

**S.B. 7**  
**AUTOMOBILE HOMICIDE AMENDMENTS**

Senator **Carlene M. Walker** proposes the following amendments:

1. Page 2, Line 54: Delete "ingested" and insert "introduced into the body"
2. Page 1, Line 11: After line 11 insert:  
"**41-6-44.6**, as last amended by Chapter 8, Laws of Utah 2002"
3. Page 1, Line 13: After line 13 insert:  
"Section 1. Section **41-6-44.6** is amended to read:  
**41-6-44.6. Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.**  
(1) As used in this section:  
(a) "Controlled substance" means any substance scheduled under Section 58-37-4.  
(b) "Practitioner" has the same meaning as provided in Section 58-37-2.  
(c) "Prescribe" has the same meaning as provided in Section 58-37-2.  
(d) "Prescription" has the same meaning as provided in Section 58-37-2.  
(2) In cases not amounting to a violation of Section 41-6-44, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.  
(3) It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily [~~ingested~~] introduced into the body by the accused or prescribed by a practitioner for use by the accused.  
(4) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.  
(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to

believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall:

(a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);

(b) revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection 41-6-44(1), if the violation is committed within a period of ten years after the date of the prior violation; and

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(7) If a person fails to complete all court ordered screening and assessment, educational series, and substance abuse treatment, or fails to pay all fines and fees, including fees for restitution and treatment costs, the court shall notify the Driver License Division of a failure to comply. Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(8) The court shall order supervised probation in accordance with Subsection 41-6-44(14) for a person convicted under Subsection (2)."

**Renumber remaining sections accordingly.**