

# Hall of the House of Representatives

89th General Assembly - Regular Session, 2013

## Amendment Form

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### Subtitle of Senate Bill No. 1133

CONCERNING THE PENALTIES FOR THE OFFENSE OF DRIVING WHILE INTOXICATED, SIXTH OR  
SUBSEQUENT OFFENSE.

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### Amendment No. 1 to Senate Bill No. 1133

Amend Senate Bill No. 1133 as engrossed, S3/28/13 (version: 03/28/2013 3:25:31 PM):

Page 2, delete lines 2 through 10 and substitute:

"5-65-122. Driving while intoxicated - Sixth or subsequent offense.  
(a)(1) A sixth of subsequent offense of violating § 5-65-103 occurring  
within ten (10) years of a prior offense is a Class B felony.  
(2)(A) A person may be sentenced under this section to two (2)  
years' community service in lieu of imprisonment or fine unless a person  
under sixteen (16) years of age was in the vehicle at the time of the  
offense, for which the person may be sentenced under this section to three  
(3) years' community service in lieu of imprisonment or fine.  
(B) If the court orders community service under  
subdivision (a)(2)(A) of this section, it shall clearly set forth in written  
findings the reasons for the order of community service.  
(b) The following are considered a prior offense for purposes of  
subsection (a) of this section:  
(1) A prior conviction for violation of a penal law of another  
state, federal, or foreign jurisdiction that is equivalent to § 5-65-103; or  
(2) A prior conviction for violation of § 5-10-105(a)(1)(A) or  
(B)."



The Amendment was read \_\_\_\_\_

By: Representative Hammer

BPG/LNS - 04-04-2013 13:38:28

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Chief Clerk