

1 Committee of Conference Report on HB 1333-FN, relative to previous convictions for driving while
2 intoxicated.

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5 Recommendation:

6 That the House recede from its position of nonconcurrency with the Senate amendment, and
7 concur with the Senate amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 Senate, and pass the bill as so amended:

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11 Amend the bill by replacing all after section 1 with the following:

12
13 2 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend the introductory
14 paragraph of RSA 265-A:18, IV(b) to read as follows:

15 (b) For a third offense, ~~any~~ ***if the complaint alleges that the prior conviction***
16 ***occurred within 15 years preceding the date of the present offense, a*** person convicted under
17 this paragraph shall be subject to all the penalties of subparagraph (a) except that:

18 3 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend the introductory
19 paragraph of RSA 265-A:18, IV(c) to read as follows:

20 (c) For a fourth or subsequent offense, ~~any~~ ***if the complaint alleges that the prior***
21 ***conviction occurred within 15 years preceding the date of the present offense, a*** person
22 convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b)
23 except that the person shall be guilty of a felony, and the person's driver's license or privilege to
24 drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a
25 driver's license as provided in subparagraph (b)(1) for at least 7 years.

26 4 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, V
27 to read as follows:

28 V.(a) If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the
29 conviction is not based upon a complaint which alleges prior convictions as provided in paragraph
30 IV, but the person is found to have had one or more such prior convictions in this state or in an out-
31 of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or
32 privilege to drive shall be revoked for not less than one year nor more than 3 years. The court shall
33 refer the person to an IDCMP to schedule a full substance use disorder evaluation. The person shall
34 schedule a substance use disorder evaluation within 30 days of release, complete the required

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35 substance use disorder evaluation within 60 days of release, and comply with the service plan
36 developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the
37 service plan from that substance use disorder evaluation. The court may suspend up to 6 months of
38 this sentence, conditional on completion of the required evaluation within 30 days of the court's
39 finding, completion of the service plan developed by the IDCMP, and payment of all relevant fees.

40 ***(b) Any person convicted of a violation of RSA 265-A:2, I(a) and the conviction is***
41 ***based upon a complaint which alleges a prior conviction under RSA 265-A:2, I or RSA 265-***
42 ***A:3, or RSA 630:3, II, or under a reasonably equivalent offense in an out-of-state***
43 ***jurisdiction, occurring within 15 years of the date of the present offense, shall be guilty of a***
44 ***class A misdemeanor.***

45 5 Effective Date.

46 I. Sections 2-4 of this act shall take effect January 1, 2023.

47 II. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1333-FN, relative to previous convictions for driving while intoxicated.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Carson, Dist. 14

Rep. Abbas, Rock. 8

Sen. French, Dist. 7

Rep. Packard, Rock. 5

Sen. Gannon, Dist. 23

Rep. Roy, Rock. 32

Rep. Rhodes, Ches. 15

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AMENDED ANALYSIS

This bill amends the definition of a "way" for the purposes of driving under the influence of drugs or liquor and administrative license suspensions. The bill also specifies penalties for a third or subsequent offense for driving or operating under the influence of drugs or liquor which occur within a 15-year period.