIVELY to a term of [Probation OR Conditional Discharge] with and Ignition Interlock Device condition to commence upon the defendant's release from imprisonment [PL § 60.21]

44 Conviction includes: WEAPON TYPE: 45 and/or DRUG TYPE: 46

47 Charged as a JUVENILE OFFENDER—age at time crime committed: 48 years

49 Adjudicated a YOUTHFUL OFFENDER [CPL § 720.20]

50 Court certified the Defendant a SEX OFFENDER [Cor. L § 168-d]

51 Execute as a sentence of PAROLE SUPERVISION [CPL § 410.91]

52 CASAT ordered [PL § 60.04(6)]

53 Re-sentenced as a PROBATION VIOLATOR [CPL § 410.70]

54 SHOCK INCARCERATION ordered [PL § 60.04(7)]

As a: 55 Second 56 Second Violent 57 Second Drug 58 Second Drug w/prior VFO 59 Predicate Sex Offender 60 Predicate Sex Offender w/prior VFO 61 Second Child Sexual Assault 62 Persistent 63 Persistent Violent FELONY OFFENDER

Table with columns: Paid, Not Paid, Deferred—court must file written order [CPL § 420.40(5)]. Rows include Mandatory Surcharge, Fine, DNA Fee, DWI/Other, Crime Victim Assistance Fee, Restitution, Sex Offender Registration Fee, Supplemental Sex Off. Victim Fee.

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

97 NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Dept. Of Correction) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCRR Part 103.

98 NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of NYSDOCS. said defendant shall remain in the custody of the NYSDOCS.

99 NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.

100 County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS: 101

Pre-Sentence Investigation Report Attached: 102 YES 103 NO 108 Amended Commitment:
Order of Protection Issued: 104 YES 105 NO Original Sentence Date 109 / 110 / 111
Order of Protection Attached: 106 YES 107 NO

Commitment, Order of Protection & Pre-Sentence Report received by Correctional Authority as indicated: 118 Official Name 119 Shield No.

112 / 113 / 114 Date 115 Clerk of the Court by: 116 Signature 117 Title



Uniform Sentence & Commitment Form (UCS-854) Instruction Sheet

The instruction for each number below refers to the corresponding, highlighted number on the sample form:

- 1) Enter the court type: Supreme or County.
- 2) Enter the name of the county in which the court is located (e.g. Albany).
- 3) Enter the name of the Judge/Justice who imposed the sentence.
- 4) Enter the defendant's name.
- 5) Enter the defendant's sex (i.e. male, female or other designation as described on the NYSID sheet).
- 6) Enter the defendant's date of birth.
- 7) Enter the defendant's New York State Identification Number (NYSID).
NOTE: Due to the expansion of NYSID numbers from 8 characters to 9 characters, an additional space has been added to the form. For 8-character NYSID numbers, use a leading zero in the first space.
- 8) Enter the Criminal Justice Tracking Number (CJTN) for the instant case.
NOTE: If there are multiple CJTNs, enter one in the space provided, and enter the remainder in the "REMARKS:" section (space 100).
- 9) Enter the name and/or number of the court part in which the defendant was sentenced.
- 10) Enter the name of the Court Reporter who recorded the sentencing minutes.
- 11) Enter the Superior Court Case Number that identifies the case (e.g. indictment number or SCI number).
- 12) List the charges (e.g. Criminal Possession of a Controlled Substance in the Third Degree) contained in the accusatory instrument (i.e. from the indictment or SCI).
- 13) List the corresponding statutory citation for each charge contained in the accusatory instrument, including the section and subdivision (e.g. PL § 220.39(1)).
- 14) Where the offense was committed on a single date, enter the month in which the offense was committed. Where the offense was committed within a range of dates, enter the "From" month in which the offense was committed.
- 15) Where the offense was committed on a single date, enter the day of the month in which the offense was committed. Where the offense was committed within a range of dates, enter the day of the "From" month in which the offense was committed.
- 16) Where the offense was committed on a single date, enter the year in which the offense was committed. Where the offense was committed within a range of dates, enter the "From" year in which the offense was committed.
- 17) Where the offense was committed within a range of dates, enter the "To" month in which the offense was committed.
NOTE: If the offense was committed on a single date, leave this field blank.
- 18) Where the offense was committed within a range of dates, enter the day of the "To" month in which the offense was committed.
NOTE: If the offense was committed on a single date, leave this field blank.
- 19) Where the offense was committed within a range of dates, enter the "To" year in which the offense was committed.
NOTE: If the offense was committed on a single date, leave this field blank.
- 20) Check the box only if the conviction was by plea.
- 21) Check the box only if the conviction was by verdict after trial.
- 22) Check the box only if the most serious conviction charge is a felony.
- 23) Check the box only if the most serious conviction charge is a misdemeanor.
- 24) Check the box only if the most serious conviction charge is a violation.
- 25) List the conviction charges (e.g. Criminal Possession of a Weapon in the Second Degree).
NOTE: List each charge separately.
- 26) List the count number of the accusatory instrument which corresponds to the conviction charge, **NOT** the number of counts.
NOTE: For example, if the defendant was convicted of Sexual Abuse in the First Degree under the fourth listed count of an indictment, then enter a "4" in the Count Number space.
- 27) List the corresponding statutory citation for each conviction charge, including the section and subdivision (e.g. PL § 265.03(1)(b)).
- 28) If the conviction is for a sexually motivated felony pursuant to PL § 130.91 insert the letters "SMF."
If the conviction is for a hate crime pursuant to PL § 485.05 insert the word "HATE."
If the conviction is for an act of terrorism pursuant to PL § 490.05 insert the word "TERROR."
NOTE: If the conviction is neither a sexually motivated felony, nor a hate crime, nor an act of terrorism, leave the space blank.
- 29) Where the court has imposed an indeterminate sentence of imprisonment, enter the minimum period (in years).
- 30) Where the court has imposes an indeterminate sentence of imprisonment, enter the maximum period (in years).
- 31) Check the box only if the court imposes a definite sentence of imprisonment (up to one (1) year).

