

HB 1536-FN – AS INTRODUCED

2014 SESSION

14-2485
03/04

HOUSE BILL ***1536-FN***

AN ACT relative to penalties for driving under the influence of drugs or liquor.

SPONSORS: Rep. Kelly, Merr 20; Rep. Davis, Merr 20; Rep. Gale, Hills 28

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill modifies the license revocation requirements for a first offense of driving under the influence of drugs or liquor or refusing consent to an alcohol concentration test.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to penalties for driving under the influence of drugs or liquor.

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

1 1 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18,
2 I(a)(6)(A) to read as follows:

3 (A) The person's driver's license or privilege to drive shall be revoked for not less
4 than ~~[9 months]~~ **one year** and, at the discretion of the court, such revocation may be extended for a
5 period not to exceed 2 years. The court may suspend up to ~~[6]~~ **9** months of this sentence, provided
6 that the person has been screened within 14 days and, if required, has completed the substance use
7 disorder evaluation within 30 days with a service provider indicated by an IDCMP and is in
8 compliance with the service plan produced thereafter, and has completed a department of health and
9 human services approved impaired driver education program. The court ~~[may, in its discretion,]~~
10 **shall** require the installation of an interlock device in accordance with RSA 265-A:36 during the
11 period of sentence reduction, and may reimpose the longer suspension period if the defendant
12 becomes noncompliant with the treatment recommendations at any time during the suspension
13 period;

14 2 Refusal of Consent. Amend RSA 265-A:14, I(a) to read as follows:

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 3 Refusal of Consent. Amend RSA 265-A:14, II to read as follows:

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

28 4 Effective Date. This act shall take effect January 1, 2015.

HB 1536-FN - FISCAL NOTE

AN ACT relative to penalties for driving under the influence of drugs or liquor.

FISCAL IMPACT:

The Department of Safety states this bill, **as introduced**, may increase state expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no impact on state revenues, or county and local revenues or expenditures.

METHODOLOGY:

The Department of Safety states this bill changes the penalties for operating a motor vehicle under the influence and refusing consent to an alcohol concentration test. Under this bill, license revocation periods are increased and installation of interlock devices during suspended periods become mandatory, rather than at the court's discretion. The Department states its expenditures would likely increase due to the increase in interlock devices it would be required to monitor, however is unable to determine by how much as it cannot predict how many offenses there will be or the amount of sentences which will have a suspended portion.