

1 H.421

2 Introduced by Representatives Savage of Swanton and Hebert of Vernon

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; DUI

6 Statement of purpose of bill as introduced: This bill proposes to establish the  
7 crime of aggravated DUI, which would occur when a person operates a vehicle  
8 while under the influence of alcohol or drugs and: (1) there is a child younger  
9 than 16 years of age in the vehicle; (2) the person's blood alcohol content is at  
10 least twice the applicable legal limit; (3) the person is operating the vehicle at a  
11 speed that is at least 30 miles per hour above the speed limit; or (4) the person  
12 fails to stop when signaled to do so by a law enforcement officer.

13 An act relating to establishing an aggravated DUI offense

14 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 23 V.S.A. § 1201d is added to read:

2 § 1201d. OPERATING VEHICLE UNDER THE INFLUENCE OF  
3 INTOXICATING LIQUOR OR DRUGS; AGGRAVATED  
4 OFFENSE

5 (a) A person commits the crime of aggravated operation of a vehicle while  
6 under the influence of intoxicating liquor or drugs if the person violates  
7 section 1201 of this title and at the time of the violation:

8 (1) there is a child younger than 16 years of age in the vehicle;

9 (2) the person's blood alcohol content is at least twice the applicable  
10 legal limit;

11 (3) the person is operating the vehicle at a speed that is at least 30 miles  
12 per hour above the speed limit; or

13 (4) the person fails to stop when signaled to do so by a law enforcement  
14 officer.

15 (b) In addition to any other penalties imposed by law, a person who  
16 violates subsection (a) of this section shall be subject to the following  
17 penalties:

18 (1) For a first offense, the person shall be imprisoned not more than six  
19 months or fined not more than \$1,000.00, or both.

20 (2) For a second or subsequent offense, the person shall be imprisoned  
21 not more than five years or fined not more than \$10,000.00, or both.

1           (3) If death or serious bodily injury results from the violation, the person  
2           shall be imprisoned not more than five years or fined not more than  
3           \$10,000.00, or both.

4           Sec. 2. EFFECTIVE DATE

5           This act shall take effect on passage.