

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2406

H.P. 1700

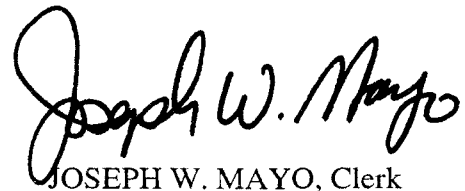
House of Representatives, January 10, 2000

**An Act to Clarify the Prosecution of Aggravated Operating Under the Influence.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative JABAR of Waterville.  
Cosponsored by Representatives: LaVERDIERE of Wilton, MUSE of South Portland,  
WHEELER of Bridgewater.

**Be it enacted by the People of the State of Maine as follows:**

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**Sec. 1. 29-A MRSA §2411, sub-§6**, as amended by PL 1995, c. 368, Pt. AAA, §10, is further amended to read:

**6. Aggravated punishment category.** If the State pleads and proves that the operator, while operating a motor vehicle in violation of this section, in fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person or has been convicted pursuant to this subsection within the previous 10 years, the offense is a Class C crime. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,000 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended.

**SUMMARY**

Under current law, it is a Class D crime if a person operates a motor vehicle under the influence of intoxicants or with a blood-alcohol level of .08% or more, unless that person causes serious bodily injury or death to another person, in which case it is a Class C crime.

This bill also makes it a Class C crime to operate a motor vehicle under the influence if a person has previously been convicted of a Class C crime OUI within the 10 years prior to the violation.