Bill as Introduced

SB 436-FN – AS AMENDED BY THE SENATE

3/23/00 3834s

2000 SESSION

00-2707
05/09

SENATE BILL ***436-FN***

AN ACT relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

SPONSORS: Sen. Trombly, Dist 7

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill requires permanent revocation of an individual's driver's license when convicted of causing a motor vehicle fatality or serious bodily injury while under the influence of drugs or alcohol and requires a 3-year mandatory prison term for driving after such a permanent license revocation. The bill also provides a mechanism for requesting reinstatement after 15 years.

. . . . . .

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

3/23/00 3834s

00-2707
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Permanent Revocation of License for Motor Vehicle Fatalities Where Driver was Under the Influence of Drugs or Alcohol. Amend RSA 263:56 by inserting after paragraph V the following new paragraph:

VI.(a) Permanent revocation of a driver's license shall be mandatory and automatic where the driver, impaired by drugs or alcohol at the time of the incident, is found guilty of having caused a motor vehicle fatality or serious injury by a court of competent jurisdiction. If the driver is licensed in another state, the director shall notify the driver's home state that a notation should be made on the driver's record of permanent loss of driving privileges in New Hampshire.

(b) If a person is found guilty of driving after permanent license revocation under subparagraph (a), he or she shall be sentenced to a mandatory 3-year term of imprisonment.

(c) The driver may petition the sentencing court after 15 years from the date of the loss of license to have the license reinstated, if the driver can demonstrate good cause for the reinstatement.

2 Instances Where Permanent License Revocations are Allowed. Amend RSA 263:56, III(a) to read as follows:

(a) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(g) the director may suspend or revoke a license for not more than 7 years, ***except as provided in paragraph VI for offenses involving drugs or alcohol.***

3 Effective Date. This act shall take effect January 1, 2001.

LBAO

00-2707
Revised 12/28/99

SB 436 FISCAL NOTE

AN ACT relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated.

FISCAL IMPACT:

The Administrative Office of the Courts, Judicial Council and the Department of Corrections have determined this bill may increase state expenditures by an indeterminable amount in FY 2001 and each year thereafter. There will be no fiscal impact on county and local expenditures or on state, county and local revenue.

METHODOLOGY:

The Administrative Office of the Courts stated this bill creates a new class B felony offense. The Office has determined this legislation will have little, if any, fiscal impact on the Branch, as it will not significantly impact caseload.

The Judicial Council assumed that any cases arising from the enactment of this law for which the Indigent Defense Fund may be liable, will, in the first instance be handled by the Public Defender or contract attorneys who accept these cases on a fixed fee basis of $687.50 for each felony charge. If an assigned counsel attorney must be used, the hourly rate of $60, with a fee cap of $3,000 for felony cases will apply. If a motion to exceed the fee cap is approved and/or "services other than counsel" are approved, these will also be chargeable to the Indigent Defense Fund. The Council added, the population who will be affected by this legislation is likely to be the among the most predictably indigent. The Council is unable to predict the number of cases or trials which may arise as a result of the passage of this legislation, therefor, they are unable to estimate the dollar amount of the anticipated costs of such representation.

The Department of Corrections is unable to predict how many, if any, individuals would be incarcerated as a result of this legislation. The average cost of incarceration for FY 1999 was $19,388 per inmate. The average cost of probation/parole supervision was $842 per inmate.

The Department of Justice has stated this bill will have no fiscal impact on the Department.

CHAPTER 318

SB 436-FN - FINAL VERSION

3/23/00.....3834s

17may00.....4361h

17may00.....4535h

5/31/00.....4707cofc

5/31/00.....4782eba

2000 SESSION

00-2707

05/09

SENATE BILL ***436-FN***

AN ACT relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

SPONSORS: Sen. Trombly, Dist 7

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill provides for revocation of drivers' licenses for causing a fatality and authorizes certain impaired driver intervention programs for restoration of driving privileges.

- -

Explanation: Matter added to current law appears in ***bold italics.***

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

3/23/00.....3834s

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00-2707

05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Be it Enacted by the Senate and House of Representatives in General Court convened:

318:1 New Paragraph; Manslaughter; License Revocation in Certain Cases. Amend RSA 630:2 by inserting after paragraph II the following new paragraph:

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

318:2 Negligent Homicide; License Revocation Period. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. ***In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device which shall remain in place for a period not to exceed 5 years.***

318:3 New Paragraph; Impaired Driver Intervention Programs; Authorized Programs for Restoration of Privileges. Amend RSA 172-B:2-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 263:65-a.

318:4 New Subparagraph; Authorized Impaired Driver Intervention Programs. Amend RSA 263:65-a, I by inserting after subparagraph (b) the following new subparagraph:

(c) Operated by the department of corrections and approved pursuant to RSA 172-B:2-a, I-a.

