

2011 -- S 0241

LC00143

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Senators Sosnowski, E O'Neill, Algieri, Tassoni, and Felag

Date Introduced: February 09, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-27-2.6 of the General Laws in Chapter 31-27 entitled "Motor
2 Vehicle Offenses" is hereby amended to read as follows:

3 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**
4 **injury.** -- (a) When serious bodily injury of any person other than the operator is caused by the
5 operation of any motor vehicle, the operator of which is under the influence of any intoxicating
6 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination
7 of these, the person so operating the vehicle shall be guilty of driving under the influence of
8 liquor or drugs, resulting in serious bodily injury.

9 (b) As used in this section, "serious bodily injury" means physical injury that creates a
10 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment
11 of the function of any bodily member or organ.

12 (c) Any person charged with the commission of the offense set forth in subsection (a) of
13 this section shall, upon conviction, be punished by imprisonment for not less than one year and
14 for not more than ten (10) years and by a fine of not less than one thousand dollars (\$1,000) nor
15 more than five thousand dollars (\$5,000). The sentencing judge shall have the discretion to
16 sentence the person to any unit of the adult correctional institutions. The license of the person
17 may be revoked for a period of up to two (2) years. The license privilege shall not be reinstated
18 until evidence satisfactory to the administrator of the division of motor vehicles establishes that
19 no grounds exist which would authorize refusal to issue a license and until the person gives proof

1 of financial responsibility pursuant to chapter 32 of this title. In addition, the person convicted
2 may be required to successfully complete alcohol or drug treatment, at their own expense, in a
3 program established by the director of the department of corrections.

4 (d) For a second or subsequent conviction under this section ~~within a five (5) year~~
5 ~~period~~, a person shall be punished by imprisonment for not less than ~~two (2)~~ five (5) years nor
6 more than ~~fifteen (15)~~ twenty (20) years and by a fine of not less than three thousand dollars
7 (\$3,000) nor more than ten thousand dollars (\$10,000). The sentencing judge shall have the
8 discretion to sentence the person to any unit of the adult correctional institutions. In addition, the
9 person convicted may be required to successfully complete alcohol or drug treatment, at their
10 own expense, in a program established by the director of the department of corrections. The
11 license of the person may be revoked for a period of up to four (4) years. The license privilege
12 shall not thereafter be reinstated until evidence satisfactory to the administrator of the division of
13 motor vehicles establishes that no grounds exist which would authorize refusal to issue a license
14 and until the person gives proof of financial responsibility pursuant to chapter 32 of this title.

15 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 amend the statute pertaining to a second conviction for driving under the
2 influence, serious bodily injury resulting, by eliminating the five year period and increasing the
3 term of sentencing.

4 This act would take effect upon passage.

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