

2017 -- H 5259

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Introduced By: Representatives Canario, Nardolillo, Edwards, Johnston, and
McLaughlin

Date Introduced: January 27, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-27-2.2 of the General Laws in Chapter 31-27 entitled "Motor
2 Vehicle Offenses" is hereby amended to read as follows:

3 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death.**

4 (a) When the death of any person other than the operator ensues as a proximate result of
5 an injury received by the operation of any vehicle, the operator of which is under the influence of
6 any intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21,
7 or any combination of these, the person so operating the vehicle shall be guilty of "driving under
8 the influence of liquor or drugs, resulting in death".

9 (b) Any person charged with the commission of the offense set forth in subsection (a) of
10 this section shall, upon conviction, be punished as follows:

11 (1) (i) Every person convicted of a first violation shall be punished by imprisonment in
12 the state prison for not less than five (5) years and ~~for not more than fifteen (15) years~~ may be
13 imprisoned for life, in any unit of the adult correctional institutions in the discretion of the
14 sentencing judge, by a fine of not less than five thousand dollars (\$5,000) nor more than ten
15 thousand dollars (\$10,000) and his or her license to operate a motor vehicle shall be revoked for a
16 period of five (5) years. The license privilege shall not be reinstated until evidence satisfactory to
17 the administrator of the division of motor vehicles establishes that no grounds exist which would
18 authorize the refusal to issue a license, and until the person gives proof of financial responsibility
19 pursuant to chapter 32 of this title.

1 (ii) In addition, the person convicted may be required to successfully complete alcohol or
2 drug treatment in a program of their choice, at their own expense, as authorized by a judge of the
3 superior court, and may successfully complete the program before any license to operate a motor
4 vehicle is renewed.

5 (2) Every person convicted of a second or subsequent violation within a five (5) year
6 period in this state or any other state, provided the out-of-state conviction was based on the same
7 blood-alcohol concentration as set forth in § 31-27-2 shall be punished by imprisonment in the
8 state prison for not less than ten (10) years and ~~for not more than twenty (20) years~~ may be
9 imprisoned for life, in any unit of the adult correctional institutions in the discretion of the
10 sentencing judge, by a fine of not less than ten thousand dollars (\$10,000) nor more than twenty
11 thousand dollars (\$20,000) and his or her license to operate a motor vehicle shall be revoked for a
12 period of five (5) years. In addition, the person convicted may be required to successfully
13 complete alcohol or drug treatment, at their own expense, in a program established by the director
14 of the department of corrections. The license privilege shall not be reinstated whether the
15 convictions occurred in this or any other state until evidence satisfactory to the superior court,
16 following a hearing establishes that no grounds exist which would authorize the refusal to issue a
17 license, and until the person gives proof of financial responsibility pursuant to chapter 32 of this
18 title.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would increase the maximum penalties for driving while under the influence of
2 liquor or drugs, resulting in death, from five (5) years for a first offense, and from not less than
3 ten (10) years nor more than twenty (20) years for a second subsequent offense, to life
4 imprisonment.

5 This act would take effect upon passage.

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