

SB 436 – Driving Under the Influence (Identical HB 271)

This bill amends s. 316.193, F.S., adding to the list of substances included for the offense of driving under the influence “any other impairing substance, or any combination thereof.” An impairing substance is also defined as “any substance that, when taken into the human body, can impair, or diminish in some material respect, a person's normal faculties. These normal faculties include, but are not limited to, the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies, and, in general, normally perform the many mental and physical acts of daily life.”

Multiple offenses currently exist for driving under the influence, with large numbers of new commitments each year. Per DOC, in FY 18-19, there were 306 new commitments to prison. In FY 19-20, there were 229 new commitments, and in FY 20-21, there were 199 new commitments. It is not known what additional substances this new definition would encompass, nor is it known how many additional offenders could be charged under this expanded statute.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House