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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES - THE  
TIFFANY SICAL ACT

Introduced By: Senators Ciccone, Nesselbush, Pichardo, Walaska, and Felag

Date Introduced: May 06, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-27-2.2 of the General Laws in Chapter 31-27 entitled "Motor  
2 Vehicle Offenses" is hereby amended to read as follows:

3 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death.** -- (a)  
4 When the death of any person other than the operator ensues as a proximate result of an injury  
5 received by the operation of any vehicle, the operator of which is under the influence of any  
6 intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or  
7 any combination of these, the person so operating the vehicle shall be guilty of "driving under the  
8 influence of liquor or drugs, resulting in death".

9 (b) Any person charged with the commission of the offense set forth in subsection (a) of  
10 this section shall, ~~upon conviction, be punished as follows:~~ [not be entitled to bail.](#)

11 ~~(1) (i) Every person convicted of a first violation shall be punished by imprisonment in~~  
12 ~~the state prison for not less than five (5) years and for not more than fifteen (15) years, in any unit~~  
13 ~~of the adult correctional institutions in the discretion of the sentencing judge, by a fine of not less~~  
14 ~~than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) and his or her~~  
15 ~~license to operate a motor vehicle shall be revoked for a period of five (5) years. The license~~  
16 ~~privilege shall not be reinstated until evidence satisfactory to the administrator of the division of~~  
17 ~~motor vehicles establishes that no grounds exist which would authorize the refusal to issue a~~  
18 ~~license, and until the person gives proof of financial responsibility pursuant to chapter 32 of this~~

1 title.

2 ~~(ii) In addition, the person convicted may be required to successfully complete alcohol or~~  
3 ~~drug treatment in a program of their choice, at their own expense, as authorized by a judge of the~~  
4 ~~superior court, and may successfully complete the program before any license to operate a motor~~  
5 ~~vehicle is renewed.~~

6 ~~(2) Every person convicted of a second or subsequent violation within a five (5) year~~  
7 ~~period in this state or any other state, provided the out-of-state conviction was based on the same~~  
8 ~~blood alcohol concentration as set forth in § 31-27-2 shall be punished by imprisonment in the~~  
9 ~~state prison for not less than ten (10) years and for not more than twenty (20) years, in any unit of~~  
10 ~~the adult correctional institutions in the discretion of the sentencing judge, by a fine of not less~~  
11 ~~than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) and his or~~  
12 ~~her license to operate a motor vehicle shall be revoked for a period of five (5) years. In addition,~~  
13 ~~the person convicted may be required to successfully complete alcohol or drug treatment, at their~~  
14 ~~own expense, in a program established by the director of the department of corrections. The~~  
15 ~~license privilege shall not be reinstated whether the convictions occurred in this or any other state~~  
16 ~~until evidence satisfactory to the superior court, following a hearing establishes that no grounds~~  
17 ~~exist which would authorize the refusal to issue a license, and until the person gives proof of~~  
18 ~~financial responsibility pursuant to chapter 32 of this title.~~

19 (c) Any person charged with the commission of the offense set forth in subsection (a) of  
20 this section shall, upon conviction, be punished by life imprisonment in any unit of the adult  
21 correctional institutions in the discretion of the sentencing judge and by a fine of not less than ten  
22 thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000).

23 (d) This section shall apply to any and all violations committed on or after July 1, 2015  
24 and any violations committed prior thereto or pending adjudication shall be subject to the prior  
25 provisions set forth in § 31-27-2.2.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES - THE  
TIFFANY SICAL ACT

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1           This act would make driving under the influence of liquor or drugs, resulting in death, a  
2 non-bailable offense subject to life imprisonment and a fine of ten thousand dollars (\$10,000) to  
3 twenty thousand dollars (\$20,000) for offenses committed on or after July 1, 2015.

4           This act would take effect upon passage.

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