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S.203

An act relating to penalties for second or subsequent violations of operating a motor vehicle under the influence of alcohol or drugs

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

Sec. 1. 23 V.S.A. § 1210 is amended to read:

§ 1210. PENALTIES

* * *

(b) First offense. A person who violates section 1201 of this title may be fined not more than \$750.00 or imprisoned for not more than two years, or both.

(c) Second offense. A person ~~convicted of violating~~ who violates section 1201 of this title who has been convicted of another violation of that section within the ~~last~~ 20 years preceding the date of the second violation shall be fined not more than \$1,500.00 or imprisoned not more than two years, or both. At least 80 hours of community service shall be performed, or 60 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed.

(d) Third offense. A person ~~convicted of violating~~ who violates section 1201 of this title who has previously been convicted two times of a violation of

1 that section, including at least one ~~violation~~ conviction within the ~~last~~ 20 years
2 preceding the date of the third violation, shall be fined not more than \$2,500.00
3 or imprisoned not more than five years, or both. At least 96 consecutive hours
4 of the sentence of imprisonment shall be served and may not be suspended or
5 deferred or served as a supervised sentence, except that credit for a sentence of
6 imprisonment may be received for time served in a residential alcohol facility
7 pursuant to sentence if the program is successfully completed. The court may
8 impose a sentence that does not include a term of imprisonment or that does
9 not require that the 96 hours of imprisonment be served consecutively only if
10 the court makes written findings on the record that such a sentence will serve
11 the interests of justice and public safety.

12 (e) Fourth or subsequent offense.

13 (1) A person ~~convicted of violating~~ who violates section 1201 of this
14 title who has previously been convicted three or more times of a violation of
15 that section, including at least one ~~violation~~ conviction within the ~~last~~ 20 years
16 preceding the date of the fourth violation, shall be fined not more than
17 \$5,000.00 or imprisoned not more than 10 years, or both. At least 192
18 consecutive hours of the sentence of imprisonment shall be served and may not
19 be suspended or deferred or served as a supervised sentence, except that credit
20 for a sentence of imprisonment may be received for time served in a residential
21 alcohol treatment facility pursuant to sentence if the program is successfully

1 completed. The court shall not impose a sentence that does not include a term
2 of imprisonment unless the court makes written findings on the record that
3 there are compelling reasons why such a sentence will serve the interests of
4 justice and public safety.

5 * * *

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.