

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB64**

**Amendment Number: S1**

**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 :** Sen. Woods and Rep. Whitaker,

This bill as amended provides for enhanced penalties of an unclassified misdemeanor or an unclassified felony if at the time of the offense of driving while intoxicated when a person causes an accident or drives without a driver's license in effect while intoxicated:

- (a) A passenger under sixteen (16) years of age was in the motor vehicle;
- (b) The person was driving on a suspended driver's license or was driving without having a driver's license in effect; or
- (c) The person causes property damage or physical injury to a person

This amendment adds to (c), "or physical injury to a person".

This bill will have no impact on the DFA Administrative Hearing process for those charged with driving while intoxicated offenses.

**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.

**Legal Analysis :**

SB64 adds criminal punishment enhancement penalties for persons convicted of Driving While Intoxicated (DWI). The new punishment enhancements result in higher possible jail or prison terms upon conviction. 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 whose driving privileges are revoked.

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