

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 776-FN**, relative to the crime of aggravated driving while intoxicated.

**Hearing Date:** April 8, 2025

**Time Opened:** 1:12 p.m.

**Time Closed:** 1:20 p.m.

**Members of the Committee Present:** Senators Gannon, Altschiller and Reardon

**Members of the Committee Absent :** Senators Abbas and McConkey

**Bill Analysis:** This bill adds wrong-way driving to the list of aggravating factors that can elevate a driving while intoxicated offense to an aggravated driving while intoxicated offense.

This bill is at the request of the department of safety.

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## **Sponsors:**

Rep. Roy  
Sen. Abbas

Rep. Proulx  
Sen. Birdsell

Rep. Rhodes

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**Who supports the bill:** Chris Storm, Elizabeth Sargent, and Janet Lucas.

**Who opposes the bill:** Sarahlynn Williams.

**Who is neutral on the bill:** N/A

## **Summary of testimony :**

**Lieutenant Chris Storm**

**New Hampshire State Police**

- HB 776-FN is a bill relative to the crime of aggravated driving while intoxicated.
- Lieutenant Storm noted that it is well known that New Hampshire is having a tremendous issue with instances of wrong way driving.
- He explained that if an individual is caught driving the wrong way under current law, it is not an aggravating circumstance for DWI.
- Lieutenant Storm stated that wrong way driving is probably one of the most dangerous situations drivers face when traveling at speeds in excess of 65 miles per hour.
- HB 776 would add wrong way driving to list of aggravated driving offenses.
- Reports of wrong way driving are received nearly once a day through the Department of Safety CAD system which are transferred from dispatch through 911 calls.

- Lieutenant Storm noted that many operators are found to be impaired by drugs or alcohol which poses a serious risk to themselves and others.
- He argued that by elevating the penalties for violation of article 265:26, which is the divided ways house statute, we can address dangerous behavior that often results in death or injuries.
- Tragic cases such as the crashes which killed Lizzy Croke of Merrimack, the Endicott Police Sergeant Jeremy Cole, and a recent multi vehicle crash on I-93 in a snowstorm, all underscore the need to take action.
- Lieutenant Storm explained that the bill aims to enhance the safety of roadways for everyone.
- Senator Reardon asked if there is an aggravated factor involved if a person is not drunk.
  - Lieutenant Storm replied that there is not.
  - If someone is driving the wrong way without being under the influence, it is covered under RSA 265:26, which is a violation level offense.
  - There is no aggravating circumstance for DWI as it currently stands.
- Senator Reardon asked if he believes there should be.
  - Lieutenant Storm answered that they would support those circumstances, but this is a gradual step they are trying to take to account for their immediate concerns.
- Senator Altschiller asked if this removes the violation level offense for RSA 265:26.
  - Lieutenant Storm replied that it does not.
  - It would simply make it so if you violate the statute while under the influence of drugs or alcohol, it would be an aggravating circumstance.
- Senator Gannon asked if an aggravated circumstance increases the time for loss of license.
  - Lieutenant Storm stated it would follow the same penalties as aggravated DWI.

PM

Date Hearing Report completed: April 10, 2025