

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1668

Amendment Number: H1

**Bill Subtitle: CONCERNING THE OFFENSE OF DRIVING OR BOATING WHILE INTOXICATED;
AND CONCERNING THE DISPOSITION OF A DEFENDANT CONVICTED OF DRIVING OR
BOATING WHILE INTOXICATED.**

Basic Change :

Sponsors: Rep. Lemons and Sen. Garner

HB1668 will remove community service as a sentencing option for a fourth offense of Driving or Boating While Intoxicated (DWI or BWI). The remaining available sentences under the proposed bill are:

- For a 4th offense occurring within 5 years of the first offense, 1 year but no more than 6 years imprisonment; or 2 years but no more than 6 years if a passenger under 16 years of age was in the motor vehicle or motorboat at the time of the offense.
- For a 5th or subsequent offense within 5 years, 2 years but no more than 10 years imprisonment; or 3 years but no more than 10 years if a passenger under 16 years of age was in the motor vehicle or motorboat at the time of the offense.
- For a 6th or subsequent offense occurring within 10 years is guilty of a Class B felony.

Section 2 of the bill provided that a drug court program shall not be available to an offender with a felony violation of DWI or BWI. Amendment 1 removes this section in the bill as originally introduced.

Revenue Impact :

There is no revenue impact if this bill is passed.

Taxpayer Impact :

Community service will no longer be a sentencing option for 4th or subsequent offenses of DWI or BWI. Amendment 1 will allow a drug court program to continue to be available to an offender with a felony violation of DWI or BWI.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

None.