318:5 Department of Corrections' Impaired Driver Intervention Programs. Amend RSA 263:65-a, III to read as follows:

III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees, ***except in the case of attendance at programs operated by the department of corrections***. Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

318:6 Effective Date. This act shall take effect upon its passage.

(Approved: June 21, 2000)

(Effective Date: June 21, 2000)

00-2707

Amended 3/24/00

SB 436 FISCAL NOTE

AN ACT relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

FISCAL IMPACT:

The Administrative Office of the Courts, Judicial Council and the Department of Corrections have determined this bill, as amended by the Senate, may increase state expenditures by an indeterminable amount in FY 2001 and each year thereafter. There will be no fiscal impact on county and local expenditures or on state, county and local revenue.

METHODOLOGY:

The Administrative Office of the Courts stated this bill creates a new class B felony offense. The Office has determined this legislation will have little, if any, fiscal impact on the Branch, as it will not significantly impact caseload.

The Judicial Council assumed that any cases arising from the enactment of this law for which the Indigent Defense Fund may be liable, will, in the first instance be handled by the Public Defender or contract attorneys who accept these cases on a fixed fee basis of $687.50 for each felony charge. If an assigned counsel attorney must be used, the hourly rate of $60, with a fee cap of $3,000 for felony cases will apply. If a motion to exceed the fee cap is approved and/or "services other than counsel" are approved, these will also be chargeable to the Indigent Defense Fund. The Council added, the population who will be affected by this legislation is likely to be the among the most predictably indigent. The Council is unable to predict the number of cases or trials which may arise as a result of the passage of this legislation, therefor, they are unable to estimate the dollar amount of the anticipated costs of such representation.

The Department of Corrections is unable to predict how many, if any, individuals would be incarcerated as a result of this legislation. The average cost of incarceration for FY 1999 was $19,388 per inmate. The average cost of probation/parole supervision was $842 per inmate.

The Department of Justice has stated this bill will have no fiscal impact on the Department.

Amendments

Criminal Justice and Public Safety
May 3, 2000
2000-4361h
05/10

Amendment to SB 436-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to revocation of drivers' licenses for causing a fatality and allowing administrative home confinement for habitual offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 Habitual Offenders; Felony Penalties; Home Confinement. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he ***or she shall be guilty of a felony and*** shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility ***and the court may order that any such offender may serve his or her sentence under home confinement pursuant to RSA 651:19 on such terms and conditions as the court may order, for the minimum mandatory term or any portion thereof.*** Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

2 Habitual Offender; Misdemeanor Penalties. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person ***shall be guilty of a class A misdemeanor and*** may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction

under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

3 New Paragraph; Manslaughter; License Revocation in Certain Cases. Amend RSA 630:2 by inserting after paragraph II the following new paragraph:

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

4 Negligent Homicide; License Revocation Period. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. ***In cases where the person is convicted under paragraph II, the court may revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years.***

5 Discretionary Sentences; Release for Purpose of Gainful Employment or Rehabilitation; Home Confinement. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment ~~[or]~~, Rehabilitation ***or Home Confinement***. Any person who has been committed to a penal institution other than state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, ***or to serve the sentence under home confinement,*** or for such other purpose as the court may deem conducive to his ***or her*** rehabilitation, for such times or intervals of time and under such terms and conditions as the court may order. Any part of a day spent in the free community***, or in home confinement,*** under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his ***or her*** conduct, custody and employment, he ***or she*** shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his ***or her*** term.

6 Effective Date. This act shall take effect upon its passage.

2000-4361h

AMENDED ANALYSIS

This bill establishes provisions for the revocation of driver's license privileges for certain manslaughter and negligent homicide convictions.

This bill also provides for home confinement as a means to serve habitual offender sentences and certain discretionary sentences.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 436 Date April 19, 2000

Committee CJ + PS

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Rep BARBARA C. FRENCH			MEDIA	Self ✓	
Pete Giese	NH Chiefs of Police	632-7501		✓	
JOSEPH MURRAY	130 SHERWOOD FOREST DR. WEARE NH 03281	529-2117		✓	

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 436-FN

BILL TITLE: (New Title) relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

DATE: April 19, 2000

LOB ROOM: 204 **Time Public Hearing Called to Order:** 1:50 PM

Time Adjourned: 2:15 PM

RECESSED TO 11:00, APRIL 26

(please circle if present)

Committee Members: Reps. Welch, Christie, Hansen, Dunham, Sargent, Pepino, Flora, Mikowlsky, Fesh, Weare, Andrews, J. Johnson, Tholl, Knowles, Doucette, Berube, Schanda, O'Keefe, McCarthy, Robertson, Callaghan and Rodd.

