

1st Sub. S.B. 20

DRIVING UNDER THE INFLUENCE AMENDMENTS

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

1. Page 19, Lines 579 through 580:

579 prosecuting attorney and the defendant. A decision by a prosecuting attorney not to agree to a
580 plea in abeyance is ~~[[not subject to judicial review]]~~ final .

2. Page 20, Line 597:

597 if found appropriate in an assessment under Subsection ~~[[-(1)(a) or-]]~~ (1)(b);

3. Page 20, Line 612:

612 (3) ~~[[-(a) Except as provided in Subsection (3)(b), a-]]~~ A plea to a driving under the
influence

4. Page 21, Lines 615 through 623:

615 ~~[[-(i)]]~~ (a) has been convicted of any other violation which is defined as a conviction
under

616 ~~[[Section-]]~~ Subsection 41-6-44(1);

617 ~~[[-(ii)]]~~ (b) has had a plea to any other violation of Section 41-6-44 held in abeyance; or

618 ~~[[-(iii)]]~~ (c) in the current case;

619 ~~[[-(A)]]~~ (i) operated a vehicle in a negligent manner proximately resulting in bodily
injury to

620 another or property damage to an extent requiring reporting to a law enforcement agency under

621 Section 41-6-31;

622 ~~[[-(B)]]~~ (ii) had a blood or breath alcohol level of .16 or higher; or

623 ~~[[-(C)]]~~ (iii) had a passenger under 18 years of age in the vehicle at the time of the
offense.

5. Page 21, Lines 624 through 627:

624 ~~[[-(b) A plea to any violation of Section 41-6-44 punishable as a class B misdemeanor~~

625 **may be held in abeyance under Subsection (3)(a) if upon successful completion of an education**

626 **or treatment incentive program it is then entered as a conviction to any offense which qualifies**

627 ~~as a conviction under Section 41-6-44(1).]~~

6. Page 21, Lines 628 through 629:

628 (4) A decision by a prosecuting attorney not to establish an education or treatment

629 incentive program is ~~[[not subject to judicial review]]~~ final .