

FIRST REGULAR SESSION

HOUSE BILL NO. 1108

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

1720H.011

DANA RADEMAN MILLER, 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Section A. Section 302.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.321, to read as follows: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 offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been cancelled, 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 cancelled, suspended, or revoked.

2. Any person convicted of driving while revoked is guilty of a misdemeanor. A first violation of this section shall be punishable as a class D misdemeanor. A second or third violation of this section shall be punishable as a class **[A]** C 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

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 of the present offense and where the person received and served a sentence of ten days or more
19 on such previous offenses is guilty of a class ~~[E-felony]~~ **A misdemeanor**. Except upon
20 conviction as a first offense, no court shall suspend the imposition of sentence as to such a
21 person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such
22 person be eligible for parole or probation until such person has served a minimum of forty-eight
23 consecutive hours of imprisonment, unless as a condition of such parole or probation, such
24 person performs at least ten days involving at least forty hours of community service under the
25 supervision of the court in those jurisdictions which have a recognized program for community
26 service. Driving while revoked is a class ~~[E-felony]~~ **A misdemeanor** on the second or
27 subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any
28 other offense. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in
29 the same manner as required by section 558.021.

✓