

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662,  
2 Page 23, Section 576.030, Line 7, by inserting after said section and line the following:

3  
4 "577.010. 1. A person commits the offense of driving while intoxicated if he or she operates  
5 a vehicle while in an intoxicated condition.

6 2. The offense of driving while intoxicated is:

7 (1) A class B misdemeanor;

8 (2) A class A misdemeanor if:

9 (a) The defendant is a prior offender; or

10 (b) A person less than seventeen years of age is present in the vehicle;

11 (3) A class E felony if:

12 (a) The defendant is a persistent offender; or

13 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause  
14 physical injury to another person;

15 (4) A class D felony if:

16 (a) The defendant is an aggravated offender;

17 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause  
18 physical injury to a law enforcement officer or emergency personnel; or

19 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause  
20 serious physical injury to another person;

21 (5) A class C felony if:

22 (a) The defendant is a chronic offender;

23 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause  
24 serious physical injury to a law enforcement officer or emergency personnel; or

25 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
26 death of another person;

27 (6) A class B felony if:

28 (a) The defendant is a habitual offender;

29 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
30 death of a law enforcement officer or emergency personnel;

31 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
32 death of any person not a passenger in the vehicle operated by the defendant, including the death of  
33 an individual that results from the defendant's vehicle leaving a highway, as defined in section  
34 301.010, or the highway's right-of-way;

35 (d) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
36 death of two or more persons; or

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (e) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
2 death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of  
3 one percent by weight of alcohol in such person's blood;

4 (7) A class A felony if the defendant has previously been found guilty of an offense under  
5 paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent  
6 violation of such paragraphs.

7 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of  
8 the offense of driving while intoxicated as a first offense shall not be granted a suspended  
9 imposition of sentence:

10 (1) Unless such person shall be placed on probation for a minimum of two years; or

11 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-  
12 ordered treatment program is available, and where the offense was committed with fifteen-  
13 hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual  
14 participates and successfully completes a program under such DWI court or docket or other court-  
15 ordered treatment program.

16 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,  
17 the court may order the person to submit to a period of continuous alcohol monitoring or verifiable  
18 breath alcohol testing performed a minimum of four times per day as a condition of probation.

19 5. If a person is not granted a suspended imposition of sentence for the reasons described in  
20 subsection 3 of this section:

21 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of  
22 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be  
23 not less than forty-eight hours;

24 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent  
25 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than  
26 five days.

27 6. A person found guilty of the offense of driving while intoxicated:

28 (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or  
29 habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a  
30 fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

31 (2) As a prior offender shall not be granted parole or probation until he or she has served a  
32 minimum of ten days imprisonment:

33 (a) Unless as a condition of such parole or probation such person performs at least thirty  
34 days involving at least two hundred forty hours of community service under the supervision of the  
35 court in those jurisdictions which have a recognized program for community service; or

36 (b) The offender participates in and successfully completes a program established under  
37 section 478.007 or other court-ordered treatment program, if available, and as part of either  
38 program, the offender performs at least thirty days of community service under the supervision of  
39 the court;

40 (3) As a persistent offender shall not be eligible for parole or probation until he or she has  
41 served a minimum of thirty days imprisonment:

42 (a) Unless as a condition of such parole or probation such person performs at least sixty  
43 days of community service under the supervision of the court in those jurisdictions which have a  
44 recognized program for community service; or

45 (b) The offender participates in and successfully completes a program established under  
46 section 478.007 or other court-ordered treatment program, if available, and as part of either  
47 program, the offender performs at least sixty days of community service under the supervision of the  
48 court;

49 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has

1 served a minimum of sixty days imprisonment;

2 (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or  
3 she has served a minimum of two years imprisonment; and

4 (6) Any probation or parole granted under this subsection may include a period of  
5 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four  
6 times per day.

7 577.012. 1. A person commits the offense of driving with excessive blood alcohol content if  
8 such person operates:

9 (1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in  
10 his or her blood; or

11 (2) A commercial motor vehicle while having four one-hundredths of one percent or more  
12 by weight of alcohol in his or her blood.

13 2. As used in this section, percent by weight of alcohol in the blood shall be based upon  
14 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be  
15 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of  
16 determining the alcoholic content of a person's blood under this section, the test shall be conducted  
17 in accordance with the provisions of sections 577.020 to 577.041.

18 3. The offense of driving with excessive blood alcohol content is:

19 (1) A class B misdemeanor;

20 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

21 (3) A class E felony if the defendant is alleged and proved to be a persistent offender;

22 (4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

23 (5) A class C felony if the defendant is alleged and proved to be a chronic offender;

24 (6) A class B felony if the defendant is alleged and proved to be a habitual offender.

25 4. A person found guilty of the offense of driving with an excessive blood alcohol content as  
26 a first offense shall not be granted a suspended imposition of sentence:

27 (1) Unless such person shall be placed on probation for a minimum of two years; or

28 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-  
29 ordered treatment program is available, and where the offense was committed with fifteen-  
30 hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual  
31 participates in and successfully completes a program under such DWI court or docket or other court-  
32 ordered treatment program.

33 5. If a person is not granted a suspended imposition of sentence for the reasons described in  
34 subsection 4 of this section:

35 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of  
36 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be  
37 not less than forty-eight hours;

38 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent  
39 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than  
40 five days.

41 6. If a person is found guilty of a second or subsequent offense of driving with an excessive  
42 blood alcohol content, the court may order the person to submit to a period of continuous alcohol  
43 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a  
44 condition of probation.

45 7. A person found guilty of driving with excessive blood alcohol content:

46 (1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual  
47 offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in  
48 lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

49 (2) As a prior offender shall not be granted parole or probation until he or she has served a

1 minimum of ten days imprisonment:

2 (a) Unless as a condition of such parole or probation such person performs at least thirty  
3 days of community service under the supervision of the court in those jurisdictions which have a  
4 recognized program for community service; or

5 (b) The offender participates in and successfully completes a program established under  
6 section 478.007 or other court-ordered treatment program, if available, and as part of either  
7 program, the offender performs at least thirty days of community service under the supervision of  
8 the court;

9 (3) As a persistent offender shall not be granted parole or probation until he or she has  
10 served a minimum of thirty days imprisonment:

11 (a) Unless as a condition of such parole or probation such person performs at least sixty  
12 days involving at least four hundred eighty hours of community service under the supervision of the  
13 court in those jurisdictions which have a recognized program for community service; or

14 (b) The offender participates in and successfully completes a program established under  
15 section 478.007 or other court-ordered treatment program, if available, and as part of either  
16 program, the offender performs at least sixty days of community service under the supervision of the  
17 court;

18 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has  
19 served a minimum of sixty days imprisonment;

20 (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or  
21 she has served a minimum of two years imprisonment; and

22 (6) Any probation or parole granted under this subsection may include a period of  
23 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four  
24 times per day."; and

25  
26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.