

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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| Action: | Do Pass as Amended and Be Referred to the Committee on Ways and Means by Prior Reference |
| Vote: | 10 - 0 - 0 |
| Yeas: | Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker |
| Nays: | 0 |
| Exc.: | 0 |
| Prepared By: | Shannon Sivell, Counsel |
| Meeting Dates: | 2/23, 4/3 |

WHAT THE MEASURE DOES: Elevates assault in the third degree to a class B felony if the offense was committed with a motor vehicle while the defendant was driving under the influence of intoxicants. Elevates an assault in the third degree to a class B felony under the above scenario only if the conduct results in serious physical injury.

ISSUES DISCUSSED:

- Provisions of the measure
- Driving Under the Influence of Intoxicants (DUII) law
- Victim impact

EFFECT OF COMMITTEE AMENDMENT: Elevates an assault in the third degree to a class B felony if the conduct results in serious physical injury.

BACKGROUND: HB 2428A elevates an assault in the third degree to a level 8 offense in certain circumstances, if the defendant's conduct resulted in serious physical injury. Assault in the third degree is currently a level 6 on the sentencing guidelines. If a person has less than four, non-person felony convictions, he or she would receive a presumptive probation sentence.