

## 4th Sub. H.B. 0273

# SENTENCING MODIFICATIONS FOR CERTAIN DUI OFFENSES

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 28, 2024 7:11 PM

Senator **Todd D. Weiler** proposes the following amendments:

1. Page 35, Lines 1069 through 1075:

1069 (3) (a) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty

1070 of:

1071 ~~{(a)}~~ (i) a second degree felony, punishable by a term of imprisonment of not less than five  
1072 years nor more than 15 years; and

1073 ~~{(b)}~~ (ii) a separate offense for each victim suffering death as a result of the actor's violation  
1074 of this section, regardless of whether the deaths arise from the same episode of driving.

1075 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a first degree felony if the  
actor:

(i) has two or more previous convictions of Subsection (2) within the past 10 years of:

(A) the current conviction of a violation of Subsection (2); or

(B) the commission of the offense upon which the current conviction of a violation of Subsection (2) is  
based;

(ii) has a previous conviction of:

(A) a felony violation of this section, Section 76-5-102.1, 41-6a-520.1, or a statute previously in effect that  
would constitute a violation of this section; or

(B) an offense described in Subsection (3)(b)(ii)(A) that was reduced under Section 76-3-402;

(iii) had a blood or breath alcohol level of .16 or higher, had a blood or breath alcohol level of .05 or  
higher in addition to any measurable controlled substance, or had a combination of two or more  
controlled substances in the actor's body;

(iv) violated Sections 41-6a-712 or 41-6a-714 at the time the actor violated Subsection (2); or

(v) had a passenger younger than 16 years old in the vehicle at the time the actor violated Subsection  
(2).

(4) An actor is not guilty of a violation of [~~negligently operating a vehicle resulting in~~