NOTE: A definite sentence is served in a local jail/correctional facility and does not include a period of post-release supervision.

32) Check the box only if the court has imposed a determinate sentence of imprisonment (one (1) year or greater).

NOTE: A determinate sentence is served in a state prison facility and must include a period of post-release supervision.

33) Where the court has imposed a definite or determinate sentence, enter the term (length of time).

NOTE: If it is a definite sentence, indicate if the term is in days, months, or years as appropriate by circling the correct unit of time. If it is a determinate sentence, the term must be entered in years.

34) Where the court has imposed post-release supervision, enter the term (in years).

NOTE ON INDETERMINATE SENTENCES, DETERMINATE SENTENCES, AND POST-RELEASE

SUPERVISION: The periods/terms should be calculated in units of years. Partial years should be indicated as fractions of a year, not months (e.g. 3 years, 5 months to 6 years, 10 months should be indicated as 3 ⁵/₁₂ years to 6 ⁵/₆ years). Use the following chart to convert months into fractions of a year:

PARTIAL YEARS	
(in months)	(in fractions of a year)
1 month	$\frac{1}{12}$
2 months	$\frac{1}{6}$
3 months	$\frac{1}{4}$
4 months	$\frac{1}{3}$
5 months	$\frac{5}{12}$
6 months	$\frac{1}{2}$
7 months	$\frac{7}{12}$
8 months	$\frac{2}{3}$
9 months	$\frac{3}{4}$
10 months	$\frac{5}{6}$
11 months	$\frac{11}{12}$
12 months	1

35) Check the box only where the court imposes concurrent sentences on two or more crimes in the instant case.

36) Enter the count numbers (see # 26) of the conviction charges that are to run concurrently with each other (e.g. Counts 3, 5, 7 & 9 shall run **CONCURRENTLY** with each other).

37) Check the box only if the court imposes consecutive sentences on two or more crimes in the instant case.

38) Enter the count numbers (see # 26) of the conviction charges that are to run consecutively to other conviction charges on the instant case.

39) Enter the count numbers (see # 26) of the conviction charges that are to run consecutively to the conviction charges entered in space 38. (e.g. Count(s) 1, 2 & 4 shall run **CONSECUTIVELY** to count(s) 6 & 8)

40) Check the box only if the sentence imposed on the instant case is to run concurrently or consecutively with the sentence on a separate case.

