

2015 -- S 0247

LC000771

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Introduced By: Senators Raptakis, Sosnowski, Walaska, Algieri, and Ottiano

Date Introduced: February 11, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death. --** (a)
4 When the death of any person other than the operator ensues as a proximate result of an injury
5 received by the operation of any vehicle, the operator of which is under the influence of any
6 intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or
7 any combination of these, the person so operating the vehicle shall be guilty of "driving under the
8 influence of liquor or drugs, resulting in death".

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

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

1 years, in any unit of the adult correctional institution at the discretion of the sentencing judge, by
2 a fine of not less than five thousand dollars (\$5,000), nor more than twenty thousand dollars
3 (\$20,000), and his or her license to operate a motor vehicle shall be revoked for a period of five
4 (5) years. The license privilege shall not be reinstated until evidence satisfactory to the
5 administrator of the division of motor vehicles establishes that no grounds exist which would
6 authorize the refusal to issue a license, and until the person gives proof of financial responsibility
7 pursuant to chapter 32 of this title.

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

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

25 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**
26 **injury.** -- (a) When serious bodily injury of any person other than the operator is caused by the
27 operation of any motor vehicle, the operator of which is under the influence of any intoxicating
28 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination
29 of these, the person so operating the vehicle shall be guilty of driving under the influence of
30 liquor or drugs, resulting in serious bodily injury.

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

34 (c) Any person charged with the commission of the offense set forth in subsection (a) of

1 this section shall, upon conviction, be punished by imprisonment for not less than one year and
2 for not more than ~~ten (10)~~ twenty (20) years and by a fine of not less than one thousand dollars
3 (\$1,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000). The
4 sentencing judge shall have the discretion to sentence the person to any unit of the adult
5 correctional institutions. The license of the person may be revoked for a period of up to two (2)
6 years. The license privilege shall not be reinstated until evidence satisfactory to the administrator
7 of the division of motor vehicles establishes that no grounds exist which would authorize refusal
8 to issue a license and until the person gives proof of financial responsibility pursuant to chapter
9 32 of this title. In addition, the person convicted may be required to successfully complete alcohol
10 or drug treatment, at their own expense, in a program established by the director of the
11 department of corrections.

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

23 SECTION 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
24 hereby amended by adding thereto the following section:

25 **31-27-2.10. Driving under the influence of liquor or drugs, resulting in personal**
26 **injury.** – (a) When the personal injury of any person other than the operator is caused by the
27 operation of any motor vehicle, the operator of which is under the influence of any intoxicating
28 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination
29 of these, the person so operating the vehicle shall be guilty of driving under the influence of
30 liquor or drugs, resulting in personal injury.

31 (b) Any person charged with a violation of this section shall, upon conviction, be
32 imprisoned for not more than two (2) years and have his or her license to operate a motor vehicle
33 suspended for not more than one year.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

1 This act would increase the penalties for those convicted of driving under the influence of
2 liquor or drugs, resulting in death or serious bodily injury. This act would further provide for up
3 to a two (2) year prison term and up to a one year loss of operator's license for those convicted of
4 driving under the influence of liquor or drugs resulting in personal injury.

5 This act would take effect upon passage.

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