



# Senate

General Assembly

**File No. 801**

January Session, 2019

Senate Bill No. 1086

*Senate, April 25, 2019*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING REPEAT DRIVING UNDER THE INFLUENCE OFFENDERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2019*):

4 (g) Any person who violates any provision of subsection (a) of this  
5 section shall: (1) For conviction of a first violation, (A) be fined not less  
6 than five hundred dollars or more than one thousand dollars, and (B)  
7 be (i) imprisoned not more than six months, forty-eight consecutive  
8 hours of which may not be suspended or reduced in any manner, or  
9 (ii) imprisoned not more than six months, with the execution of such  
10 sentence of imprisonment suspended entirely and a period of  
11 probation imposed requiring as a condition of such probation that  
12 such person perform one hundred hours of community service, as  
13 defined in section 14-227e, and (C) have such person's motor vehicle  
14 operator's license or nonresident operating privilege suspended for  
15 forty-five days and, as a condition for the restoration of such license,

16 be required to install an ignition interlock device on each motor vehicle  
17 owned or operated by such person and, upon such restoration, be  
18 prohibited for the one-year period following such restoration from  
19 operating a motor vehicle unless such motor vehicle is equipped with  
20 a functioning, approved ignition interlock device, as defined in section  
21 14-227j; (2) for conviction of a second violation within ten years after a  
22 prior conviction for the same offense, (A) be fined not less than one  
23 thousand dollars or more than four thousand dollars, (B) be  
24 imprisoned not more than [two] three years, one hundred [twenty]  
25 eighty consecutive days of which may not be suspended or reduced in  
26 any manner, and sentenced to a period of probation requiring as a  
27 condition of such probation that such person: (i) Perform one hundred  
28 hours of community service, as defined in section 14-227e, (ii) submit  
29 to an assessment through the Court Support Services Division of the  
30 Judicial Branch of the degree of such person's alcohol or drug abuse,  
31 and (iii) undergo a treatment program if so ordered, and (C) have such  
32 person's motor vehicle operator's license or nonresident operating  
33 privilege suspended for forty-five days and, as a condition for the  
34 restoration of such license, be required to install an ignition interlock  
35 device on each motor vehicle owned or operated by such person and,  
36 upon such restoration, be prohibited for the three-year period  
37 following such restoration from operating a motor vehicle unless such  
38 motor vehicle is equipped with a functioning, approved ignition  
39 interlock device, as defined in section 14-227j, except that for the first  
40 year of such three-year period, such person's operation of a motor  
41 vehicle shall be limited to such person's transportation to or from work  
42 or school, an alcohol or drug abuse treatment program, an ignition  
43 interlock device service center or an appointment with a probation  
44 officer; and (3) for conviction of a third and subsequent violation  
45 within ten years after a prior conviction for the same offense, (A) be  
46 fined not less than two thousand dollars or more than eight thousand  
47 dollars, (B) be imprisoned not more than [three] five years, [one year]  
48 two years of which may not be suspended or reduced in any manner,  
49 and sentenced to a period of probation requiring as a condition of such  
50 probation that such person: (i) Perform one hundred hours of

51 community service, as defined in section 14-227e, (ii) submit to an  
 52 assessment through the Court Support Services Division of the Judicial  
 53 Branch of the degree of such person's alcohol or drug abuse, and (iii)  
 54 undergo a treatment program if so ordered, and (C) have such person's  
 55 motor vehicle operator's license or nonresident operating privilege  
 56 permanently revoked upon such third offense, except that if such  
 57 person's revocation is reversed or reduced pursuant to subsection (i) of  
 58 section 14-111, such person shall be prohibited from operating a motor  
 59 vehicle unless such motor vehicle is equipped with a functioning,  
 60 approved ignition interlock device, as defined in section 14-227j, for  
 61 the time period prescribed in subdivision (2) of subsection (i) of section  
 62 14-111. For purposes of the imposition of penalties for a second or  
 63 third and subsequent offense pursuant to this subsection, a conviction  
 64 under the provisions of subsection (a) of this section in effect on  
 65 October 1, 1981, or as amended thereafter, a conviction under the  
 66 provisions of either subdivision (1) or (2) of subsection (a) of this  
 67 section, a conviction under the provisions of section 14-227m, a  
 68 conviction under the provisions of subdivision (1) or (2) of subsection  
 69 (a) of section 14-227n, a conviction under the provisions of section 53a-  
 70 56b or 53a-60d or a conviction in any other state of any offense the  
 71 essential elements of which are determined by the court to be  
 72 substantially the same as subdivision (1) or (2) of subsection (a) of this  
 73 section, section 14-227m, subdivision (1) or (2) of subsection (a) of  
 74 section 14-227n or section 53a-56b or 53a-60d, shall constitute a prior  
 75 conviction for the same offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	14-227a(g)

