

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 29-A MRSA §2402, first ¶, as amended by PL 1995, c. 368, Pt. AAA, §6, is further amended to read:

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date of the ~~doCKET entry of conviction~~ the sentence is imposed is 10 years or less from the date of the new conduct.

Sec. 2. 29-A MRSA §2411, sub-§1-A, ¶D, as amended by PL 2011, c. 159, §1, is further amended to read:

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;

(1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, subsection 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time.

Sec. 3. 29-A MRSA §2412-A, sub-§5, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

5. Prior convictions. For purposes of this section, a prior conviction or suspension has occurred within a 10-year period if the date of the suspension or the ~~doCKET entry of a judgment of conviction by the clerk~~ imposition of sentence is 10 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.

Sec. 4. 29-A MRSA §2451, sub-§3, as amended by PL 2009, c. 54, §§1 to 3 and affected by c. 415, Pt. C, §§2 and 3, is further amended to read:

3. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

- A. ~~Ninety~~One hundred and fifty days, if the person has one OUI conviction within a 10-year period;
- B. Three years, if the person has 2 OUI offenses within a 10-year period; ~~or~~
- C. Six years, if the person has 3 ~~or more~~ OUI offenses within a 10-year period; ~~;~~ or
- E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or a ~~docket entry of judgment of conviction~~imposition of sentence.'

SUMMARY

This amendment removes the provisions of the bill that increase the period of time for calculating a prior conviction for operating under the influence from 10 years to 15 years.

It amends the laws governing criminal operating under the influence to provide that the period of time for the calculation of a prior conviction for a Class B or C crime of operating under the influence is unlimited.

The amendment also changes the time from which a prior conviction is calculated from the date of the docket entry of conviction to the date the sentence is imposed.