

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 149-FN, relative to the crime of aggravated driving while intoxicated.

Hearing Date: January 28, 2025

Time Opened: 1:36 p.m.

Time Closed: 1:41 p.m.

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

Members of the Committee Absent : Senator Carson

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.

Sponsors:

Sen. Birdsell

Sen. Avard

Sen. Lang

Sen. Gannon

Sen. Ricciardi

Sen. Watters

Rep. Roy

Rep. Osborne

Who supports the bill: State Trooper Samuel Provenza, Elizabeth Sargent and Curtis Register

Who opposes the bill: N/A

Who is neutral on the bill: N/A

Summary of testimony:

Senator Regina Birdsell

Senate District 19

- SB 149-FN is a request of the New Hampshire Department of Safety.
- RSA 265:26 - I established proper roadway direction in statute. SB 149 considers a violation of RSA 265:26 – I as an aggravating factor for DWI.
 - An increase in the number of wrong way drivers on New Hampshire roads was identified as the impetus for SB 149-FN.
- Sen. Birdsell stated that there had been several deaths resulting from wrong way driving which SB 149 sought to prevent.

State Trooper Samuel Provenza

New Hampshire Department of Safety

- Trooper Provenza commanded the Drug Recognition Expert Unit, specifically tasked with mitigation of impaired drivers.
- Trooper Provenza reported that between June 2021 and February 2024 the State Police fielded 629 reports of drivers operating in the wrong lane.
 - Trooper Provenza added that when these drivers were involved in crashes, they were typically head-on and very severe. Injuries and Fatalities were not uncommon.
- The current statute does not provide enhanced charges for those driving the wrong way whilst intoxicated.
- SB 149-FN would raise the penalty for wrong way driving while intoxicated and therefore discourage would-be offenders and make individuals accountable for their actions.
- The N.H Department of Safety ultimately supported SB 149-FN.

PM

Date Hearing Report completed: January 31, 2025