41) Sentences to run concurrently with sentences imposed on separate cases shall be entered as follows:

- If the cases are in the same jurisdiction, enter the case numbers (i.e. indictment number, SCI number, etc.) of any cases with which the sentence imposed on the instant case will run concurrently. (e.g. Sentence imposed herein shall run **CONCURRENTLY** with 1234/2007 & 4321/2007 and/or **CONSECUTIVELY** to _____)
- If the cases are in another jurisdiction, and the case numbers are known, enter the case numbers (i.e. indictment number, SCI number, etc.) and counties (i.e. Albany, Westchester, etc.) of any cases with which the sentence imposed on the instant case will run concurrently. (e.g. Sentence imposed herein shall run **CONCURRENTLY** with 1234/2007(Queens) & 4321/2007(Bronx) and/or **CONSECUTIVELY** to _____)
- If the cases are in another jurisdiction, and the case numbers are not known, enter the counties (i.e. Albany, Westchester, etc.) of any cases with which the sentence imposed on the instant case will run concurrently. (e.g. Sentence imposed herein shall run **CONCURRENTLY** with Queens case & Bronx case and/or **CONSECUTIVELY** to _____)

42) Sentences to run consecutively to sentences imposed on separate cases shall be entered as follows:

- If the cases are in the same jurisdiction, enter the case numbers (i.e. indictment number, SCI number, etc.) of any cases to which the sentence imposed on the instant case will run consecutively. (e.g. Sentence imposed herein shall run **CONCURRENTLY** with _____ and/or **CONSECUTIVELY** to 1234/2007 & 4321/2007)
- If the cases are in another jurisdiction, and the case numbers are known, enter the case numbers (i.e. indictment number, SCI number, etc.) and counties (i.e. Albany, Westchester, etc.) of any cases to which the sentence imposed on the instant case will run consecutively. (e.g. Sentence imposed herein shall run **CONCURRENTLY** with _____ and/or **CONSECUTIVELY** to 1234/2007(Queens) & 4321/2007(Bronx))
- If the cases are in another jurisdiction, and the case numbers are not known, enter the counties (i.e. Albany,

Westchester, etc.) of any cases with which the sentence imposed on the instant case will run consecutively. (e.g. Sentence imposed herein shall run **CONCURRENTLY** with _____ and/or **CONSECUTIVELY** to Queens case & Bronx case)

NOTE ON SPACES 35 - 42: CONSECUTIVE and CONCURRENT SENTENCES – Various combinations of concurrent and consecutive counts and/or concurrent and consecutive sentences with other cases may be entered. If a sentence is too complex, and the spaces provided cannot clearly convey the sentence imposed, use the remarks field (space 100) to clearly define the sentence parameters. (e.g. Counts 1 & 2 are to run concurrently with each other. Counts 3 & 4 are to run concurrently with each other, but consecutively to counts 1 & 2.)

