

FIRST REGULAR SESSION

HOUSE BILL NO. 411

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE (157) AND GOODMAN (Co-sponsors) .

Read 1st time February 6, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1066L.011

AN ACT

To repeal section 302.321, RSMo, and to enact in lieu thereof one new section relating to driving while revoked, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 302.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.321, to read as follows:

302.321. 1. A person commits the crime of driving while revoked if he **or she** operates a motor vehicle on a highway when his **or her** license or driving privilege has been canceled, suspended or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that his **or her** driving privilege has been canceled, suspended or revoked.

2. Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense [and where the person received and served a sentence of ten days or more on such previous offenses]; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

17 writing, and where the prior two driving-while-revoked offenses occurred within ten years of the
18 date of occurrence of the present offense [and where the person received and served a sentence
19 of ten days or more on such previous offenses] is guilty of a class D felony. No court shall
20 suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in
21 lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he
22 **or she** has served a minimum of forty-eight consecutive hours of imprisonment, unless as a
23 condition of such parole or probation, such person performs at least ten days involving at least
24 forty hours of community service under the supervision of the court in those jurisdictions which
25 have a recognized program for community service. Driving while revoked is a class D felony
26 on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or
27 subsequent conviction for any other offense.