

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: H.501 Name of Bill: An act relating to operating a motor vehicle under the influence of alcohol or drugs

Agency/Dept: Public Safety Author of Bill Review: Lt. John Flannigan

Date of Bill Review: 05/22/14 Status of Bill: (check one):

☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** This bill is intended to make changes to the current DUI – drug laws and make them more in line with alcohol impairment.

2. **Is there a need for this bill?** Yes, there is a different standard for alcohol, “impairment to the slightest”, whereas drugs are “to a degree that renders a person incapable of operating safely”

3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** Fiscal implications could be bringing more DUI-drugs charges in Vermont, which will increase the caseload for law enforcement and the judicial system.

4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** Difficult to say, this change will increase public safety.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (for example, public, municipalities, organizations, business, regulated entities, etc) There may be tighter restrictions on prescribing practices on regulated pharmaceuticals which are commonly identified in DUI – drug cases.

6. **Other Stakeholders:**

6.1 **Who else is likely to support the proposal and why?** All Highways Safety advocates, as it will remove more impaired operators from the road and reduce injury and fatality crashes related to drugs.

6.2 **Who else is likely to oppose the proposal and why?** Public defender and defense bar as many believe that evaluating drug impaired drivers is “junk science”.

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7. Rationale for recommendation: This bill has passed both bodies of the legislature and changes are below from language ONLY specific to 23 VSA 1201 (a)(3).

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway: (3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug ~~to a degree which renders the person incapable of driving safely;~~

(h) As used in subdivision (a)(3) of this section, "under the influence of a drug" means that a person's ability to operate a motor vehicle safely is diminished or impaired in the slightest degree. This subsection shall not be construed to affect the meaning of the term "under the influence of intoxicating liquor."

This language as passed will make arrest and prosecution easier to meet this standard.

This bill also includes data to be submitted about the DRE program and drugged driving for the period of July 1, 2014 – June 30, 2015.

8. Specific modifications that would be needed to recommend support of this bill: Not applicable.

Secretary/Commissioner has reviewed this document



Date: 6/5/14