Bill Sponsors: Sen. Trombly, Dist 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SEE ATTACHED

New Hampshire House of Representatives
Criminal Justice and Public Safety Committee
Committee Minutes

Bill Number - SB 436-FN **Date of meeting** - April 19, 2000
Presiding - Rep. David A. Welch, Chairman

Testifying:

1. Rep. E. Weare introduced the bill for Sen. Trombly, Dist. #7 who was unable to attend.

*2. Sheila Evans, P.O. Box 386, Henniker, NH (428-4415), representing self, in support. ***(See written material, statistics.)*** She asked Sen. Trombly to introduce this bill. We set standards we expect citizens to adhere to. If they don't, they lose the privilege. The message about drinking and driving is not getting through to kids. Losing license is a powerful message. 47.5% of fatalities are alcohol related in NH. Maine-28%. Sees this bill as a preventive measure.

In answer to question from Rep. Andrews: 'serious injury' was going to be left out according to Sen. Trombly.

Rep. Christie, Jr.: Need to take 'serious injury' out. Director of Motor Vehicles now has the ability to revoke for life. Response: This bill would make it automatic. Still can re-apply after 15 years. (Discussion re: replacing permanent with indefinite) Evans: Likes the value and power of the word 'permanent'.

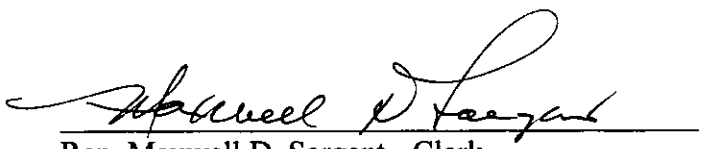
Rep. Knowles: How about 'lifetime' revocation? Then there's the possibility of re-applying (like lifetime jail sentence without the phrase 'without parole'. Response: Good word, same implications as 'permanent'.

Rep. Welch: Will this stop them from driving? How can they pursue their livelihood? Response: People with eye troubles have to take the initiative in traveling to work, too.

In answer to question from Rep. Fesh: No similar in any other state.

Rep. Fesh: So the person can move out of state and get a license.

Public hearing recessed to a future date.



Rep. Maxwell D. Sargent - Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 436-FN

BILL TITLE: (New Title) relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

DATE: April 26, 2000

LOB ROOM: 204 **Time Public Hearing Called to Order:** 11:02 am

Time Adjourned: 11:37 am

ORIGINAL HEARING HELD APRIL 19

(please circle if present)

Committee Members: Reps. Welch, Christie, Hansen, Dunham, Sargent, Pepino, Flora, Mikowlski, Fesh, Weare, Andrews, J. Johnson, Tholl, Knowles, Doucette, Berube, Schanda, O'Keefe, McCarthy, Robertson, Callaghan and Rodd.

Bill Sponsors: Sen. Trombly, Dist 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SEE ATTACHED

New Hampshire House of Representatives
Criminal Justice and Public Safety Committee
Committee Minutes

Bill Number - SB 436-FN **Date of meeting** - April 26, 2000 **Continued from Recessed hearing 4/19**
Presiding - Rep. David A. Welch, Chairman and Rep. John Tholl

Testifying:

*1. Sen. R. Trombly, Dist. #7, sponsor, in support. ***(See prepared amendment.)***. Driving is a privilege. If drinking, need to do it responsibly. If someone shoots someone, gun privileges are lost. Can re-apply for driver's license after 15 years.

Rep. Welch: We try to avoid mandatory sentences. Response: I agree, when it comes to incarceration. Loss of license is a civil remedy. Also is a chance for rehabilitation. There is discretion after 15 years. Amendment changes 'permanent' to 'lifetime' and removes 'serious bodily injury'.

*2. Joseph Murray, 130 Sherwood Forest Rd., Weare, NH (529-2117), representing self, in support. Works in insurance claims. ***(See written testimony.)*** Public attitude to drinking is complacency. Echoed other testimony. Told of case when at age 18 a woman killed her boyfriend in drunk driving accident, and years later recently had a second drunk driving accident, killing the mother of 2 children.

3. John Stephen, Asst. Commissioner of Dept. of Safety, on behalf of the Commissioner. No position, here for information. More alcohol accidents happening each year. More motorcycle accidents, too, due to poor training. Wants to attach an amendment to add dollars for motorcycle training. Training 1,000 this year, but have 5,000 applications. No increase in funding for years. 31 motorcycle fatalities last year – none of the riders had been trained. Wants to raise motorcycle license fee from $5 to $10. It will put an extra $150,000 into the fund.

Rep. Fesh: Why not a tuition fee? Response: There is a $85 tuition fee for the extended course of 2-1/2 days. The free course is just a couple of hours. The $85 fee pays for motorcycles, etc. We want to fund a permanent instructor.

