

106TH CONGRESS
1ST SESSION

S. 1005

To amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol.

IN THE SENATE OF THE UNITED STATES

MAY 11, 1999

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deadly Driver Reduc-
5 tion Act”.

1 **SEC. 2. NATIONAL MINIMUM SENTENCES FOR INDIVIDUALS**
 2 **CONVICTED OF OPERATING MOTOR VEHI-**
 3 **CLES WHILE UNDER THE INFLUENCE OF AL-**
 4 **COHOL.**

5 (a) IN GENERAL.—Section 164 of title 23, United
 6 States Code, is amended to read as follows:

7 **“§ 164. National minimum sentences for individuals**
 8 **convicted of operating motor vehicles**
 9 **while under the influence of alcohol**

10 “(a) DEFINITIONS.—In this section:

11 “(1) BLOOD ALCOHOL CONCENTRATION.—The
 12 term ‘blood alcohol concentration’ means grams of
 13 alcohol per 100 milliliters of blood or grams of alco-
 14 hol per 210 liters of breath.

15 “(2) DRIVING UNDER THE INFLUENCE.—The
 16 term ‘driving under the influence’ means operating
 17 a motor vehicle while having a blood alcohol con-
 18 centration above the limit established by the State in
 19 which the motor vehicle is operated.

20 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
 21 cle’ means a vehicle driven or drawn by mechanical
 22 power and manufactured primarily for use on public
 23 highways, but does not include a vehicle operated
 24 solely on a rail line or a commercial vehicle.

1 “(4) OPERATE.—The term ‘operate’, with re-
 2 spect to a motor vehicle, means to drive or be in ac-
 3 tual physical control of the motor vehicle.

4 “(b) WITHHOLDING OF APPORTIONMENTS FOR NON-
 5 COMPLIANCE.—

6 “(1) FISCAL YEAR 2003.—The Secretary shall
 7 withhold 5 percent of the amount required to be ap-
 8 portioned to any State under each of paragraphs
 9 (1), (3), and (4) of section 104(b) on October 1,
 10 2002, if the State does not meet the requirements
 11 of paragraph (3) on that date.

12 “(2) SUBSEQUENT FISCAL YEARS.—The Sec-
 13 retary shall withhold 10 percent (including any
 14 amounts withheld under paragraph (1)) of the
 15 amount required to be apportioned to any State
 16 under each of paragraphs (1), (3), and (4) of section
 17 104(b) on October 1, 2003, and on October 1 of
 18 each fiscal year thereafter, if the State does not
 19 meet the requirements of paragraph (3) on that
 20 date.

21 “(3) REQUIREMENTS.—

22 “(A) IN GENERAL.—A State meets the re-
 23 quirements of this paragraph if the State has
 24 enacted and is enforcing a law that provides for

1 a minimum sentence consistent with the fol-
2 lowing and with subparagraph (B):

3 “(i) Except as provided in clause (ii),
4 in the case of the first conviction of an in-
5 dividual for driving under the influence, a
6 sentence requiring—

7 “(I) revocation of the individual’s
8 driver’s license for 6 months;

9 “(II) payment of a \$500 fine by
10 the individual; and

11 “(III)(aa) an assessment of the
12 individual’s degree of alcohol abuse;
13 and

14 “(bb) appropriate treatment.

15 “(ii) In the case of the first conviction
16 of an individual for operating a motor vehi-
17 cle with a blood alcohol concentration of
18 .16 or greater, a sentence requiring—

19 “(I) revocation of the individual’s
20 driver’s license for 6 months, or for 2
21 years if, at the time of arrest, the in-
22 dividual refused to take a breath test
23 to determine the individual’s blood al-
24cohol concentration;

1 “(II) imposition of a requirement
2 on the individual prohibiting the indi-
3 vidual from operating a motor vehicle
4 with a blood alcohol concentration of
5 .05 or greater for 5 years;

6 “(III) impoundment or immo-
7 bilization of the individual’s motor ve-
8 hicle for 30 days;

9 “(IV) imposition of a require-
10 ment on the individual requiring the
11 installation of an ignition interlock
12 system on the individual’s motor vehi-
13 cle for 180 days;

14 “(V) payment of a \$750 fine by
15 the individual;

16 “(VI) 10 days of imprisonment
17 of, or 60 days of community service
18 by, the individual; and

19 “(VII)(aa) an assessment of the
20 individual’s degree of alcohol abuse;
21 and

22 “(bb) appropriate treatment.

