

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1777, 2203, 2059 & 2502, Page 10,
2 Section 558.041, Line 54, by inserting after said section and line the following:

3
4 "577.001. As used in this chapter, the following terms mean:

5 (1) "Aggravated offender", a person who has been found guilty of:

6 (a) Three or more intoxication-related traffic offenses committed on separate occasions; or

7 (b) Two or more intoxication-related traffic offenses committed on separate occasions where
8 at least one of the intoxication-related traffic offenses is an offense committed in violation of any
9 state law, county or municipal ordinance, any federal offense, or any military offense in which the
10 defendant was operating a vehicle while intoxicated and another person was injured or killed;

11 (2) "Aggravated boating offender", a person who has been found guilty of:

12 (a) Three or more intoxication-related boating offenses; or

13 (b) Two or more intoxication-related boating offenses committed on separate occasions
14 where at least one of the intoxication-related boating offenses is an offense committed in violation
15 of any state law, county or municipal ordinance, any federal offense, or any military offense in
16 which the defendant was operating a vessel while intoxicated and another person was injured or
17 killed;

18 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-
19 highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on
20 three, four or more nonhighway tires, with either:

21 (a) A seat designed to be straddled by the operator, or with a seat designed to carry more
22 than one person, and handlebars for steering control; or

23 (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim,
24 regardless of seating or steering arrangement;

25 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not
26 any juvenile court or treatment court;

27 (5) "Chronic offender", a person who has been found guilty of:

28 (a) Four or more intoxication-related traffic offenses committed on separate occasions; or

29 (b) Three or more intoxication-related traffic offenses committed on separate occasions
30 where at least one of the intoxication-related traffic offenses is an offense committed in violation of

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1 any state law, county or municipal ordinance, any federal offense, or any military offense in which
2 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

3 (c) Two or more intoxication-related traffic offenses committed on separate occasions where
4 both intoxication-related traffic offenses were offenses committed in violation of any state law,
5 county or municipal ordinance, any federal offense, or any military offense in which the defendant
6 was operating a vehicle while intoxicated and another person was injured or killed;

7 (6) "Chronic boating offender", a person who has been found guilty of:

8 (a) Four or more intoxication-related boating offenses; or

9 (b) Three or more intoxication-related boating offenses committed on separate occasions
10 where at least one of the intoxication-related boating offenses is an offense committed in violation
11 of any state law, county or municipal ordinance, any federal offense, or any military offense in
12 which the defendant was operating a vessel while intoxicated and another person was injured or
13 killed; or

14 (c) Two or more intoxication-related boating offenses committed on separate occasions
15 where both intoxication-related boating offenses were offenses committed in violation of any state
16 law, county or municipal ordinance, any federal offense, or any military offense in which the
17 defendant was operating a vessel while intoxicated and another person was injured or killed;

18 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
19 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
20 location of the person who is being monitored, and regularly transmitting the data. Continuous
21 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
22 section 217.690;

23 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V
24 listed in section 195.017;

25 (9) "Drive", "driving", "operates" or "operating", to physically [~~driving or operating~~] move a
26 vehicle or vessel along or through with the engine or motor running;

27 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight
28 navigators;

29 (11) "Habitual offender", a person who has been found guilty of:

30 (a) Five or more intoxication-related traffic offenses committed on separate occasions; or

31 (b) Four or more intoxication-related traffic offenses committed on separate occasions
32 where at least one of the intoxication-related traffic offenses is an offense committed in violation of
33 any state law, county or municipal ordinance, any federal offense, or any military offense in which
34 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

35 (c) Three or more intoxication-related traffic offenses committed on separate occasions
36 where at least two of the intoxication-related traffic offenses were offenses committed in violation
37 of any state law, county or municipal ordinance, any federal offense, or any military offense in
38 which the defendant was operating a vehicle while intoxicated and another person was injured or
39 killed;

1 (12) "Habitual boating offender", a person who has been found guilty of:

2 (a) Five or more intoxication-related boating offenses; or

3 (b) Four or more intoxication-related boating offenses committed on separate occasions
4 where at least one of the intoxication-related boating offenses is an offense committed in violation
5 of any state law, county or municipal ordinance, any federal offense, or any military offense in
6 which the defendant was operating a vessel while intoxicated and another person was injured or
7 killed; or

8 (c) Three or more intoxication-related boating offenses committed on separate occasions
9 where at least two of the intoxication-related boating offenses were offenses committed in violation
10 of any state law, county or municipal ordinance, any federal offense, or any military offense in
11 which the defendant was operating a vessel while intoxicated and another person was injured or
12 killed; or

13 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

14 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
15 including the death of an individual that results from the defendant's vessel leaving the water; or

16 b. Cause the death of two or more persons; or

17 c. Cause the death of any person while he or she has a blood alcohol content of at least
18 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

19 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
20 alcohol, a controlled substance, or drug, or any combination thereof;

21 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
22 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the
23 defendant was operating a vessel while intoxicated and another person was injured or killed in
24 violation of any state law, county or municipal ordinance, any federal offense, or any military
25 offense;

26 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive
27 blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law,
28 county or municipal ordinance, any federal offense, or any military offense, or an offense in which
29 the defendant was operating a vehicle while intoxicated and another person was injured or killed in
30 violation of any state law, county or municipal ordinance, any federal offense, or any military
31 offense;

32 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
33 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
34 operations on a federal military installation under military jurisdiction in the state of Missouri;

35 (17) "Operate a vessel", to physically control the movement of a vessel in motion under
36 mechanical or sail power in water;

37 (18) "Persistent offender", a person who has been found guilty of:

38 (a) Two or more intoxication-related traffic offenses committed on separate occasions; or

1 (b) One intoxication-related traffic offense committed in violation of any state law, county
2 or municipal ordinance, federal offense, or military offense in which the defendant was operating a
3 vehicle while intoxicated and another person was injured or killed;

4 (19) "Persistent boating offender", a person who has been found guilty of:

5 (a) Two or more intoxication-related boating offenses committed on separate occasions; or

6 (b) One intoxication-related boating offense committed in violation of any state law, county
7 or municipal ordinance, federal offense, or military offense in which the defendant was operating a
8 vessel while intoxicated and another person was injured or killed;

9 (20) "Prior offender", a person who has been found guilty of one intoxication-related traffic
10 offense, where such prior offense occurred within five years of the occurrence of the intoxication-
11 related traffic offense for which the person is charged;

12 (21) "Prior boating offender", a person who has been found guilty of one intoxication-
13 related boating offense, where such prior offense occurred within five years of the occurrence of the
14 intoxication-related boating offense for which the person is charged."; and

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16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.