

HCS HB 117 -- OFFENSES INVOLVING MOTOR VEHICLES

SPONSOR: Murphy

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 15 to 2, with 1 voting Present.

The following is a summary of the House Committee Substitute for HB 117.

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 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 blood alcohol content 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 blood alcohol content 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 adds to the offense of burglary in the second degree when a person unlawfully enters a motor vehicle or any part of a motor vehicle with the intent to commit a theft or any felony. The bill defines "enters" as a person intruding with any part of the body or any physical object connected with the body. If a person who commits a violation under this provision was in possession of a firearm at the time or stole a firearm from the motor vehicle during the violation, he or she is guilty of a class C felony.

The bill also creates the offense of unlawfully gaining entry into a motor vehicle, which a person commits if he or she lifts the door handles or otherwise tries the doors and locks of successive vehicles in an attempt to gain entry. A violation of this section is a class E felony. A person does not commit the offense of unlawfully gaining entry into a motor vehicle if the person is the

owner of the vehicle or has the owner's permission to enter the vehicle.

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 this addresses organized crime more than individual crime. People accidentally enter or attempt to enter the wrong car all the time, but this is more about the successive behavior and it needs to be punished.

Testifying in person for the bill was Representative Murphy.

OPPONENTS: There was no opposition voiced to the committee.