

SCS CSHB 4 (FIN)

MAJOR POINTS

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- Changes “driving while intoxicated” (“DWI”) to “driving while under the influence of an alcoholic beverage, inhalant, or controlled substance” (“DUI”).
- Increases jail time for felony conviction for manslaughter DUI.
- Permits a municipality to adopt stricter ordinances providing for the impoundment or forfeiture of a vehicle in driving cases.
- Replaces “reasonable grounds” with “probable cause” in order to bring statutes into compliance court case.
- Mandates that court is to notify DMV of DUI conviction within five working days
- Raises reinstatement fees for driver’s licenses for persons convicted of DUI.
- Provides for discretionary forfeiture in misdemeanor DUI, refusal to submit to chemical test (“refusal”), and driving while license suspended, revoked or cancelled cases.
- Requires maintenance of SR-22/proof of financial responsibility for specified periods of time depending on number of convictions.
- Requires proof of insurance to be carried and displayed when requested. Provides that if policy is in effect at time of violation, and proof is provided, person may not be convicted of driving without insurance.
- Raises maximum amount of prison reimbursement costs from \$1,000 to \$2,000.
- Increases misdemeanor fines for DUI and refusal as follows. For example, first time conviction’s fine is increased from \$250 to \$1500 (close to the permanent fund dividend amount).

- Establishes that misdemeanor fines may be reduced up to 50% and mandatory sentences may be reduced up to 75% upon successful completion of court-ordered treatment program. Defines “court-ordered” treatment.
- Permits court to order taking of a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage.
- Increases fine for felony DUI and refusal to \$10,000 (from \$5,000).
- Establishes that imprisonment for misdemeanor sentences may be served at a community residential center or private residence if approved by Commissioner of Corrections. Private residence imprisonment must include electronic monitoring
- Provides in felony DUI and refusal cases for permanent revocation of driver’s license (with a restoration procedure available after 10 years).
- Revokes any vehicle registration for felony DUI and refusal conviction.
- Provides for mandatory vehicle forfeiture for felony DUI and Refusal.
- Defines “alcohol safety action program” and requires that standards for such programs be established by H&SS.
- Establishes a pilot drunk driver program in the Department of Corrections, beginning July 1, 2002, and ending June 30, 2007. Provides for provision of drug or combination of drugs intended to prevent consumption of an alcoholic beverage when prisoner has been convicted of DUI or refusal and voluntarily agrees to program. Requires Corrections report to Legislature by January 1, 2005, with summary of program.
- Establishes applicability of bill.
- Effective Date: July 1, 2002.