

SECOND REGULAR SESSION

HOUSE BILL NO. 2402

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AULL.

5465L.01I

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 302.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.321, to read as follows: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 such person operates a motor vehicle on a highway when such person's 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 such person's 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 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 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 defendant was represented by or waived the right to an attorney in writing, and where the prior two 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 is guilty of a class D felony. No court

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 shall [suspend the imposition of sentence as to such a person nor] sentence such person to pay
19 a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation
20 until such person has served a minimum of forty-eight consecutive hours of imprisonment,
21 unless as a condition of such parole or probation, such person performs at least ten days
22 involving at least forty hours of community service under the supervision of the court in those
23 jurisdictions which have a recognized program for community service. Driving while revoked
24 is a class D felony on the second or subsequent conviction pursuant to section 577.010, RSMo,
25 or a fourth or subsequent conviction for any other offense.

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