

**2011 POAN HANDBOOK CHANGE SUMMARY:**

<b>Changes Made:</b>	<b>Effective Date</b>	<b>POAN Page #</b>
Changes funeral picketing restrictions from 300 to 500 feet.	8-27-2011	239
Creates specific exception for officers who work on contract as security for a school to lawfully possess a firearm on school property and at school-related events.	1-1-2012	194-195
Some penalties for DUI are increased: (first offense fine from \$400 to \$500), (third offense fine from \$600 to \$1000), (fifth or subsequent offense now has a minimum two years imprisonment).	1-1-2012	328
Look-back period for determining the length of an ALR revocation is increased from twelve to fifteen years.	1-1-2012	333-334
Creates a new criminal offense for a convicted felony drunk driver. Such a person is prohibited from driving a vehicle with a B.A.C. of .02 and over.	1-1-2012	329
The look-back period for determining the eligibility for an interlock or an employment driving permit is increased from 12 to 15 years.	1-1-2012	280
The penalty for <u>leaving the scene</u> of an accident resulting in death or serious bodily injury is increased from a Class IIIA to a Class III felony.	1-1-2012	323
<u>Low-Speed Vehicles</u> are defined and authorized on certain roads with speed limits of less than 35 mph, subject to various restrictions.	1-1-2012	295
Creates the new offense of <u>Assault on Officer With a Bodily Fluid</u> . Many Public Safety Officers are protected under this new law, including Police, Probation, Corrections, and others. There is also a judicial mechanism to allow the testing of bodily fluid for communicable diseases.	8-27-2011	188
The provision for “without parole” is eliminated from the life imprisonment penalty for a Class IA Felony.	8-27-2011	2
There are now new exceptions for <u>Open Containers</u> of Alcohol, allowing them in limousines and charter buses	8-27-2011	248
There are now standards for <u>towing by a minitruck</u> , which is allowed to tow a cabin, farm, utility, or dealer-plated trailer.	2-23-2011	313-314
Broadens the scope and increases the penalties for <u>unlawful intrusion</u> , which currently is a Class III misdemeanor. Now, viewing a person without their knowledge in a place of solitude or seclusion is a Class I misdemeanor. If the intrusion is recorded, the penalty is a Class IV felony and if it is recorded and distributed, it is a Class III felony.	8-27-2011	63
Adds a conviction for Unlawful Intrusion to the list of Registrable offenses for sex offenders if the offender was over 19 years and the victim was under the age of 18.	8-27-2011	31
Reinvents the Administrative License Revocation process, making ignition interlock devices a condition of bond, and mandatory for 1st and 2nd DUI offenses.	8-27-2011	333
Changes the notice requirements related to the ALR process following an arrest for DUI or Refusal. The officer is required to advise the suspect that the ALR process will take effect 15 days from the date of arrest, provide information to the suspect about how to request a hearing or an interlock permit, and to submit a sworn report, which may be done electronically.	8-27-2011	334
Makes clear that certain offenses are to be treated as distinct offenses from DUI: Motor Vehicle Homicide, DUI-Serious Bodily Injury, Motor Vehicle Homicide of an Unborn Child, and the new offense of DUI with a Passenger Under 16.	8-27-2011	48, 49, 333, 336

Creates new offense that makes it illegal to transport a child under age 16 while under the influence. (Intoxicated Transportation of a Child). This offense is to be enforced as separate and distinct from DUI.	8-27-2011	336
Changes look-back limitation for DUI enhancement from 12 to 15 years. This allows a prior conviction to be used to enhance for an additional three years over the prior law.	8-27-2011	327-329
Redefines the crime and penalty for <u>boating under the influence</u> , refusal of a chemical test, and preliminary breath testing for boats. For the 2011 POAN handbook, there is also a new section for various boating and watercraft violations that are not new laws, but may be relevant to the prosecution of boating under the influence.	8-27-2011	341
Creates a new, enhanced penalty for <u>procuring alcohol to a minor or an incompetent</u> , making it a Class III felony if it proximately causes serious bodily injury or death.	8-27-2011	244
Changes the law related to the required advisement of a suspected drunk driver. The driver must still be advised that failure to submit to a chemical test is a separate crime, but failure to properly advise the suspect will not affect the admissibility of the chemical test. Failure to properly advise the suspect will, however, negate the state's ability to bring a criminal charge for the offense of refusal under [60-6197].	8-27-2011	330
Adds to the POAN handbook the crimes of murder/homicide and manslaughter of an unborn child. These are not new crimes, but were not previously included in the handbook.		49-50
Broadens the existing offense of <u>criminal child enticement</u> by prohibiting the solicitation, coaxing, enticement, or luring (including attempt) of any child under the age of fourteen years into <i>any place with the intent to seclude</i> the child from his or her parent, guardian, or other legal custodian or the general public.	5-12-2011	56
Allows eighteen year olds who are victims of a sexual assault or domestic violence to be examined and treated by a physician without the consent of or notification of their parent, parents, guardian, or any other person having custody of the victim.	8-27-2011	67
Amends the Uniformed Controlled Substances Act to include and ban <u>synthetic cannabinoids</u> used to make the drug commonly known as <i>K2</i> or <i>Spice</i> . A new offense of possessing, manufacturing or distributing synthetic cannabinoids was created with penalties the same as for marijuana.	2-23-2011	79
Implements a statewide electronic tracking system for purchases of <u>methamphetamine precursor</u> chemicals at the point of sale. The system is designed to stop individuals who are illegally stockpiling precursor chemicals used to make methamphetamine. The penalty for illegally acquiring more pseudoephedrine or phenylpropanolamine than allowed is increased from an infraction to either a Class III or Class IV Misdemeanor.	1-1-2012	87
Requires a law enforcement officer to report any violations of the Liquor Control Act to the Liquor Control Commission within thirty days of the violation. This is addition to previously existing law that requires officers to "make complaint" in all cases of alcohol sales violations, and be subject to criminal penalties for failure to do so. This was not previously included in the POAN handbook.	8-27-2011	242
Defines the offenses related to interlock driving permits. Driving without a required interlock device or tampering with an interlock device is a felony, driving in violation of an interlock permit is a misdemeanor.		280-281
Defines the offenses related to driving in violation of an employment or medical hardship driving permit. These are misdemeanor offenses that are distinct from the offense of driving while revoked. This is not new law, but was not previously included in the handbook so is added for clarity along with the new interlock rules.	N/A	282

Changes the offense of obstruction or interference of the view of an operator of a motor vehicle from a misdemeanor to a traffic infraction and makes the offense enforceable only as a secondary offense.	8-27-2011	316
Clarifies confusion about the enforcement of child safety seats and whether it is a primary or secondary offense. The Legislature made clear that a violation of the use of child safety seats under [60-6,267] for children up to age 6 is a primary offense.	8-27-2011	320-322