



NEWS RELEASE

State Senator Gary Nodler
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Sen. Gary Nodler's Alcohol Crimes Bill Receives First-Round Approval in Senate

JEFFERSON CITY— The Senate gave initial approval today to legislation sponsored by Sen. Gary Nodler, R-Joplin, modifying laws pertaining to alcohol-related offenses.

Senate Bill 37 creates a gradation of penalties according to the conditions under which an alcohol-related crime that resulted in a fatality was committed, strengthens the laws against underage drinking and stiffens the penalties for repetitive drunk drivers.

“We need to eradicate the leniency for alcohol-related crimes,” Nodler said. “Careless alcohol use and abuse causes too many funerals for children, too many families to be torn apart and too many negative social consequences that affect our state as a whole.”

Among the various provisions, the legislation increases the penalty for involuntary manslaughter in the first degree when an intoxicated person is driving and causes the death of any person not a passenger in the vehicle operated by the defendant, causes the death of two or more people, or causes the death of any person while the defendant's blood alcohol level is between .18 to .24. This offense is considered a class B felony, and the defendant is required to serve at least 85 percent of the sentence before he or she can be considered for parole.

However, the bill holds that involuntary manslaughter in the first degree shall be deemed a class A, rather than class B, felony when the driver has a blood alcohol content of at least .24 and a fatality occurs. The defendant is also required to serve at least 85 percent of the sentence.

Impetus for many parts of this bill are the tragic deaths of 7-year-old Jessica Mann and her grandfather, James Dodson, who were checking the mailbox outside of Dodson's home when a drunk driver struck and killed them. The driver had a blood-alcohol level of .202—almost three times the legal limit—but because of prior offenses that occurred more than 10 years ago, he was only sentenced to 7 years in prison.

“When an innocent person loses his or her life as a result of another person's willful recklessness behind the wheel, the victim's family and friends need to fulfill their sense of justice,” Nodler said. “The number of tragedies that occur each year indicates that the current level of legal deterrence for drinking and driving is not sufficient.”

To curb underage drinking, the measure also closes a loophole in Missouri's current law that allows minors to escape prosecution if they consume alcohol as long as they discard the container. Under this legislation, minors with a blood alcohol level of .02 would be considered a minor in possession (MIP) and guilty of a misdemeanor. Adults who allow minors to drink or fail to stop minors (other than their own children) from drinking on their property would be guilty of a misdemeanor.

Upon a second passing vote, the bill will move to the House for similar consideration.

“Missouri's criminal code should answer the public's cry for justice and prevent tragedies,” Nodler said. “This legislation sends a clear message to drunk drivers of our state that we will not tolerate any more needless tragedies that are caused by their criminal negligence.”

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