

H.44. Side by Side
Comparison of House Passed Bill and
Senate Proposal of Amendment

H.44 As Passed by House	S.44 Senate Proposal of Amendment
<p>Sec. 1. 4 V.S.A. § 33 is amended to read:</p> <p style="text-align: center;">* * *</p> <p>(8) All juvenile proceedings filed pursuant to 33 V.S.A. chapters 51, 52, <u>52A</u>, and 53, including proceedings involving “youthful offenders” pursuant to 33 V.S.A. § 5281 whether the matter originated in the Criminal or Family Division of the Superior Court, except for a proceeding charging the holder of a commercial driver’s license as defined in 23 V.S.A. § 4103 with an offense or violation listed in 23 V.S.A. § 4116 that would result in the license holder being disqualified from driving a commercial motor vehicle if convicted.</p>	<p>Sec. 1. 4 V.S.A. § 33 is amended to read:</p> <p style="text-align: center;">* * *</p> <p>(8) All juvenile proceedings filed pursuant to 33 V.S.A. chapters 51, 52, <u>52A</u>, and 53, including proceedings involving “youthful offenders” pursuant to 33 V.S.A. § 5281 whether the matter originated in the Criminal or Family Division of the Superior Court, except for a proceeding charging the holder of a commercial driver’s license <u>or commercial learner’s permit</u> as defined in 23 V.S.A. § 4103 <u>with an offense or violation listed in 23 V.S.A. § 4116 that would result in the license holder being disqualified from driving a commercial motor vehicle if convicted or operating a commercial motor vehicle with any offense or violation of any traffic control law other than parking, vehicle weight, or vehicle defect violations.</u></p>

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<p>Sec. 2. 23 V.S.A. chapter 13, subchapter 13 is amended to read:</p> <p>§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE</p> <p style="text-align: center;">* * *</p> <p><u>(j) A person suspected of violating this section shall not refuse to submit to the collection of an evidentiary blood sample when a warrant for that person's blood is issued pursuant to subdivision 1202(f)(1) of this title. This subsection shall not be construed as impairing a person's right to challenge the validity of a search warrant in any subsequent legal proceedings.</u></p> <p style="text-align: center;">* * *</p> <p>§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG</p> <p style="text-align: center;">* * *</p> <p>(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is</p>	<p>Sec. 2. 23 V.S.A. chapter 13, subchapter 13 is amended to read:</p> <p>§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE</p> <p style="text-align: center;">* * *</p> <p><u>(j) A person suspected of violating this section shall submit to the collection of an evidentiary blood sample when a warrant for that person's blood is issued pursuant to subdivision 1202(f)(1) of this title. This subsection shall not be construed as impairing a person's right to challenge the validity of a search warrant in any subsequent legal proceedings.</u></p> <p style="text-align: center;">* * *</p> <p>§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG</p> <p style="text-align: center;">* * *</p> <p>(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test</p>

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<p>deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.</p> <p style="text-align: center;">* * *</p> <p>(d) At the time a test is requested, the person shall be informed of the following statutory information:</p> <p style="text-align: center;">* * *</p> <p>(6) If the person refuses to take an evidentiary test, the refusal may be offered into evidence against the person at trial, whether or not a search warrant is sought. The person may be charged with the crime of criminal refusal if the person:</p> <p style="padding-left: 40px;">(A) has previously been convicted of a violation of section 1201 of this title; or</p> <p style="padding-left: 40px;">(B) is involved in a crash or collision resulting in serious bodily injury or death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial; <u>or</u></p>	<p>of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.</p> <p style="text-align: center;">* * *</p> <p>(d) At the time a test is requested, the person shall be informed of the following statutory information:</p> <p style="text-align: center;">* * *</p> <p>(6) If the person refuses to take an evidentiary test, the refusal may be offered into evidence against the person at trial, whether or not a search warrant is sought. The person may be charged with the crime of criminal refusal if the person:</p> <p style="padding-left: 40px;">(A) has previously been convicted of a violation of section 1201 of this title; or</p> <p style="padding-left: 40px;">(B) is involved in a crash or collision resulting in serious bodily injury or death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial; <u>or</u></p>

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<p><u>(C) refuses the collection of an evidentiary blood sample when a warrant for that person's blood is issued pursuant to subdivision (f)(1) of this section.</u></p>	<p><u>(C) knowingly hinders the collection of an evidentiary blood sample when a warrant for that person's blood is issued pursuant to subdivision (f)(1) of this section.</u></p>