

HB 3446 A -A3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 5/24

WHAT THE MEASURE DOES:

Authorizes court to enter judgment of conviction for Class A misdemeanor at any time after successful completion of probation by person convicted of criminal driving while suspended or revoked, if court determines that, considering nature and circumstances of crime and history and character of the person, it would be unduly harsh for the person to continue to have felony conviction.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A3 Limits application of bill to convictions resulting from habitual offender status.

BACKGROUND:

A person commits a driving while suspended or revoked offense if the person drives on a highway during a period in which the person's driving privileges have been suspended or revoked, or if the person drives outside the scope of a probationary, hardship or other qualified permit. Criminal driving while suspended or revoked is a Class A misdemeanor or a Class B felony, depending on the underlying reason for the suspension or revocation. House Bill 3446-A allows the court to reduce a felony conviction for criminal driving while suspended or revoked to a Class A misdemeanor, if the convicted person successfully completes probation and the court determines that it would be unduly harsh for the person to continue to have a felony conviction, considering the nature and circumstances of the crime and the history and character of the person.