

SECOND REGULAR SESSION

HOUSE BILL NO. 2081

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TORPEY.

6093H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.310, 577.010, and 577.012, RSMo, and to enact in lieu thereof three new sections relating to alcohol-related traffic offenses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 311.310, 577.010, and 577.012, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 311.310, 577.010, and 577.012, to read as follows:

311.310. 1. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor
18 is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent
19 violation of this subsection is a class A misdemeanor.

20 **3. Any parent, guardian, or other adult with a lawful right to the exclusive use and**
21 **enjoyment of any property who knowingly allows a person under the age of twenty-one to**
22 **drink or possess intoxicating liquor or knowingly fails to stop a person under the age of**
23 **twenty-one from drinking or possessing intoxicating liquor on such property shall be**
24 **considered a social host. In the event that intoxicating liquor furnished by a social host**
25 **may be found to be a contributing proximate cause of resulting permanent personal**
26 **injuries or death, the social host is guilty of a class D felony, the minimum prison term**
27 **which he or she must serve shall be eighty-five percent of his or her sentence, and, he or**
28 **she is not eligible for probation or suspension of execution of sentence unless the entire**
29 **sentence is served. The purpose of this subsection is to protect minors and other members**
30 **of the public from violations of social host responsibility and to protect and promote public**
31 **safety.**

32 **4.** It shall be a defense to prosecution under this section if:

33 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds
34 a temporary permit, or an employee thereof;

35 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to
36 believe that the minor was twenty-one or more years of age; and

37 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's
38 license, Missouri nondriver's identification card, or other official or apparently official document,
39 containing a photograph of the minor and purporting to establish that such minor was twenty-one
40 years of age and of the legal age for consumption of intoxicating liquor.

41 **5. The provisions of subsection 3 of this section shall be known as "Laura's Law".**

577.010. 1. A person commits the crime of "driving while intoxicated" if he operates
2 a motor vehicle while in an intoxicated or drugged condition.

3 2. Driving while intoxicated is for the first offense, a class B misdemeanor. No person
4 convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a
5 suspended imposition of sentence for such offense, unless such person [shall be] is placed on
6 probation for a minimum of two years **and successfully completes either a program**
7 **prescribed under a DWI court or docket or another court-ordered treatment program.**

8 3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a
9 DWI court or docket created under section 478.007 or other court-ordered treatment program is
10 available, no person who operated a motor vehicle with fifteen-hundredths of one percent or
11 more by weight of alcohol in such person's blood shall be granted a suspended imposition of

12 sentence unless the individual participates and successfully completes a program under such
13 DWI court or docket or other court-ordered treatment program.

14 4. If a person is not granted a suspended imposition of sentence for the reasons described
15 in subsection 3 of this section for such first offense:

16 (1) If the individual operated the motor vehicle with fifteen-hundredths to
17 twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term
18 of imprisonment shall be not less than forty-eight hours;

19 (2) If the individual operated the motor vehicle with greater than twenty-hundredths of
20 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall
21 be not less than five days.

577.012. 1. A person commits the crime of "driving with excessive blood alcohol
2 content" if such person operates a motor vehicle in this state with eight-hundredths of one
3 percent or more by weight of alcohol in such person's blood.

4 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
5 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may
6 be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes
7 of determining the alcoholic content of a person's blood under this section, the test shall be
8 conducted in accordance with the provisions of sections 577.020 to 577.041.

9 3. For the first offense, driving with excessive blood alcohol content is a class B
10 misdemeanor. **No person convicted of or pleading guilty to the offense of driving while**
11 **intoxicated shall be granted a suspended imposition of sentence for such offense, unless**
12 **such person is placed on probation for a minimum of two years and successfully completes**
13 **either a program under a DWI court or docket or another court-ordered treatment**
14 **program.**

15 4. In a circuit where a DWI court or docket created under section 478.007 or other
16 court-ordered treatment program is available, no person who operated a motor vehicle with
17 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be
18 granted a suspended imposition of sentence unless the individual participates and successfully
19 completes a program under such DWI court or docket or other court-ordered treatment program.

20 5. If a person is not granted a suspended imposition of sentence for the reasons described
21 in subsection 4 of this section, for such first offense:

22 (1) If the individual operated the motor vehicle with fifteen-hundredths to
23 twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term
24 of imprisonment shall be not less than forty-eight hours;

25 (2) If the individual operated the motor vehicle with greater than twenty-hundredths of
26 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall
27 be not less than five days.

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