

HB 273 -- DIVERSION PROGRAM FOR DWI OFFENSES

SPONSOR: Roberts

This bill establishes a criminal case diversion program specifically for cases involving driving while intoxicated. In such cases, the current diversion program available to prosecutors will not apply; instead, the provisions of this bill will apply. A defendant can request to be diverted to the program by submitting a request to the prosecuting or circuit attorney and sending a copy of the request to the Department of Revenue within 15 days of his or her arrest. A prosecutor may divert a criminal case involving driving while intoxicated if certain requirements, specified in the bill, are met. Such diversion may continue for up to two years, and the defendant may be ordered to comply with appropriate terms, conditions or programs.

One such requirement is the installation of an ignition interlock device for a period of no less than 12 months on any vehicle the defendant operates, and the defendant will be prohibited from operating a vehicle that is not equipped with an ignition interlock device. The installer of the ignition interlock device must notify the Department of Revenue if the device is removed or indicates that a person has attempted to remove, bypass, or tamper with the device; if the person fails three or more times to comply with any requirement for the maintenance or calibration of the device; or if the device registers a failed start. If the person has a failed start within the last 90 days of the required period of installation of the device, the term will be extended for 90 days.

If the defendant complies with the terms and conditions of the diversion program, the action against the defendant will be dismissed, the dismissal will be recorded, and the record will be transmitted to the Department of Revenue. If the defendant does not comply with the terms and conditions, a hearing will be held after notice to the defendant to determine whether the criminal proceedings will be reinstated. Any defendant found guilty of an intoxication-related traffic offense who has previously utilized the DWI diversion program will be considered a prior offender as defined in Section 577.001, RSMo, if the prior offense occurred within five years of the intoxication-related offense for which the person is charged. Finally, for the limited purpose of determining whether a defendant is a chronic, habitual, persistent, or prior offender under Section 577.001, a criminal case diverted to a DWI diversion program will be counted as one intoxication-related traffic offense.

This bill is similar to HB 1654 (2024).