

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 203  
3 entitled “An act relating to penalties for second or subsequent violations of  
4 operating a motor vehicle under the influence of alcohol or drugs” respectfully  
5 reports that it has considered the same and recommends that the House propose  
6 to the Senate that the bill be amended by striking out all after the enacting  
7 clause and inserting in lieu thereof the following:

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

9 § 1210. PENALTIES

10 \* \* \*

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

14 (c) Second offense. A person ~~convicted of violating~~ who violates section  
15 1201 of this title who has been convicted of another violation of that section  
16 within the ~~last~~ 20 years preceding the date of the second violation shall be  
17 fined not more than \$1,500.00 or imprisoned not more than two years, or both.  
18 At least 80 hours of community service shall be performed, or 60 consecutive  
19 hours of the sentence of imprisonment shall be served and may not be  
20 suspended or deferred or served as a supervised sentence, except that credit for

1 a sentence of imprisonment may be received for time served in a residential  
2 alcohol facility pursuant to sentence if the program is successfully completed.

3 (d) Third offense. A person ~~convicted of violating~~ who violates section  
4 1201 of this title who has previously been convicted two times of a violation of  
5 that section, including at least one ~~violation~~ conviction within the ~~last~~ 20 years  
6 preceding the date of the third violation, shall be fined not more than \$2,500.00  
7 or imprisoned not more than five years, or both. At least 96 consecutive hours  
8 of the sentence of imprisonment shall be served and may not be suspended or  
9 deferred or served as a supervised sentence, except that credit for a sentence of  
10 imprisonment may be received for time served in a residential alcohol facility  
11 pursuant to sentence if the program is successfully completed. The court may  
12 impose a sentence that does not include a term of imprisonment or that does  
13 not require that the 96 hours of imprisonment be served consecutively only if  
14 the court makes written findings on the record that such a sentence will serve  
15 the interests of justice and public safety.

16 (e) Fourth or subsequent offense.

17 (1) A person ~~convicted of violating~~ who violates section 1201 of this  
18 title who has previously been convicted three or more times of a violation of  
19 that section, including at least one ~~violation~~ conviction within the ~~last~~ 20 years  
20 preceding the date of the fourth or subsequent violation, shall be fined not  
21 more than \$5,000.00 or imprisoned not more than 10 years, or both. At least

1 192 consecutive hours of the sentence of imprisonment shall be served and  
2 may not be suspended or deferred or served as a supervised sentence, except  
3 that credit for a sentence of imprisonment may be received for time served in a  
4 residential alcohol treatment facility pursuant to sentence if the program is  
5 successfully completed. The court shall not impose a sentence that does not  
6 include a term of imprisonment unless the court makes written findings on the  
7 record that there are compelling reasons why such a sentence will serve the  
8 interests of justice and public safety.

9 \* \* \*

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on passage.

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14 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE