

2012 -- H 7178

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Introduced By: Representatives Walsh, Hearn, Edwards, and Martin

Date Introduced: January 18, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 31-27-1, 31-27-1.1, 31-27-2.2 and 31-27-2.6 of the General Laws  
2 in Chapter 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3           **31-27-1. Driving so as to endanger, resulting in death.** -- (a) When the death of any  
4 person ensues as a proximate result of an injury received by the operation of any vehicle in  
5 reckless disregard of the safety of others, including violations of section 31-27-22, the person so  
6 operating the vehicle shall be guilty of "driving so as to endanger, resulting in death".

7           (b) Any person charged with the commission of this offense shall upon conviction be  
8 imprisoned for not more than ~~ten (10)~~ twenty (20) years and have his or her license to operate a  
9 motor vehicle suspended for no more than five (5) years.

10           **31-27-1.1. Driving so as to endanger, resulting in personal injury.** -- (a) When the  
11 serious bodily injury of any person ensues as a proximate result of the operation of any vehicle in  
12 reckless disregard of the safety of others, including violations of section 31-27-22, the person so  
13 operating the vehicle shall be guilty of "driving so as to endanger, resulting in serious bodily  
14 injury".

15           (b) "Serious bodily injury" means physical injury that creates a substantial risk of death  
16 or causes serious permanent disfigurement or protracted loss or impairment of the function of any  
17 bodily member or organ.

18           (c) Any person charged with a violation of this section shall upon conviction be  
19 imprisoned for not more than ~~five (5)~~ ten (10) years and have his or her license to operate a motor

1 vehicle suspended for no more than three (3) years.

2 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death. --** (a)

3 When the death of any person other than the operator ensues as a proximate result of an injury  
4 received by the operation of any vehicle, the operator of which is under the influence of any  
5 intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or  
6 any combination of these, the person so operating the vehicle shall be guilty of "driving under the  
7 influence of liquor or drugs, resulting in death".

8 (b) Any person charged with the commission of the offense set forth in subsection (a) of  
9 this section shall, upon conviction, be punished ~~as follows:~~

10 ~~(1) (i) Every person convicted of a first violation shall be punished~~ by imprisonment in  
11 the state prison for not less than five (5) years and for not more than ~~fifteen (15)~~ thirty (30)  
12 years, in any unit of the adult correctional institutions in the discretion of the sentencing judge, by  
13 a fine of not less than five thousand dollars (\$5,000) nor more than ~~ten thousand dollars (\$10,000)~~  
14 twenty thousand dollars (\$20,000) and his or her license to operate a motor vehicle shall be  
15 revoked for a period of five (5) years to ten (10) years. The license privilege shall not be  
16 reinstated until evidence satisfactory to the administrator of the division of motor vehicles  
17 establishes that no grounds exist which would authorize the refusal to issue a license, and until  
18 the person gives proof of financial responsibility pursuant to chapter 32 of this title.

19 (ii) In addition, the person convicted may be required to successfully complete alcohol or  
20 drug treatment in a program of their choice, at their own expense, as authorized by a judge of the  
21 superior court, and may successfully complete the program before any license to operate a motor  
22 vehicle is renewed.

23 ~~(2) Every person convicted of a second or subsequent violation within a five (5) year~~  
24 ~~period in this state or any other state, provided the out of state conviction was based on the same~~  
25 ~~blood alcohol concentration as set forth in section 31-27-2 shall be punished by imprisonment in~~  
26 ~~the state prison for not less than ten (10) years and for not more than twenty (20) years, in any~~  
27 ~~unit of the adult correctional institutions in the discretion of the sentencing judge, by a fine of not~~  
28 ~~less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) and his~~  
29 ~~or her license to operate a motor vehicle shall be revoked for a period of five (5) years. In~~  
30 ~~addition, the person convicted may be required to successfully complete alcohol or drug~~  
31 ~~treatment, at their own expense, in a program established by the director of the department of~~  
32 ~~corrections. The license privilege shall not be reinstated whether the convictions occurred in this~~  
33 ~~or any other state until evidence satisfactory to the superior court, following a hearing establishes~~  
34 ~~that no grounds exist which would authorize the refusal to issue a license, and until the person~~