Rep. Fesh: Why not raise the tuition? Response: People won't come. It's not mandatory.

In answer to question: Alcohol impairment begins at .03; at .07 substantially impaired; at .12, .13 most fatalities occur; at .16 most DWI arrests occur. Believes it should be .04 for motorcyclists. There are insurance breaks for those who have taken a training course.

Maxwell D. Sargent

Rep. Maxwell D. Sargent - Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON

BILL TITLE: SB 436-FN

DATE: 5/3/00

Subcommittee Members: Reps. Christie, Tholl, Callaghan

Comments and Recommendations: Added language of HB 1621 and added language to clarify H.O. misdemeanor + 07 Felony & made additions to RSA 630:2 + 630:3 ITL.

Amendments: ~~#4352h~~ - will get new one #4361h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Tholl

Seconded by Rep. Callaghan

Vote: 3-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. { Andrew Christie
Subcommittee Chairman/~~Clerk~~

Testimony

2/09/00
To: Judiciary Committee
From: Sheila Evans
Re: SB 436

Although the efforts to increase awareness regarding drinking and driving continue, the statistics for New Hampshire indicate that the message is not getting through. Setting a strict standard such as the proposal in SB 436 will help to communicate a very important message and may provide greater safety for the citizens of New Hampshire.

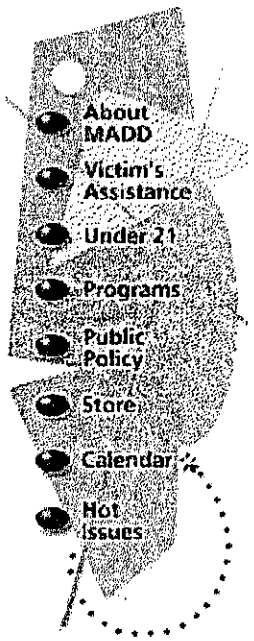
SB436 would serve as a preventative message, most especially with our young people. Permanently losing a driver's license is a concept that is easy to grasp, and one that is extremely meaningful. It is hard for a young person to envision having an accident, especially since the aura of invincibility seems to encompass all teens. The idea of permanent revocation of their license seems to penetrate, maybe because the focus on driving is so intense at their age. Interestingly, a statistic from MADD states that :
91% of those surveyed that drink alcohol cited losing their license would discourage them from driving after drinking.
The power of the message is profound.

Safety is another issue that would be addressed with this bill. The citizens of this state deserve a standard that is set high enough to improve their chances of surviving on our roads and highways. When it comes to fatalities, the news for New Hampshire is particularly grim:
47.5% of all traffic fatalities in 1998 were alcohol related.
(MADD State by State Traffic Fatalities)

The reality of permanently revoking a license already exists in other areas of licensing in the state. For example, the RSA for Day Care License Revocation provides criteria such as:
"does not comply with chapter or rules", "unable to meet and maintain standards adopted by commission" "substantially or repeatedly violates any provision of the law"...
Why would the criteria for a driving license be any less strict?

Currently there are legislative efforts underway to deal with the prevention and rehabilitation for those that drink and drive. Yesterday the House Criminal Justice Committee observed a demonstration of ignition locks. There is a study committee that is looking at the broad issues, including penalties and sentencing. This bill is different. This bill is intended to serve as a constant communication – both in its message and its reality. Anyone who loses his or her license through this legislation participates in delivering the message. Please pass SB 436.

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statistics

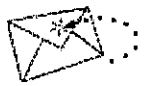
More Stats:
African Americans | Asian Americans | BAC | Crash Costs | DUI's | Fatalities | Fel
Classifications | General | Hispanic Americans | Holidays | Public Opinion |
References | Higher-Risk Drivers | Seatbelts | Youth

Public Opinion, Crash Risk and Pedestrian

- MADD is the most popular non-profit cause in the U.S., well liked by 51% of A It ranked second (79.7%) among the most strongly supported charities and third on the most credible list. (The Chronicle of Philanthropy, 1994)
- 97% of people who are of driving age consider drinking and driving by others a themselves and their families. (NHTSA, 1996)
- Two thirds of the driving age population believe that scientific evidence has sho any amount of alcohol impairs driving. (NHTSA, 1996)
- Seventy-seven percent of those surveyed favor the immediate authority to take tl driver's license as a means to reduce drunk driving. An identical percentage favc impoundment and sale of a repeat offender's vehicle to stop this crime. A slightl percentage, 79% support the use of sobriety checkpoints to reduce drunk drivin (MADD, 1994)
- Nearly three out of four (72%) of the driving age public think that penalties for c and driving should be more severe. Of those nearly half think that they should bc much more severe. (NHTSA, 1996)
- Of those who occasionally drink, 13% said during the last three months, they ha operated a vehicle close to or under the influence of alcohol. Of this 13%, one pe (1%) said they were stopped while driving. (MADD, 1994)
- Ninety-one percent of those surveyed that drink alcohol, cited losing their licens would discourage them from driving after drinking. (MADD, 1994)
- Sixty-three percent said it would be a good or excellent idea to raise the penalty and restaurants that serve alcoholic drinks to individuals who are already intoxic (IRC, 1993)
- About 80% of the driving age public has heard of blood alcohol concentration (E levels, but only about one in five know the BAC level in their state. (NHTSA, 19

