

HCS SS SCS SB 37, 322, 78, 351 & 424 -- ALCOHOL-RELATED OFFENSES

This bill changes the laws regarding driving while intoxicated. In its main provisions, the bill expands the crime of involuntary manslaughter in the first degree and increases the penalty to a class B felony under certain circumstances. The crime is a class B felony when a person operates a motor vehicle in an intoxicated condition and with criminal negligence:

- (1) Causes the death of any person not a passenger in the vehicle operated by the defendant;
- (2) Causes the death of two or more persons; or
- (3) Causes the death of any person while the defendant's blood-alcohol content is greater than .18%.

The bill changes the definition of "persistent offender." Currently, persistent offender, as used in Chapter 577, RSMo, is defined as a person with two or more convictions for intoxication-related offenses during the past 10 years. The bill removes the time requirements.

Two new types of offender status, "aggravated offender" and "chronic offender," are created for the purposes of applying the enhanced penalties and prison requirements of Section 577.023. An aggravated offender is a person convicted of:

- (1) Three intoxication-related offenses; or
- (2) Two intoxication-related offenses, when one of them is for involuntary manslaughter, murder in the second degree when the underlying felony is an intoxication-related offense, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree.

A chronic offender is a person convicted of:

- (1) Four or more intoxication-related offenses;
- (2) Involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree on two separate occasions; or
- (3) Involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree and two other intoxication-related offenses.

The bill makes driving while intoxicated or driving with an

excessive blood-alcohol content a class C felony when the defendant is sentenced as an aggravated offender and a class B felony when sentenced as a chronic offender. Aggravated offenders must serve at least 60 days of imprisonment and chronic offenders at least two years of imprisonment before becoming eligible for probation or parole.

The bill expands the crime of endangering the welfare of a child in the second degree, a class A misdemeanor. The offense is committed when a person operating a motor vehicle commits involuntary manslaughter, assault in the second degree, driving while intoxicated, or driving with excessive blood-alcohol content while a child younger than 17 years of age is in the vehicle.

In other provisions, the bill:

(1) Makes it a class A misdemeanor for a property owner to allow someone younger than 21 years of age to drink or possess alcohol on the owner's property; and

(2) Removes the requirement that a municipal judge must be a licensed attorney for any intoxication-related convictions in that court to be considered in an offender's sentence enhancement.