

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

May 5, 2014  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB14-1036 be amended as follows, and as so amended, be referred to the Committee on State, Veterans, & Military Affairs with favorable recommendation:

1 Amend reengrossed bill, page 2, line 11, strike "MISDEMEANOR, BUT IT"  
2 and substitute "MISDEMEANOR; EXCEPT THAT:".

3 Page 2, strike line 12.

4 Page 2, line 13, strike "THE" and substitute "DRIVING UNDER THE  
5 INFLUENCE IS A CLASS 4 FELONY IF THE" and strike "SEVEN" and substitute  
6 "FIVE".

7 Page 2, line 19, strike the second "OR" and substitute "AND".

8 Page 2, strike line 20 and substitute:

9 "(II) EXCEPT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
10 PARAGRAPH (a), DRIVING UNDER THE INFLUENCE IS A CLASS 5 FELONY IF  
11 THE VIOLATION OCCURRED NOT MORE THAN FIFTEEN YEARS AFTER THE  
12 FIRST OF THREE PRIOR CONVICTIONS,".

13 Page 3, line 8, strike "MISDEMEANOR, BUT IT IS A CLASS" and substitute  
14 "MISDEMEANOR; EXCEPT THAT:".

15 Page 3, strike line 9.

16 Page 3, line 10, strike "THE" and substitute "DRIVING WHILE ABILITY  
17 IMPAIRED IS A CLASS 4 FELONY IF THE" and strike "SEVEN" and substitute

1 "FIVE".

2 Page 3, line 16, strike the second "OR" and substitute "AND".

3 Page 3, strike line 17 and substitute:

4 "(II) EXCEPT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
5 PARAGRAPH (b), DRIVING WHILE ABILITY IMPAIRED IS A CLASS 5 FELONY  
6 IF THE VIOLATION OCCURRED NOT MORE THAN FIFTEEN YEARS AFTER THE  
7 FIRST OF THREE PRIOR CONVICTIONS,".

8 Page 4, line 6, strike "CLASS 4".

9 Page 5, line 24, strike "MISDEMEANOR, BUT IT IS A" and substitute  
10 "MISDEMEANOR; EXCEPT THAT:".

11 Page 5, strike line 25.

12 Page 5, line 26, strike "THE" and substitute "DUI PER SE IS A CLASS 4  
13 FELONY IF THE" and strike "SEVEN" and substitute "FIVE".

14 Page 6, line 5, strike second "OR" and substitute "AND".

15 Page 6, strike line 6 and substitute:

16 "(II) EXCEPT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
17 PARAGRAPH (a), DUI PER SE IS A CLASS 5 FELONY IF THE VIOLATION  
18 OCCURRED NOT MORE THAN FIFTEEN YEARS AFTER THE FIRST OF THREE  
19 PRIOR CONVICTIONS,".

20 Page 9, strike line 26 and substitute "SECTION 42-4-1301 (1) (a), (1) (b),  
21 AND (2) (a),".

22 Page 9, line 27, strike "AND (2) (a) (II),".

23 Page 18, strike lines 17 through 26 and substitute:

24 "**SECTION 9. Act subject to petition - effective date -**  
25 **applicability.** (1) This act takes effect July 1, 2015, except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act  
28 within the ninety-day period after final adjournment of the general  
29 assembly, then the act, item, section, or part will not take effect unless  
30 approved by the people at the general election to be held in November

1 2014 and, in such case, will take effect on July 1, 2015, or on the date of  
2 the official declaration of the vote thereon by the governor, whichever is  
3 later.

4 (2) This act applies to offenses committed on or after the  
5 applicable effective date of this act."

6 Strike page 19.

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