1 ~~gives proof of financial responsibility pursuant to chapter 32 of this title.~~

2 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**

3 **injury.** -- (a) When serious bodily injury of any person other than the operator is caused by the  
4 operation of any motor vehicle, the operator of which is under the influence of any intoxicating  
5 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination  
6 of these, the person so operating the vehicle shall be guilty of driving under the influence of  
7 liquor or drugs, resulting in serious bodily injury.

8 (b) As used in this section, "serious bodily injury" means physical injury that creates a  
9 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment  
10 of the function of any bodily member or organ.

11 (c) Any person charged with the commission of the offense set forth in subsection (a) of  
12 this section shall, upon conviction, be punished by imprisonment for not less than one year and  
13 for not more than ~~ten (10)~~ twenty (20) years and by a fine of not less than one thousand dollars  
14 (\$1,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000). The  
15 sentencing judge shall have the discretion to sentence the person to any unit of the adult  
16 correctional institutions. The license of the person may be revoked for a period of ~~up to two (2)~~  
17 three (3) to five (5) years. The license privilege shall not be reinstated until evidence satisfactory  
18 to the administrator of the division of motor vehicles establishes that no grounds exist which  
19 would authorize refusal to issue a license and until the person gives proof of financial  
20 responsibility pursuant to chapter 32 of this title. In addition, the person convicted may be  
21 required to successfully complete alcohol or drug treatment, at their own expense, in a program  
22 established by the director of the department of corrections.

23 ~~(d) For a second or subsequent conviction under this section within a five (5) year~~  
24 ~~period, a person shall be punished by imprisonment for not less than two (2) years nor more than~~  
25 ~~fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten~~  
26 ~~thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person~~  
27 ~~to any unit of the adult correctional institutions. In addition, the person convicted may be required~~  
28 ~~to successfully complete alcohol or drug treatment, at their own expense, in a program established~~  
29 ~~by the director of the department of corrections. The license of the person may be revoked for a~~  
30 ~~period of up to four (4) years. The license privilege shall not thereafter be reinstated until~~  
31 ~~evidence satisfactory to the administrator of the division of motor vehicles establishes that no~~  
32 ~~grounds exist which would authorize refusal to issue a license and until the person gives proof of~~  
33 ~~financial responsibility pursuant to chapter 32 of this title.~~

34 SECTION 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is

1 hereby amended by adding thereto the following section:

2 **31-27-2.10. Driving under the influence of liquor or drugs, resulting in personal**  
3 **injury.** – (a) When the personal injury of any person other than the operator is caused by the  
4 operation of any motor vehicle, the operator of which is under the influence of any intoxicating  
5 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination  
6 of these, the person so operating the vehicle shall be guilty of driving under the influence of  
7 liquor or drugs, resulting in personal injury.

8 (b) Any person charged with a violation of this section shall, upon conviction, be  
9 imprisoned for not more than three (3) years and have his or her license to operate a motor  
10 vehicle suspended for not more than one year.

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

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1           This act would increase the imprisonment penalties for section 31-27-1, driving so as to  
2 endanger, resulting in death, and section 31-27-1.1, driving so as to endanger, resulting in  
3 personal injury. This act would also repeal the enhancement of penalties for subsequent offenses  
4 of section 31-27-2.2, driving under the influence, death resulting and section 31-27-2.6, driving  
5 under the influence resulting in serious bodily injury, and would replace the enhancement of  
6 penalties with an amended single range of penalties that include longer sentences and higher  
7 fines. This act would also create a new criminal offense of “driving under the influence resulting  
8 in personal injury.”

9           This act would take effect upon passage.

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