

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1282

Bill Subtitle: CONCERNING THE PROSECUTION OF DRIVING WHILE INTOXICATED CASES.

Basic Change : Sponsor: Rep. Wright

Current law on driving while intoxicated (DWI) does not allow a DWI charge to be reduced to a lesser charge. This bill would allow courts or prosecutors to reduce a DWI to a lesser charge. This bill also requires a law enforcement officer who issues a DWI citation to file the citation with the court as soon as possible.

Revenue Impact :

If there are fewer DWI suspensions ordered by the courts, then reinstatement fees may be reduced.

Taxpayer Impact :

Taxpayers may be able to negotiate with the prosecutor or court for a reduced charge from the DWI citation issued by law enforcement.

Resources Required :

Programming will be required for DFA to change the driving record to a reduced charge per the court conviction as well removing the Administrative Hearing conviction and associated action. No additional employees will be needed to perform these additional transactions.

Time Required :

No additional time is required to implement this bill.

Procedural Changes :

Training will be required to change the driving records when DWI charges are changed.

Legal Analysis :

HB1282 removes the restriction in § 5-65-107 that requires a person charged with DWI to be tried on the charge or plead to the charge. In addition, HB1282 would remove another restriction of § 5-65-107 that prohibits a prosecuting attorney, judge, or court personnel, from reducing a criminal charge of DWI.

This bill would conflict with SB81, which is currently in the Senate Judiciary Committee. SB81 amends § 5-65-107(a) so that a DWI "shall not be reduced or dismissed by the prosecuting attorney". HB1282, takes a contrary approach and removes the restriction completely to allow prosecuting attorneys, judges, and other court personnel to reduce DWI charges to a lesser charge (e.g. reckless or careless driving), or dismissing DWI charges entirely without trial.