

HB 972 -- Intoxication-Related Offenses

Sponsor: Jetton

This bill changes the laws regarding driving while intoxicated.

Currently, a person is not eligible for a limited driving privilege if he or she has been granted the privilege within the preceding five years. The bill removes this restriction.

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%.

The bill clarifies that the word "court," as used in Chapter 577, RSMo, includes municipal and traffic courts but does not include juvenile or drug courts.

Currently, "persistent offender," as used in Chapter 577, is defined as a person with two or more convictions for intoxication-related offenses during the past 10 years. The bill removes the 10-year requirement.

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, aggravated vehicular manslaughter, assault in the second degree, or assault on a law enforcement officer.

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

The bill makes driving while intoxicated or driving with an excessive blood-alcohol content a class C felony when the defendant is sentenced as an aggravated offender. When sentenced as a chronic offender, these crimes are class B felonies. 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.