§2455. Provisions regarding revocation when homicide is alcohol or drug related

1. Report by district attorney. The district attorney shall forward a report to the Secretary of State when any person is convicted of a criminal homicide or adjudicated to have committed a juvenile offense of criminal homicide as the result of that person's operation of a motor vehicle when:

A. The person was operating 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; [PL 2009, c. 447, §50 (AMD).]

B. The person had not attained the legal drinking age and was operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; [PL 2009, c. 447, §50 (AMD).]

C. There was probable cause to believe that the person was operating under the influence of intoxicating liquor or drugs and failed to comply with that person's duty to submit to and complete required chemical testing; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. There was probable cause to believe that the person had not attained the legal drinking age and was operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath and failed to comply with the duty to submit to and complete a test to determine alcohol level. [PL 2009, c. 447, §50 (AMD).]

[PL 2009, c. 447, §50 (AMD).]

2. Content of report. The report required in subsection 1 must contain all relevant facts that formed the basis for the conviction or adjudication, including chemical test results if available.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Substance use disorder programs. Upon receipt of the report required in subsection 1, the Secretary of State shall require that the following conditions be met before that person may be licensed or permitted to operate a motor vehicle:

A. Satisfactory completion of the Driver Education and Evaluation Programs of the Department of Health and Human Services; [PL 2011, c. 657, Pt. AA, §79 (AMD).]

B. When required, satisfactory completion of a substance use disorder treatment program or rehabilitation program approved or licensed by the Department of Health and Human Services; and [PL 2017, c. 407, Pt. A, §117 (AMD).]

C. When required, attendance at an after-care program arranged by the approved treatment or rehabilitation program. [PL 2001, c. 511, §4 (AMD).]

[PL 2017, c. 407, Pt. A, §117 (AMD).]

4. Alcohol or drug programs following incarceration. Any of the alcohol or drug programs required in subsection 3 may begin only upon release from a county jail or from a facility operated by the Department of Corrections.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 645, §B20 (AMD). PL 2001, c. 511, §4 (AMD). RR 2003, c. 1, §31 (COR). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §50 (AMD). PL 2011, c. 657, Pt. AA, §79 (AMD). PL 2017, c. 407, Pt. A, §117 (AMD).

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