- In most cases, emergency physicians are not legally required to report impaired the authorities. (Orsay, et al., 1994)
- For DWI offenders sentenced to jail, the median term imposed was six months; with two or more prior DWI sentences received sentences that were more than 1 as long as first-timers. (sourcebook, 1993)
- Prior to their arrest for DWI, half of the convicted offenders in jail has consume six ounces of pure alcohol (about equal to the alcoholic content of 12 bottles of b mixed drinks) in about 5 hours. About 29% consumed at least 11 ounces of pure (equivalent to 22 beers) prior to their arrests. (BJS, 1992)
- Nearly nine out of ten of those in jail (86%) for DWI have previously been sente probation, jail or prison for DWI or for other offences. (BJS, 1992)
- In 1998, one out of nine intoxicated drivers in fatal crashes have had a prior DW conviction within the past three years. (NHTSA, 1999)
- Youth arrests (for under 18) increased significantly from 1984 to 1993 for drunl (42.9%); DUI (50.2%) and drug abuse (27.8%). (FBI, 1994)

Back Return to Statistics Hompage

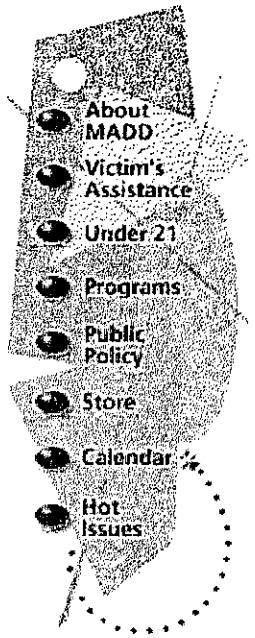


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statistics

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1998 State-By-State Traffic Fatalities

STATE	1998 Total Traffic Deaths	1998 Alcohol Related Deaths	Percent Alcohol-Related
Alabama	1,071	406	38.0
Alaska	71	31	43.6*
Arizona	980	423	43.2*
Arkansas	625	193	30.9
California	3,494	1,324	37.9
Colorado	628	232	36.9
Connecticut	329	142	43.1*
Delaware	115	45	38.9*
D.C.	54	27	50.8*
Florida	2,824	925	32.8
Georgia	1,569	509	32.5
Hawaii	120	56	46.6*
Idaho	265	90	34.0
Illinois	1,393	599	43.0*
Indiana	978	379	38.7*
Iowa	449	164	36.4
Kansas	493	174	35.3
Kentucky	858	285	33.3
Louisiana	922	426	46.2*
Maine	192	54	28.0
Maryland	606	203	33.5
Massachusetts	406	192	47.4*

Michigan	1,367	536	39.2*
Minnesota	650	280	43.0*
Mississippi	948	351	37.0
Missouri	1,169	525	44.9*
Montana	237	104	43.8*
Nebraska	315	119	37.9
Nevada	361	177	49.0*
New Hampshire	128	61	47.5*
New Jersey	743	271	36.5
New Mexico	424	193	45.4*
New York	1,498	365	24.4
North Carolina	1,596	513	32.1
North Dakota	92	44	47.5*
Ohio	1,422	464	32.6
Oklahoma	755	252	33.4
Oregon	538	233	43.3*
Pennsylvania	1,481	619	41.8*
Rhode Island	74	35	47.5*
South Carolina	1,002	304	30.3
South Dakota	165	67	40.5*
Tennessee	1,216	499	41.1*
Texas	3,577	1,792	50.1*
Utah	350	50	14.4
Vermont	104	38	36.8
Virginia	935	343	36.7
Washington	660	307	46.5*
West Virginia	354	145	40.9*
Wisconsin	714	302	42.2*
Wyoming	154	68	44.1*
TOTAL	**41,471**	**15,935**	**38.4**

Go to:

WHAT ARE THE TYPICAL PENALTIES FOR DRUNK DRIVING?

A conviction for drunk driving usually carries with it some stiff penalties. And while these penalties will vary from state to state, they will generally entail the loss of a driver's license for a specified amount of time, a fine, and possibly jail time. Other penalties may include probation, community service, driver rehabilitation school, and substance abuse counseling.

