

HB 2768 -- DRIVING WHILE INTOXICATED

SPONSOR: Griffith

This bill modifies the offense of driving while intoxicated. Currently, the offense is a class E felony if the defendant, while driving while intoxicated, acts with criminal negligence to cause physical injury to another person. The bill increases the penalty for this provision to a class D felony. It is currently a class D felony if the defendant, while driving while intoxicated, acts with criminal negligence to cause serious physical injury to another person. The bill increases the penalty for this provision to a class C felony. If the defendant is driving while intoxicated and acts with criminal negligence to cause the death of another person, the defendant would be guilty of a class C felony currently, but this bill increases the penalty for that to a class B felony. If the defendant, while driving while intoxicated, acts with criminal negligence to cause the death of two or more persons or to cause the death of any person while the defendant has a blood alcohol content (BAC) of at least .15 by weight of alcohol, or the defendant has been previously been found guilty as a habitual offender or of driving while intoxicated and causing the death of another person, the defendant will be guilty of a class A felony.

A person found guilty of having driven while intoxicated and acting with criminal negligence to cause the death of another person will not be eligible for probation or parole until the person has served at least five years' imprisonment. If the person has been found guilty of, while driving while intoxicated, acting with criminal negligence to cause the death of two or more persons or to cause the death of any person while the defendant has a BAC of at least .15 by weight of alcohol, the person will not be eligible for probation or parole until the person has served at least 10 years' imprisonment.