

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1250

Amendment Number: H1

Bill Subtitle: AMENDING BATTERY IN THE SECOND DEGREE AND ENHANCING PENALTIES WHEN INJURY TO ANOTHER PERSON OCCURS AS A RESULT OF DRIVING WHILE INTOXICATED.

Basic Change :

Sponsors: Representatives D. Whitaker, Baine, Ballinger, Broadway, Catlett, Hillman, Neal, Vines, Wardlaw

Amendment No. 1 adds to Section 1 that a person is guilty of battery in the second degree if a person is intoxicated and recklessly causes serious physical injury to another person while operating or in actual physical control of a motor vehicle.

This bill, as amended, does not affect the activities or responsibilities of the DFA Office of Driver Services.

Revenue Impact :

None

Taxpayer Impact :

None

Resources Required :

None

Time Required :

None

Procedural Changes :

None

Other Comments :

This bill does not have an emergency clause or an effective date.

Legal Analysis :

The changes to HB1250 as a result of Amendment No. 1 addressed a technical issue previously raised by DFA in comments to the bill as originally introduced. DFA previously commented on another issue that was not addressed in Amendment No. 1. More specifically, under HB1250, if a court determines that a person that pleads guilty or is found guilty of DWI and the person caused "physical injury" to another person, the defendant must be sentenced to a minimum of thirty (30) days in jail. As stated in DFA's previous comments, HB1250 was unclear whether the court could order the person serve the thirty (30) day minimum sentence by community service. This bill does not have an effective date or emergency clause.