The high profile and get-tough policy has developed because drunk driving has been targeted as a terrible social problem that has potential for improvement. Organizations such as Mothers Against Drunk Driving (MADD), led by parents who have lost children in drunk driving accidents, have been extremely effective in stirring public outrage and lobbying for tougher laws.

Their success has been aided by the fact that possessing a driver's license and operating a motor vehicle is NOT A RIGHT of every citizen, but a privilege extended by the state in which you live. The license is issued under a state's regulation, and a state may revoke it. The courts have given police wide discretion when dealing with the enforcement of motor vehicle laws. A citizen usually has fewer rights when driving a car than when walking on the street or residing at home.

Penalties vary sharply by state, but in all cases are highest for accidents in which others are injured or killed, and for repeat offenders. Sometimes a driver is arrested on a manslaughter charge immediately after a fatal crash, if there is probable cause to believe the driver was drunk.

As for post-conviction sentences, some states have statutes requiring mandatory jail time--ranging from 48 consecutive hours to two years--for a drunk driving conviction for anyone whose drinking caused a death or an injury. Some states also require driving school and alcohol or drug rehabilitation, and in some cases judges may sentence offenders to do community service in emergency rooms and morgues.

The following shows a general range of penalties imposed after conviction on drivers who were arrested in accidents or in incidents in which there were no injuries or major damage:

For a first conviction with no injury or major damage:

1) A fine ranging from $100 to $5,000, and or, 2) Imprisonment for up to 2 years, and or, 3) Loss of driving privilege for a certain period of time (usually ranging from 30 days to three years)

For a second conviction on a similar charge:

1) A fine ranging from $200 to $5,000, and or, 2) Imprisonment up to two years, and or, 3) Loss of driving privilege for up to five years. For a third conviction on a similar charge:

1) A fine ranging from $300 to $150,000 and or, 2) Imprisonment for up to six years, and or, 3) Loss of driving privilege for 180 days to a permanent revocation.

CAN AN INSURER LEGALLY RAISE A PERSON'S RATES BECAUSE OF A DRUNK DRIVING CONVICTION?
Yes. A very costly aspect of a conviction for drunk driving is the price of insurance. Basically, insurers can charge sky-high fees and raise the rates of convicted drivers. In some states--New Jersey, for example--a person convicted of drunk driving must pay a mandatory $1000 per year auto insurance payment for three consecutive years, in addition to any court-imposed penalties and fines. This is added to the increase that will inevitably--and legally-- occur in a driver's automobile insurance premiums.

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4-24-2000

HOUSE CRIMINAL JUSTICE & SAFETY COMMITTEE
CONCORD, NH

RE: SENATE BILL 436-FN

I AM WRITING IN SUPPORT OF THIS BILL. AS A CITIZEN OF THIS STATE AND AS AN INSURANCE PROFESSIONAL INVOLVED IN THE HANDLING OF AUTO ACCIDENTS. I AM A LICENSED INSURANCE ADJUSTER IN THE P&C FIELD.

THE DEVASTATION CAUSED TO FAMILIES AND LOVED ONE'S IS HARD TO CAPITULATE FOR YOU. BUT, HAVING TO DEAL WITH THE AFTERMATH OF DRUNK OR IMPAIRED DRIVERS, WHEN TRAGEDY DOES STRIKE, IS A SOBERING EVENT.

HOWEVER, IT IS NOT SO SOBERING FOR THOSE GUILTY OF THE ACT OF CHOOSING TO DRIVE A MOTOR VEHICLE AFTER HAVING TAKEN LIQUOR AND OR DRUGS INTO THERE SYSTEM.

TYPICALLY WE HAVE MANY PEOPLE WHO DRINK AND DRIVE ON OUR ROADS EACH DAY. THOSE WHO ARE CAUGHT ARE FEW. THOSE WHO CAUSE ACCIDENTS ARE FEW. THUS, THE TYPICAL MENTALITY IS THAT DRIVING AFTER DRINKING IS "NO BIG DEAL".

AS A CITIZEN I RECENTLY HAD THE PRIVILEGE TO SIT ON A JURY TRIAL IN MANCHESTER N.H.

THE DEFENDENT WAS ACCUSED OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

HE NEVER DENIED DRINKING LIQUOR PRIOR TO DRIVING. HE NEVER DENIED SPEEDING IN EXCESS OF 30 MPH OVER THE LIMIT. HE NEVER DENIED FAILING THE SOBRIETY TESTS. AND HE NEVER DENIED HAVING REFUSED A BREATH TEST, KNOWING THIS WOULD LEAD TO AN AUTOMATIC 60 DAY SUSPENSION OF HIS LICENSE.

