

HCS SS SCS SB 254 -- INTOXICATION-RELATED TRAFFIC OFFENSES

SPONSOR: Stouffer (Cox)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 12 to 0.

Currently, courts and the Department of Revenue are authorized to issue limited driving privileges to allow repeat offenders of alcohol-related traffic offenses to drive a motor vehicle in connection with a business, occupation, or employment; seeking medical treatment; attending school; attending alcohol or drug treatment programs; seeking the required services of a certified ignition interlock device provider; or any other circumstance the court or the department director finds would create an undue hardship if not allowed. In order for Missouri to comply with federal law for the purpose of receiving transportation funding, this substitute removes the issuance of limited driving privileges for the purpose of seeking medical treatment or for any other circumstance that the court or department director finds would create an undue hardship if not allowed but specifies that it can be used for driving to and from the operator's place of employment.

The substitute increases from 30 days to 45 days the length of time that a person convicted of an alcohol-related offense must have his or her driver's license revoked before being eligible for limited driving privileges and specifies that an administrative hearing to revoke or suspend a person's driver's license for an excessive blood alcohol content violation may be conducted at a regional location as designated by the department director instead of the county where the arrest was made.

Currently, in a jury trial involving a repeat driving while intoxicated offender, the offender's status as a prior, persistent, aggravated, or chronic offender must be pleaded, established, and found prior to submission to the jury outside of its hearing. The substitute specifies that any error or omission in pleading or proving the facts regarding an offender's repeat status may be corrected by amending the pleadings or supplementing the record, on notice and hearing, prior to sentencing. Any error in pleading or proving cannot require the vacation or reversal of the sentence on appeal unless the error results in a substantial prejudice to the rights of the defendant or a miscarriage of justice. These provisions cannot be construed to preclude a remand to allow correction of the error after notice and hearing.

Currently, prior and persistent offenders are allowed to participate in and successfully complete a program established by

a DWI court or other court-ordered treatment program in lieu of imprisonment or community service. In order to comply with federal law, the substitute requires a prior or persistent offender to perform a specified amount of community service along with completing a DWI court-ordered or other court-ordered treatment program.

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. The substitute specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of a cost of Up to \$13,128 in FY 2012, an income of \$0 in FY 2013, and an income of \$0 in FY 2014. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill will bring Missouri into compliance with federal requirements, preventing the state from losing funds.

Testifying for the bill were Senator Stouffer; Department of Transportation; and Missouri Asphalt Pavement Association.

OPPOSERS: There was no opposition voiced to the committee.