

1 S.203

2 Introduced by Senator Hashim

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; operating under the influence of alcohol or drugs;

6 penalties

7 Statement of purpose of bill as introduced: This bill proposes to clarify that  
8 the enhanced penalty for a second or subsequent violation of operating a motor  
9 vehicle under the influence of alcohol or drugs applies when the operator has  
10 been convicted of a previous violation of the offense within the 20 years  
11 preceding the date of the subsequent violation, not the date of the conviction  
12 for the subsequent violation.

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

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

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

17 § 1210. PENALTIES

18 \* \* \*

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

4 (c) Second offense. A person ~~convicted of violating~~ who violates section  
5 1201 of this title who has been convicted of another violation of that section  
6 within the ~~last~~ last 20 years preceding the date of the second violation shall be  
7 fined not more than \$1,500.00 or imprisoned not more than two years, or both.  
8 At least 80 hours of community service shall be performed, or 60 consecutive  
9 hours of the sentence of imprisonment shall be served and may not be  
10 suspended or deferred or served as a supervised sentence, except that credit for  
11 a sentence of imprisonment may be received for time served in a residential  
12 alcohol facility pursuant to sentence if the program is successfully completed.

13 (d) Third offense. A person ~~convicted of violating~~ who violates section  
14 1201 of this title who has previously been convicted two 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 third violation, shall be fined not more than \$2,500.00  
17 or imprisoned not more than five years, or both. At least 96 consecutive hours  
18 of the sentence of imprisonment shall be served and may not be suspended or  
19 deferred or served as a supervised sentence, except that credit for a sentence of  
20 imprisonment may be received for time served in a residential alcohol facility  
21 pursuant to sentence if the program is successfully completed. The court may

1 impose a sentence that does not include a term of imprisonment or that does  
2 not require that the 96 hours of imprisonment be served consecutively only if  
3 the court makes written findings on the record that such a sentence will serve  
4 the interests of justice and public safety.

5 (e) Fourth or subsequent offense.

6 (1) A person ~~convicted of violating~~ who violates section 1201 of this  
7 title who has previously been convicted three or more times of a violation of  
8 that section, including at least one ~~violation~~ conviction within the ~~last~~ 20 years  
9 preceding the date of the fourth violation, shall be fined not more than  
10 \$5,000.00 or imprisoned not more than 10 years, or both. At least 192  
11 consecutive hours of the sentence of imprisonment shall be served and may not  
12 be suspended or deferred or served as a supervised sentence, except that credit  
13 for a sentence of imprisonment may be received for time served in a residential  
14 alcohol treatment facility pursuant to sentence if the program is successfully  
15 completed. The court shall not impose a sentence that does not include a term  
16 of imprisonment unless the court makes written findings on the record that  
17 there are compelling reasons why such a sentence will serve the interests of  
18 justice and public safety.

19 \* \* \*

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.