WHEN REVIEWING THE EVIDENCE WITH FELLOW JURORS I DISCOVERED THAT MOST CITIZENS ARE NOT ONLY NAIVE TO THE EFFECTS OF ALCOHOL ON ONES ABILITY TO DRIVE A MOTOR VEHICLE BUT THEY HAVE AN ATTITUDE OF COMPLACENCY TO DRINKING AND DRIVING. A NUMBER OF THESE JURORS ADMITTED TO DRIVING UNDER THE INFLUENCE REGULARLY.

I SHARE THIS WITH YOU AS I FEEL A STRONGER MESSAGE AND STRONGER LAW NEEDS TO BE GIVEN TO PROTECT THOSE OF US WHO DO RESPECT EACH OTHER AND WHO RESPECT AND HOLD DEAR THE PRIVILEDGE TO BE ABLE TO DRIVE A MOTOR VEHICLE.

A PERSON WHO'S JUDGEMENT IS SO LACKING THAT HE OR SHE WOULD CHOOSE TO DRIVE AFTER DRINKING HAS NEGATED THEIR PRIVILEGE TO DRIVE. THEY HAVE DEMONSTRATED A LEAN TOWARDS RECKLESS ABANDONMENT OF COMMON SENSE AND CANNOT BE TRUSTED BEHIND THE WHEEL.

FINALLY, A CASE IN POINT.

I BRIEFLY SAW ON YESTERDAY'S NEWS A STORY REPORTED OF A TRAGIC AND FATAL ACCIDENT. IT OCCURRED IN MASSACHUSETTS. A 25 YR OLD WOMAN WAS ARRESTED FOR VEHICULAR HOMICIDE. SHE WAS DRIVING UNDER THE INFLUENCE OF ALCOHOL. A MOTHER WAS KILLED AND HER TWO CHILDREN INJURED IN THIS ACCIDENT.

IRONICALLY, THIS SAME WOMEN WAS ARRESTED WHEN SHE WAS 18 YRS OLD FOR THE SAME OFFENCE. AT THAT TIME IT WAS HER PROM DATE THAT SHE RUINED.

SHE EITHER DID NOT GET THE POINT THE FIRST TIME OR DECIDED IT IS O.K. TO DRINK + DRIVE. AND HOW MANY MORE LIVES ARE DEVASTATED BY THIS.

I IMPLORE YOU TO PASS THIS LAW AND HAVE NEW HAMPSHIRE LEAD THE COUNTRY IN THIS STRUGGLE.

Sincerely

Joseph L Murray

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 436-FN

BILL TITLE: **(New Title) relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.**

DATE: May 3, 2000

LOB ROOM: 204

Amendments:

Sponsor: Rep. CJ & PS Committee — OLS Document #: 2000 4361h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Christie, Jr.

Seconded by Rep. Tholl

Vote: 15-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-1

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maxwell D. Sargent, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: SB436-FN Title: relative to permanent revocation of driver's license for causing a fatality or serious bodily injury while driving intoxicated

PH Date: 4/19/00 (and 4-26-00) Exec Session Date: 5/3/00

Motion: Ought to Pass with Amendment Amendment #: 2000-4961h.

MEMBER	YEAS	NAYS
Welch, David A, Chairman	✓	
Christie, Andrew, V Chairman	✓	
Hansen, Herbert R	absent	
Dunham, Vivian L	absent	
Sargent, Maxwell D, Clerk	✓	
Pepino, Leo P	✓	
Flora, Kathleen M	✓	
Mikowlski, Walter J	✓	
Fesh, Robert M	absent	
Weare, Everett A	✓	
Andrews, Frederick B		✓
Johnson, James M	✓	
Tholl, John E	✓	
Knowles, William V	✓	
Doucette, Richard F	absent	
Berube, Roger R	absent	
Schanda, Frank M	✓	
O'Keefe, Patricia M	✓	
McCarthy, William J	absent	
Robertson, Timothy N	✓	
Callaghan, Frank D	✓	
Rodd, Beth	✓	
TOTAL VOTE:	15	1

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Criminal Justice and Public Safety**

BILL NUMBER: **SB 436-FN**

TITLE: (New Title) relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

DATE: May 4, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee amended the bill to provide that an indefinite license revocation may be ordered by the sentencing judge in those cases where a person has been convicted of manslaughter or DWI negligent homicide resulting from the driving of a motor vehicle. A further amendment just clarifies that certified habitual offenders with predicate DWI, felony or misdemeanor offenses, who drive under license suspension are guilty of a felony. Those certified habitual offenders who without a predicate DWI, felony or misdemeanor traffic offense, who drive under license suspension are guilty of a Class A misdemeanor. Additionally, the committee has added the house passed version of HB 1621 which allows the court to order certain misdemeanor habitual offenders, those in county jails, to be sentenced to home confinement.

