

HB 2613 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/2

WHAT THE MEASURE DOES:

Expands crime of driving while under the influence of intoxicants to include intoxication resulting from any drug. Eliminates obligation of state to plead and prove intoxication resulting from controlled substance or inhalant.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Creates affirmative defense when intoxication based on other than alcohol, controlled substance or inhalant, if drug taken in accordance with instructions and defendant experiences reaction that could not reasonably be anticipated. Requires defendant to provide notice identifying drug 21 days before first trial date.

BACKGROUND:

Under current law, a conviction for driving under the influence of intoxicants must be predicated on intoxication resulting from alcohol, a controlled substance, an inhalant or any combination of these substances. House Bill 2613 expands this list of underlying substances to include any drug that adversely affects a person's physical or mental faculties to a noticeable and perceptible degree.