

# Department of Finance and Administration

## Legislative Impact Statement

### **Bill: SB64**

**Bill Subtitle: TO PROVIDE FOR AN ENHANCED PENALTY FOR THE OFFENSE OF DRIVING WHILE INTOXICATED WHEN A PERSON CAUSES AN ACCIDENT OR DRIVES WITHOUT A DRIVER'S LICENSE IN EFFECT WHILE INTOXICATED.**

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**Basic Change :** Sponsors: Sen. Woods and Rep. Whitaker

SB64 adds additional criminal penalties for persons convicted of Driving While Intoxicated (DWI). The new penalties result in higher possible jail or prison terms upon conviction. The enhancements would apply when (1) the driving privileges of the person arrested were suspended at the time of the person's arrest or the person did not have a valid driver's license at the time of arrest; (2) when the arrested person causes property damage; or (3) when the arrested person causes physical injury to a person. Amendment No. 1 to SB64 added the "physical injury to a person" element to the enhancement.

**Revenue Impact :**

There is no revenue impact if this bill is passed.

**Taxpayer Impact :**

Additional criminal penalties may be assessed by the courts if this bill is passed.

**Resources Required :**

No additional resources are required.

**Time Required :**

No additional time is required to implement this bill.

**Procedural Changes :**

No procedural changes are required.

**Other Comments :**

None

**Legal Analysis :**

The additional punishment enhancements do not apply to the administrative license suspension procedures administered by DFA.

The enhancement for a person who is arrested for DWI while his or her driving privileges are suspended does not specifically include persons whose driving privileges are currently revoked. Many persons are arrested for DWI while their driving privileges are revoked as opposed to being suspended. An amendment to SB64 should clarify whether the enhancement should also apply to a person a person whose driving privileges are revoked.

SB64 does not have an emergency clause or effective date and will be effective 90 days after adjournment.