- 43) Check the box only if the defendant's conviction includes a term of probation or conditional discharge with an IID condition to be served after release from incarceration pursuant to Leandra's Law. Indicate whether probation or conditional discharge was imposed by checking the appropriate box, and indicate the term of the probation or conditional discharge (e.g. 1 year, 3 years, 5 years, etc.) on the line provided.
- 44) Check the box only if the offenses for which the defendant was convicted require entry of a weapon type or drug type.
- 45) If the offense for which the defendant was convicted includes the use, possession, sale or purchase of a weapon, enter the weapon type (e.g., loaded firearm, machine gun, switchblade, pilum ballistic knife, etc.).
- 46) If the offense for which the defendant was convicted includes the use, possession, sale, manufacture or disposal of a controlled substance, enter the drug type (e.g., cocaine, heroin, PCP, etc.).
- 47) Check the box only if the defendant was charged with a designated felony as a Juvenile Offender as defined in CPL § 1.20(42).
- 48) Enter the defendant's age at the time the crime was committed only if the Juvenile Offender box (space 46) was checked.
- 49) Check the box only if the court has adjudicated the defendant a Youthful Offender pursuant to CPL § 720.20.
- 50) Check the box only if the court has ordered that the sentence be executed as a sentence of Parole Supervision pursuant to CPL § 410.91.
- 51) Check the box only if the court re-sentenced the defendant on a Violation of Probation pursuant to CPL § 410.70.
- 52) Check the box only if the court certified the defendant a Sex Offender pursuant to Correction Law § 168-d.
- 53) Check the box only if the sentencing court has ordered the defendant's enrollment in a comprehensive alcohol and substance abuse treatment (CASAT) program in an alcohol and substance abuse correctional annex pursuant to PL § 60.04(6).
- 54) Check the box only if the sentencing court has ordered the defendant's screening for the SHOCK incarceration program pursuant to PL § 60.04(7).
- 55) Check the box only if the court sentenced the defendant as a Second Felony Offender pursuant to PL § 70.06(3).
NOTE: This includes a sentence for a violent felony offense where the defendant's prior conviction was for a non-violent felony offense.
- 56) Check the box only if the court sentenced the defendant as a Second Violent Felony Offender pursuant to PL § 70.04(3).
NOTE: This includes a sentence as a Violent Sex Offender where the defendant's prior conviction was for a violent felony offense.
- 57) Check the box only if the court sentenced the defendant as a Second Felony Drug Offender pursuant to PL §§ 70.70(3) or 70.71(3).
- 58) Check the box only if the court sentenced the defendant as a Second Felony Drug Offender where the prior conviction was a violent felony offense pursuant to PL §§ 70.70(4) or 70.71(4).
- 59) Check the box only if the court sentenced the defendant as a Predicate Sex Offender pursuant to PL § 70.80(5)(b).
- 60) Check the box only if the court sentenced the defendant as a Predicate Sex Offender where the defendant's prior conviction was a violent felony offense pursuant to PL § 70.80(5)(c).
- 61) Check the box only if the court sentenced the defendant as a Second Child Sexual Assault Felony Offender pursuant to PL § 70.07(4) or (5).
- 62) Check the box only if the court sentenced the defendant as a Persistent Felony Offender pursuant to PL § 70.10(2).
- 63) Check the box only if the court sentenced the defendant as a Persistent Violent Felony Offender pursuant to PL § 70.08(3).
- 64) Check the box only if the Mandatory Surcharge imposed has been paid in full.
- 65) Check the box only if the Mandatory Surcharge imposed has not been paid in full.
NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the "REMARKS:" section (space 100).
- 66) Check the box only if the Mandatory Surcharge imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).
NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the "REMARKS:" section (space 100).
- 67) Enter the dollar amount of the Mandatory Surcharge imposed.
- 68) Check the box only if the Crime Victim Assistance Fee imposed has been paid in full.
- 69) Check the box only if the Crime Victim Assistance Fee imposed has not been paid in full.
NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the "REMARKS:" section (space 100).
- 70) Check the box only if the Crime Victim Assistance Fee imposed has been deferred following a financial hardship hearing

pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

71) Enter the dollar amount of the Crime Victim Assistance Fee imposed.

72) Check the box only if the Fine imposed has been paid in full.

73) Check the box only if the Fine imposed has not been paid in full.

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

74) Check the box only if the Fine imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

75) Enter the dollar amount of the Fine imposed.

76) Check the box only if the Restitution imposed has been paid in full.

77) Check the box only if the Restitution imposed has not been paid in full.

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

78) Check the box only if the Restitution imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

79) Enter the dollar amount of the Restitution imposed.

80) Check the box only if the DNA Fee imposed has been paid in full.

81) Check the box only if the DNA Fee imposed has not been paid in full.

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

82) Check the box only if the DNA Fee imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

83) Enter the dollar amount of the DNA Fee imposed.

84) Check the box only if the Sex Offender Registration Fee imposed has been paid in full.

85) Check the box only if the Sex Offender Registration Fee imposed has not been paid in full.

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

86) Check the box only if the Sex Offender Registration Fee imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

87) Enter the dollar amount of the Sex Offender Registration Fee imposed.

88) Check the box only if the DWI/Other Fee imposed has been paid in full.

89) Check the box only if the DWI/Other Fee imposed has not been paid in full.

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

90) Check the box only if the DWI/Other Fee imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

91) Specify the nature of the “Other Fee” imposed.

92) Enter the dollar amount of the DWI/Other Fee imposed.

93) Check the box only if the Supplemental Sex Offender Victim Fee imposed has been paid in full.

94) Check the box only if the Supplemental Sex Offender Victim Fee imposed has not been paid in full.

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

95) Check the box only if the Supplemental Sex Offender Victim Fee imposed has been deferred following a financial hardship hearing pursuant to CPL § 420.40(2), (3) & (4) and the entry of a written order pursuant to CPL § 420.40(5).

NOTE: If a partial payment has been made, indicate the amount paid and for what purpose in the “REMARKS:” section (space 100).

96) Enter the dollar amount of the Supplemental Sex Offender Victim Fee imposed.