Vote 15-0.

Rep. Andrew Christie, Jr.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Criminal Justice and Public Safety

SB 436-FN, (New Title) relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee amended the bill to provide that an indefinite license revocation may be ordered by the sentencing judge in those cases where a person has been convicted of manslaughter or DWI negligent homicide resulting from the driving of a motor vehicle. A further amendment just clarifies that certified habitual offenders with predicate DWI, felony or misdemeanor offenses, who drive under license suspension are guilty of a felony. Those certified habitual offenders who without a predicate DWI, felony or misdemeanor traffic offense, who drive under license suspension are guilty of a Class A misdemeanor. Additionally, the committee has added the house passed version of HB 1621 which allows the court to order certain misdemeanor habitual offenders, those in county jails, to be sentenced to home confinement. Vote 15-0.

The committee amended the bill to provide that an ~~[illegible] potential~~ indefinite license revocation may be ordered by the sentencing judge in those cases where a person has been convicted of manslaughter or DWI negligent homicide ~~[illegible]~~ resulting from the driving of a motor vehicle. The A further amendment just for clarifies that certified habitual offenders, with predicate DWI, felony or misdemeanor offenses, who ~~[illegible]~~ drive under license suspension are guilty of a felony. Those certified habitual offenders, who do not have a predicate DWI, felony, or misdemeanor traffic offense, who drive under license suspension are guilty of a misdemeanor A. Additionally the Committee has added the House passed version of HB 1621 which allows the court to order certain ~~[illegible]~~ misdemeanor habitual offenders, those in county jails, to be sentenced to home confinement.

SB436 Docket

Bill Title: (3rd New Title) relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Date	Body	Description
1/5/2000	S	Introduced and Ref. to Judiciary; SJ Convening Day, Pg.15
1/6/2000	S	Hearing, Feb. 9, Room 103, SH, 10:00 a.m.; SC1, Pg.8
3/21/2000	S	Committee Report Ought to Pass with Amendment{3834}, [New Title], 3/23/2000, SC18, Pg.10
3/23/2000	S	Ought to Pass with Amendment{3834}, [New Title], AA, VV; Refer to Finance, [Rule 24]
3/23/2000	S	SJ 7, Pg. 206-207
4/4/2000	S	Committee Report Ought to Pass; 4/6/2000, SC21
4/6/2000	S	Ought to Pass, MA, VV; OT3rdg, MA, VV; SJ 9, Pg.273
4/11/2000	H	3/30/2000 Introduced and ref to Crim Just & PSfty; HJ35, p1056
4/11/2000	H	Copy to Chairman on 4/11/2000
4/13/2000	H	Hearing Apr 19 1:30 RM204,LOB
4/20/2000	H	Continued Hearing Apr 26 11:00 RM204,LOB
4/26/2000	H	Subcom Work Session May 2 10:00 RM204,LOB (Rep Christie)
5/4/2000	H	Maj Report OTP/AM for May 17 (vote 15-0;CC)
5/4/2000	H	Prop Comm Am{4361}(New Title); HC40, 1277-1278
5/17/2000	H	Removed from Consent Cal, req Rep Welch; HJ45, p1366
5/17/2000	H	Comm Am{4361}, AA VV; Rep Welch Fl Am{4535}(New Title), AA VV; Passed with Am VV; HJ45, p1423-1424 +
5/17/2000	H	+ 1428
5/18/2000	S	Sen. Pignatelli Nonconcur with House Amendment, Request C of C; MA,VV; SJ 15, Pg.504
5/18/2000	S	Senate Conferees; Sen. Trombly, Brown, Pignatelli
5/18/2000	H	House Acceded to req for Conf Comm; HJ46, p1492
5/18/2000	H	(Spkr appts Reps: Christie, Welch, Tholl & Knowles)
5/24/2000	S	C of C Meeting Thursday, May 25, Room 204, LOB, 11:00 a.m.
5/26/2000	H	Conf Comm Report (House Am & New Am{4707}) filed;
5/31/2000	H	Conf Comm Report Adopted 2/3VV; HJ48, p1514-1515
5/31/2000	S	Conf. Comm Report Adopted, VV; SJ 16, Pg.581-582
5/31/2000	S	Enrolled Bill Am{4782}[New Title], Adopted; SJ 16, Pg.611
5/31/2000	H	Enrolled Am{4782}(New Title), Adopted;
5/31/2000	S	Enrolled Bill, Adopted; SJ 16, Pg.625
5/31/2000	H	Enrolled;

7/5/2000	**S**	Signed by the Governor on 06/21/2000; Eff: 06/21/2000 Chapter 0318

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