23 “(iii) Except as provided in clause
24 (iv), in the case of the second conviction of

1 an individual for driving under the influ-
2 ence, a sentence requiring—

3 “(I) revocation of the individual’s
4 driver’s license for 1 year, or for 2
5 years if, at the time of arrest, the in-
6 dividual refused to take a breath test
7 to determine the individual’s blood al-
8 cohool concentration;

9 “(II) imposition of a requirement
10 on the individual prohibiting the indi-
11 vidual from operating a motor vehicle
12 with a blood alcohol concentration of
13 .05 or greater for 5 years;

14 “(III) impoundment or immo-
15 bilization of the individual’s motor ve-
16 hicle for 60 days;

17 “(IV) imposition of a require-
18 ment on the individual requiring the
19 installation of an ignition interlock
20 system on the individual’s motor vehi-
21 cle for 1 year;

22 “(V) payment of a \$1,000 fine by
23 the individual;

1 “(VI) 10 days of imprisonment
 2 of, or 60 days of community service
 3 by, the individual; and

4 “(VII)(aa) an assessment of the
 5 individual’s degree of alcohol abuse;
 6 and

7 “(bb) appropriate treatment.

8 “(iv) In the case of the third or subse-
 9 quent conviction of an individual for driv-
 10 ing under the influence, or in the case of
 11 a second such conviction if the individual’s
 12 first such conviction was a conviction de-
 13 scribed in clause (ii), a sentence requiring
 14 permanent revocation of the individual’s
 15 driver’s license.

16 “(B) REVOCATIONS.—A revocation of a
 17 driver’s license under subparagraph (A) shall
 18 not be subject to any exception or condition, in-
 19 cluding an exception or condition to avoid hard-
 20 ship to any individual.

21 “(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
 22 ANCE AND NONCOMPLIANCE.—

23 “(1) PERIOD OF AVAILABILITY OF WITHHELD
 24 FUNDS.—

1 “(A) FUNDS WITHHELD ON OR BEFORE
2 SEPTEMBER 30, 2004.—Any funds withheld
3 under subsection (b) from apportionment to any
4 State on or before September 30, 2004, shall
5 remain available until the end of the third fiscal
6 year following the fiscal year for which the
7 funds are authorized to be appropriated.

8 “(B) FUNDS WITHHELD AFTER SEP-
9 TEMBER 30, 2004.—No funds withheld under
10 this section from apportionment to any State
11 after September 30, 2004, shall be available for
12 apportionment to the State.

13 “(2) APPORTIONMENT OF WITHHELD FUNDS
14 AFTER COMPLIANCE.—If, before the last day of the
15 period for which funds withheld under subsection (b)
16 from apportionment are to remain available for ap-
17 portionment to a State under paragraph (1)(A), the
18 State meets the requirements of subsection (b)(3),
19 the Secretary shall, on the first day on which the
20 State meets the requirements, apportion to the State
21 the funds withheld under subsection (b) that remain
22 available for apportionment to the State.

23 “(3) PERIOD OF AVAILABILITY OF SUBSE-
24 QUENTLY APPORTIONED FUNDS.—

1 “(A) IN GENERAL.—Any funds appor-
 2 tioned under paragraph (2) shall remain avail-
 3 able for expenditure until the end of the third
 4 fiscal year following the fiscal year in which the
 5 funds are so apportioned.

6 “(B) TREATMENT OF CERTAIN FUNDS.—
 7 Any funds apportioned under paragraph (2)
 8 that are not obligated at the end of the period
 9 referred to in subparagraph (A) shall lapse.

10 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
 11 end of the period for which funds withheld under
 12 subsection (b) from apportionment are available for
 13 apportionment to a State under paragraph (1)(A),
 14 the State does not meet the requirements of sub-
 15 section (b)(3), the funds shall lapse.”.

16 (b) CONFORMING AMENDMENT.—The analysis for
 17 subchapter I of chapter 1 of title 23, United States Code,
 18 is amended by striking the item relating to section 164
 19 and inserting the following:

“164. National minimum sentences for individuals convicted of operating motor
 vehicles while under the influence of alcohol.”.

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