97) Check the box only if the defendant is to be committed to the custody of the New York State Department of Correctional Services (DOCS), but is currently in the custody of the County Sheriff or New York City Department of Corrections.

NOTE: Indicate if the defendant is currently in the custody of the County Sheriff or New York City Department of Correction by circling the appropriate choice.

- 98) Check the box only if the defendant is to be committed to the custody of the New York State Department of Correctional Services (DOCS), and is already in their custody.
- 99) Check the box only if the defendant was less than sixteen (16) years of age at the time the crime was committed, and must be committed to the custody of the Office of Children and Family Services.
- 100) Check the box only if the defendant is to be committed to the custody of a county jail or local correctional facility.
NOTE: If it is a county jail, indicate the name of the county (e.g. Albany). If it is a local correctional facility or authority, indicate as such (e.g. New York City Department of Correction).
- 101) Enter any remarks as indicated above or any other remarks pertinent to the sentence.
- 102) Check the box only if a Pre-Sentence Investigation & Report is attached to the Sentence & Commitment form (UCS-854).
- 103) Check the box only if a Pre-Sentence Investigation & Report is not attached to the Sentence & Commitment form (UCS-854).
- 104) Check the box only if the court has issued an Order of Protection as part of the sentence.
- 105) Check the box only if the court has not issued an Order of Protection as part of the sentence.
- 106) Check the box only if an Order of Protection is attached to the Sentence & Commitment form (UCS-854).
- 107) Check the box only if an Order of Protection is not attached to the Sentence & Commitment form (UCS-854).
- 108) Check the box only if this commitment is amending a previous commitment.
- 109) Enter the month of the original sentence date.
- 110) Enter the day of the month of the original sentence date.
- 111) Enter the year of the original sentence date.
- 112) Enter the month when the Clerk of the Court signs the Sentence & Commitment form (UCS-854).
- 113) Enter the day of the month when the Clerk of the Court signs the Sentence & Commitment form (UCS-854).
- 114) Enter the year when the Clerk of the Court signs the Sentence & Commitment form (UCS-854).
- 115) Enter the name of the Clerk of the Court.
- 116) Enter the signature of the Court Clerk/Official who prepared the Sentence & Commitment form (UCS-854).
- 117) Enter the title of the Court Clerk/Official who prepared the Sentence & Commitment form (UCS-854).
- 118) Enter the name of the sheriff, deputy sheriff, correction officer, or other authorized official who has received the Sentence & Commitment form (UCS-854) and accompanying paperwork from the court.
NOTE: This is an optional field.
- 119) Enter the shield number (i.e. badge number or other identifier) of the sheriff, deputy sheriff, correction officer, or other authorized official who has received the Sentence & Commitment form (UCS-854) and accompanying paperwork from the court.
NOTE: This is an optional field.

Appendix F

Reporting and Entering of IID Sentences in Case Management Systems

CRIMS:

Enhancements will be implemented in phases beginning in mid September 2010:

Phase-I will provide Docket and charge sentence codes, the ability to enter IID as a new sentence with the duration of the IID condition.

Phase-II will include enhancements to forms (Certificate of Disposition, to include the Ignition Interlock condition.

Interim solutions:

For those courts who report Traffic Disposition on the A-246, UT-20 or the UT-60 the IID condition and the term will need to be entered manually on the form.

ADBM-CDR:

Although DCJS will not capture the IID condition on the defendants criminal history, it is necessary to include this aspect of the sentence in the criminal ADBM file. In doing so, the information may be incorporated on forms that may be produced from the ADBM application, i.e. Certificates of Disposition, Uniform Sentence and Commitment,etc.

Ignition Interlock Condition should be entered in the *Sentence Code field*.

The term of the IID condition should be entered in the *Custody/Time field*.

Please see Appendix: ADBM-CDR: IID Example Sentences

Traffic File:

The ADBM Traffic File currently accommodates the new DMV 1192 codes.

The Traffic File Version 2010.1 has recently been modified to produce the revised MV-1192 (7/10). Prior versions of the Traffic File will not accommodate the new MV-1192. These new forms will need to be completed manually until the court utilizes the new Traffic File.

To record and report the term or duration of the IID sentence condition, a new field will be added to the Traffic File to capture this information. As an interim solution, courts should enter the term or duration in the *Remarks field*.

Courts Reporting Traffic Dispositions Manually:

Courts should include the IID and term on the disposition portions of the A-246, UT-20, or the UT-60.

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