**JUD**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill increases the mandatory minimum and maximum sentences for second and subsequent convictions of driving under the influence and results in a potential cost to the Department of Correction to the extent prison sentences are increased for future offenders. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800.<sup>1</sup>

There are currently 221 people in prison for driving under the influence and there were 806 charges in FY 18.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

<sup>1</sup> Inmate marginal cost is based on reduced consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

**OLR Bill Analysis****SB 1086*****AN ACT CONCERNING REPEAT DRIVING UNDER THE INFLUENCE OFFENDERS.*****SUMMARY**

This bill increases the prison sentence imposed for repeat convictions for driving under the influence of intoxicating drugs or liquor (DUI). The penalties associated with a first-time DUI conviction remain unchanged under the bill (see BACKGROUND).

For individuals with a second DUI conviction occurring within 10 years after a prior conviction, the bill increases the maximum prison term from two years to three years and increases the mandatory minimum from 120 days to 180 days. For individuals with a third or subsequent DUI conviction occurring within 10 years after a prior conviction, the bill increases the maximum prison term from three years to five years and increases the mandatory minimum from one year to two years. The fines and other penalties associated with these offenses remain unchanged under the bill (see below).

EFFECTIVE DATE: October 1, 2019

**PENALTY CHANGES*****Second Conviction***

Under current law, a person with a second DUI conviction occurring within 10 years of a prior conviction is subject to imprisonment for up to two years, with a mandatory minimum prison term of 120 consecutive days and probation with 100 hours of community service. The bill increases the prison sentence to three years with a mandatory minimum of 180 consecutive days and retains the required probation with 100 hours of community service.

The law, unchanged by the bill, also subjects such an offender to (1) a fine of \$1,000 to 4,000 and (2) a 45-day license suspension, followed by three years driving only vehicles equipped with an ignition interlock device (IID), with driving limited for the first year to specified purposes (e.g., work or school). (An IID is a breath-testing device connected to a motor vehicle's ignition system. It prevents the driver from operating the vehicle if it detects a pre-determined level of alcohol in the driver's breath.)

### ***Third and Subsequent Convictions***

Under current law, for a third and subsequent DUI convictions occurring within 10 years of a prior conviction, the offender is subject to up to three years in prison, with a mandatory minimum prison sentence of one year and probation with 100 hours of community service. The bill increases this sentence to a five year prison term with a two year mandatory minimum and retains the required probation with 100 hours of community service.

The law, unchanged by the bill, also subjects such an offender to (1) a fine of \$2,000 to 8,000 and (2) license revocation, but the offender is eligible for reinstatement after two years. If reinstated, he or she must drive only IID-equipped vehicles for as long as the offender drives unless the DMV commissioner lifts the IID requirement.

## **BACKGROUND**

### ***Connecticut DUI Law***

Connecticut's DUI law prohibits driving while under the influence of an intoxicating liquor, drug, or both and driving with a blood alcohol content of 0.08% or greater (or, if driving a commercial vehicle, 0.04% or greater). Penalties for those convicted of DUI include license suspension, fines, and prison terms and vary based on the number of previous offenses.

### ***First Conviction***

By law, unchanged by the bill, a first-time conviction for a DUI offense subjects the offender to (1) imprisonment for up to six months

with a mandatory minimum of two consecutive days or (2) six months suspended with probation requiring 100 hours of community service. The law also subjects the offender to a (1) fine of \$500 to 1,000 and (2) a 45-day license suspension, followed by one year driving only vehicles equipped with an IID.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 26 Nay 9 (04/12/2019)