

SB 54-FN - AS INTRODUCED

2025 SESSION

25-0327

11/09

SENATE BILL **54-FN**

AN ACT relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated.

SPONSORS: Sen. Gannon, Dist 23; Sen. Birdsell, Dist 19; Sen. Reardon, Dist 15; Sen. Watters, Dist 4; Rep. L. Walsh, Rock. 15; Rep. Weyler, Rock. 14; Rep. Vose, Rock. 5; Rep. Khan, Rock. 30

COMMITTEE: Judiciary

ANALYSIS

This bill modifies periods of suspension under different circumstances stemming from a refusal of consent to testing to determine alcohol concentration. This bill further modifies the penalties for aggravated driving while intoxicated.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated.

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

1 1 Driving or Operating Under the Influence of Drugs or Liquor; Refusal of Consent. Amend
2 RSA 265-A:14, I-II to read as follows:

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

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

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

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

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

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

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

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

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1 2 New Paragraph; Driving or Operating Under the Influence of Drugs or Liquor; Refusal of
2 Consent. Amend RSA 265-A:14 by inserting after paragraph VI the following new paragraph:

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

6 3 Driving or Operating Under the Influence of Drugs or Liquor; Penalties for Intoxication or
7 Under Influence of Drugs Offenses. Amend the introductory paragraph in RSA 265-A:18, I(b) to read
8 as follows:

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

11 4 New Subparagraph; Driving or Operating Under the Influence of Drugs or Liquor; Penalties
12 for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, I by inserting after
13 subparagraph (c) the following new subparagraph:

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

15 (1) Guilty of a class A misdemeanor;

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

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

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

29 (5) Subject to the following:

30 (A) The person's driver's license or privilege to drive shall be revoked for not less
31 than 18 months and, at the discretion of the court, such revocation may be extended for a period not
32 to exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the
33 service plan, the court may suspend up to 6 months of this sentence, with the condition that an
34 interlock device be installed for the period of the suspended sentence in addition to any period
35 required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

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

1 5 Effective Date. This act shall take effect January 1, 2026.

**SB 54-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf.

The Department of Safety states this bill will have no direct impact on its budget relative to administration of license suspensions.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections,
Department of Safety, New Hampshire Association of Counties, and New Hampshire Municipal
Association