

Sen. Gannon, Dist 23
Sen. Birdsell, Dist 19
June 2, 2025
2025-2630s
05/09

Floor Amendment to HB 560

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

2

3 AN ACT relative to parental access to a minor child's medical records and relative to refusal of
4 consent to testing to determine alcohol concentration and penalties for aggravated
5 driving while intoxicated.
6

7 Amend the bill by replacing all after section 2 with the following:

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9 3 Driving or Operating Under the Influence of Drugs or Liquor; Refusal of Consent. Amend
10 RSA 265-A:14, I-II to read as follows:

11 I. If a person under arrest for any violation or misdemeanor under RSA 265 or RSA 215-A
12 refuses upon the request of a law enforcement officer, authorized agent, or peace officer to submit to
13 physical tests or to a test of blood, urine, or breath designated by the law enforcement officer,
14 authorized agent, or peace officer to as provided in RSA 265-A:4, none shall be given, but:

15 (a) If this is the first refusal with no prior driving or operating while intoxicated or
16 aggravated driving or operating while intoxicated convictions:

17 (1) The director shall suspend his or her license to drive or nonresident driving
18 privilege for a period of [~~180 days~~] **one year**; or

19 (2) If the person is a resident without a license or permit to drive a motor vehicle in
20 this state, the director shall deny to the person the privilege to drive and the issuance of a license for
21 a period of [~~180 days~~] **one year** after the date of the alleged violation.

22 (b) If the person has [~~a prior driving or operating while intoxicated or aggravated driving~~
23 ~~or operating while intoxicated conviction~~] **one or more prior convictions under RSA 265-A:2, I,**
24 **RSA 265-A:3, RSA 630:3, II, or under a reasonably equivalent offense in an out-of-state**
25 **jurisdiction as defined in RSA 265-A:18, VI(b)** or a prior refusal of consent under this section **or**
26 **under a reasonably equivalent law in an out-of-state jurisdiction as defined in RSA 265-**
27 **A:18, VI(b):**

28 (1) The director shall suspend his or her license to drive or nonresident driving
29 privilege for a period of [~~2~~] **3** years; or

30 (2) If the person is a resident without a license or permit to drive a motor vehicle in
31 this state, the director shall deny to the person the privilege to drive and the issuance of a license for
32 a period of [~~2~~] **3** years after the date of the alleged violation.

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1 II. Except as provided in paragraph VI, the [~~180-day~~] **one-year** or [~~2-year~~] **3-year**
2 suspension period or denial of issuance period imposed pursuant to this section shall not run
3 concurrently with any other penalty imposed under the provision of this title. Any such suspension
4 or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided
5 by law, subject to review as provided in RSA 265-A:31.

6 4 New Paragraph; Driving or Operating Under the Influence of Drugs or Liquor; Refusal of
7 Consent. Amend RSA 265-A:14 by inserting after paragraph VI the following new paragraph:

8 VII. In conjunction with a plea of guilty or nolo contendere to an offense resulting in a
9 conviction under RSA 265-A:2 or RSA 265-A:3, the court may suspend up to 180 days of the license
10 suspension imposed pursuant to this section.

11 5 Driving or Operating Under the Influence of Drugs or Liquor; Penalties for Intoxication or
12 Under Influence of Drugs Offenses. Amend the introductory paragraph in RSA 265-A:18, I(b) to read
13 as follows:

14 (b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3,
15 except as provided in subparagraph (c) **or (d)**, shall be:

16 6 New Subparagraph; Driving or Operating Under the Influence of Drugs or Liquor; Penalties
17 for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, I by inserting after
18 subparagraph (c) the following new subparagraph:

19 (d) Any person who is convicted of aggravated DWI under RSA 265-A:3, III shall be:

20 (1) Guilty of a class A misdemeanor;

21 (2) Fined not less than \$750;

22 (3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the
23 county correctional facility, all of which may be suspended. The court shall refer the person to an
24 IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be
25 that upon release from serving any sentence in the county correctional facility, the person shall
26 schedule a substance use disorder evaluation within 30 days of release, complete the required
27 substance use disorder evaluation within 60 days of release, and comply with the service plan
28 developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the
29 service plan from that substance use disorder evaluation. Any portion of the suspended sentence to
30 the county correctional facility may be imposed if the defendant does not comply with all of the
31 requirements of this subparagraph or becomes non-compliant with the service plan during the
32 suspension period;

33 (4) Ordered to install an interlock device in accordance with RSA 265-A:36; and

34 (5) Subject to the following:

35 (A) The person's driver's license or privilege to drive shall be revoked for not less
36 than 18 months and, at the discretion of the court, such revocation may be extended for a period not
37 to exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the

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1 service plan, the court may suspend up to 6 months of this sentence, with the condition that an
2 interlock device be installed for the period of the suspended sentence in addition to any period
3 required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

4 (B) The sentencing court may require the person to submit to random urinalysis
5 or such other tests as the court may deem appropriate.

6 7 Effective Date. This act shall take effect January 1, 2026.

2025-2630s

AMENDED ANALYSIS

This bill:

- I. Provides parents of minor children full access to their minor children's medical record except under certain circumstances.
- II. Modifies periods of license suspension under different circumstances stemming from a refusal of consent to testing to determine alcohol concentration.
- III. Modifies the penalties for aggravated driving while intoxicated.