

HB 1133 -- Traffic Offenses

Sponsor: Lipke (157)

This bill makes changes to the laws regarding traffic offenses.

The bill replaces references to the offense of driving while intoxicated with the broader term "intoxication-related offense" in several provisions for the purpose of determining punishment or the number of prior convictions. Intoxication-related offenses include driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter with a vehicle while intoxicated, assault of a law enforcement officer with a vehicle while intoxicated, and driving under the influence of alcohol or drugs in violation of a county or municipal ordinance. The bill changes the community service requirements for driving while intoxicated to 80 hours of community service, rather than 30 days. The bill also requires that this community service be completed within a six-month period. The community service required for persons convicted as persistent offenders is changed from 60 days to 160 hours and must be completed within one year.

The bill allows law enforcement officials, after obtaining a search warrant, to collect blood, saliva, or urine from a person under the age of 21 who is arrested for an intoxication-related driving offense, even though the person has refused the test. The person will still face license revocation for refusing the test.

The bill makes a technical change in how the offense of driving while revoked becomes a felony. Under current law, the offense of driving while revoked is a class A misdemeanor; and a fourth offense within a 10-year period is a class D felony. If the person has been convicted of an alcohol-related offense, then the third offense of driving while revoked is a class D felony. One requirement for the offense being charged as a felony is that the person served at least 10 days in jail for one of those offenses. The bill removes that requirement.

The bill also makes a technical change for determining the prior offenses in a driving while revoked or alcohol-related offense. Currently, convictions in municipal courts for driving with a revoked license or for alcohol-related offenses are not counted as prior offenses unless the municipal judge is an attorney. The bill removes the requirement that the municipal judge be an attorney in those cases.