

HB 3446 A STAFF MEASURE SUMMARY

Carrier: Rep. Olson

House Committee On Judiciary

Action Date: 04/18/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 10-0-1-0

Yeas: 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson

Exc: 1 - Sprenger

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Josh Nasbe, Counsel

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:

- Legal authority under existing statute
- Driving while suspended
- Habitual offenders
- Setting aside convictions

EFFECT OF AMENDMENT:

Limits application to criminal driving while suspended or revoked classified as a felony.

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.