

1 H.657

2 Introduced by Representatives Savage of Swanton, Bouchard of Colchester,

3 Canfield of Fair Haven, Clark of Vergennes, Fagan of Rutland

4 City, McNeil of Rutland Town and Shaw of Pittsford

5 Referred to Committee on

6 Date:

7 Subject: Motor vehicles; DUI

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

15 An act relating to establishing an aggravated DUI offense

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

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

1 § 1201d. OPERATING VEHICLE UNDER THE INFLUENCE OF
2 INTOXICATING LIQUOR OR DRUGS; AGGRAVATED
3 OFFENSE

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

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

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

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

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

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

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

19 (2) For a second or subsequent offense, the person shall be imprisoned
20 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.