

## HCS HB 972 -- INTOXICATION-RELATED OFFENSES

SPONSOR: Jetton

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 8 to 0.

This substitute changes the laws regarding driving while intoxicated. The crime of aggravated vehicular manslaughter is created, a class B felony. The crime is committed when a person operates a motor vehicle in an intoxicated condition and with criminal negligence:

- (1) Causes the death of any person not a passenger in the vehicle operated by the defendant;
- (2) Causes the death of two or more persons;
- (3) Causes the death of a person less than 15 years of age; or
- (4) Causes the death of any person while the defendant's blood alcohol content is greater than or equal to .20%.

Currently, "persistent offender," as used in Chapter 577, RSMo, is defined as a person with two or more convictions for intoxication-related offenses during the past 10 years and "prior offender" as a person with a conviction during the past five years. The substitute removes the time requirements.

Two new types of offenders are defined, "aggravated offender" and "chronic offender," for the purposes of applying the enhanced penalties and prison requirements of Section 577.023. An aggravated offender is a person convicted of:

- (1) Three intoxication-related offenses; or
- (2) Two intoxication-related offenses, when one of them is for involuntary manslaughter, murder in the second degree when the underlying felony is an intoxication-related offense, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree.

A chronic offender is a person convicted of:

- (1) Four or more intoxication-related offenses;
- (2) Involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree on two separate occasions; or
- (3) Involuntary manslaughter, aggravated vehicular manslaughter,

assault in the second degree, or assault of a law enforcement officer in the second degree, and two other intoxication-related offenses.

The substitute makes driving while intoxicated or driving with an excessive blood alcohol a class C felony when the defendant is sentenced as an aggravated offender and a class B felony when sentenced as a chronic offender. Aggravated offenders must serve at least 60 days of imprisonment and chronic offenders at least two years of imprisonment before becoming eligible for probation or parole.

The word "court," as used in Chapter 577, is clarified to include municipal and traffic courts but not juvenile or drug courts. Murder in the second degree where the underlying felony is an intoxication-related offense and aggravated vehicular manslaughter are added to the definition of "intoxication-related traffic offense."

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$3,433,186 to Unknown in FY 2006, \$8,231,279 to Unknown in FY 2007, and \$11,584,857 to Unknown in FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPONENTS: Supporters say that it is possible under current law for a DWI to be charged as a first offense if it occurs outside certain time boundaries. The minimum amount of time served for a death resulting from an alcohol-related vehicle accident is too short. The bill gives more leverage to prosecutors.

Testifying for the bill were Representative Jetton; Mothers Against Drunk Drivers-Missouri; and Missouri State Troopers Association.

OPPONENTS: There was no opposition voiced to the committee.

Becky DeNeve, Senior Legislative Analyst