

HCS HB 87 -- DRIVING WHILE INTOXICATED

SPONSOR: Griffith

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 17 to 0, with 1 voting Present. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 6 to 0 with 2 members voting present.

The following is a summary of the House Committee Substitute for HB 87.

Currently, a person who has had his or her driver's license suspended or revoked because of an assessment of points for an intoxication-related traffic offense conviction and who has a prior alcohol-related enforcement contact must show proof to the Director of Revenue that any motor vehicle driven by the person has a certified ignition interlock device installed, and the ignition interlock device must be installed for at least six months. Under this bill, the requirement applies only to a person who has an intoxication-related traffic offense conviction in which the person's blood alcohol content (BAC) was at least .08 but less than .15 and who has a prior alcohol-related enforcement contact or to a person who has an assessment of points for an intoxication-related traffic offense conviction in which the person's BAC was found to be .15 or more.

The bill also prohibits restricted driving privileges to be issued to any person whose driving record shows an intoxication-related traffic offense in which the person's BAC was found to be .15 or more until the person files proof with the Department of Revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device.

The bill also modifies the offense of driving while intoxicated. Currently, the offense is a class E felony if the defendant, while driving intoxicated, acts with criminal negligence, causing 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 intoxicated, acts with criminal negligence, causing serious physical injury to another person. The bill increases the penalty for this provision to a class C felony. Currently, if the defendant is driving while intoxicated and acts with criminal negligence to cause the death of another person, the defendant is guilty of a class C felony; this bill increases the penalty for that to a class B felony. If the defendant, while driving 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 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 driving 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 acting with criminal negligence, while driving while intoxicated, 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.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that, oftentimes, tragedy brings on the need for change, and that is why this bill is before the committee. The bill sponsor told the story of what happened to a woman whose death inspired this bill, she was a local restaurant owner. Her death changed many people's lives. There are about 209 deaths in Missouri related to drunk driving or substance use. Lowering the legal BAC percentage will likely not have any effect, but making harsher penalties could. By the same token, one witness suggested lowering the BAC to .06. Missouri is ninth in the top 10 worst states for drunk driving fatalities, and Missouri should be harsher with its punishments for the first violation. There should not be any suspended imposition or execution of sentence for people who commit these offenses. There are so many alternatives to drinking and driving, such as calling a taxi or ride share.

Testifying in person for the bill were Representative Griffith; Arnie Dienoff; Justine Woehr.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.