

HB 557-FN - AS INTRODUCED

2015 SESSION

15-0814
03/04

HOUSE BILL ***557-FN***

AN ACT relative to penalties for driving while intoxicated, third and fourth offenses.

SPONSORS: Rep. Estevez, Hills 37; Rep. Manning, Rock 8; Rep. Elliott, Rock 8

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill increases the minimum license revocation period for driving while intoxicated, third and fourth offenses.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to penalties for driving while intoxicated, third and fourth offenses.

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

1 1 Intoxication or Under Influence of Drugs Offenses; Penalties. Amend RSA 265-A:18, IV(b)-(c)
2 to read as follows:

3 (b) For a third offense, any person convicted under this paragraph shall be subject to all
4 the penalties of subparagraph (a) except that:

5 (1) The person's driver's license or privilege to drive shall be revoked indefinitely and
6 shall not be restored for at least ~~[5]~~ **10** years. At the end of the ~~[5-year]~~ **10-year** minimum revocation
7 period the person may petition the court for eligibility to reapply for a driver's license and the court,
8 for good cause shown, may grant such eligibility subject to such terms and conditions as the court
9 may prescribe. Any untimely petition under this subparagraph shall be dismissed without a
10 hearing. If such petition is granted and the person is otherwise eligible for license restoration, the
11 person may then apply to the director for restoration of driver's license, but the license shall not be
12 restored until all requirements under law are met. The person's driver's license or privilege to drive
13 shall not be restored by the department until the person shall have completed the service plan
14 developed by the IDCMP, and paid all relevant fees.

15 (2) The person shall be sentenced to a mandatory sentence of not less than 180
16 consecutive days of which 150 shall be suspended. The court shall refer the person to an IDCMP to
17 schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon
18 release from serving the 30 days in the county correctional facility, the person shall schedule a
19 substance use disorder evaluation within 30 days of release, complete the required substance use
20 disorder evaluation within 60 days of release, and comply with the service plan developed. The
21 IDCMP shall administer the substance use disorder evaluation and shall develop the service plan
22 from that substance use disorder evaluation. Any portion of the suspended sentence to the county
23 correctional facility may be imposed if the defendant does not comply with all of the requirements of
24 this subparagraph or becomes noncompliant with the service plan during the suspension period. The
25 remainder of the sentence may be deferred for a period of up to 2 years. The court may, at the
26 satisfactory completion of any required treatment, suspend any remaining deferred sentence.

27 (c) For a fourth or subsequent offense, any person convicted under this paragraph shall
28 be subject to all the penalties of subparagraphs (a) and (b) except that the person shall be guilty of a
29 felony, and the person's driver's license or privilege to drive shall be revoked indefinitely and the
30 person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph
31 (b)(1) for at least ~~[7]~~ **15** years.

HB 557-FN - AS INTRODUCED
- Page 2 -

1 2 Effective Date. This act shall take effect January 1, 2016.

LBAO
15-0814
1/23/2015

HB 557-FN - FISCAL NOTE

AN ACT relative to penalties for driving while intoxicated, third and fourth offenses.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, **as introduced**, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2015 through 2019.