



Las Vegas

Agenda Item No.: **91.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF OCTOBER 18, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:
RECOMMENDING COMMITTEE: ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2006-58: Updates and strengthens Municipal Code provisions so as to better discourage, detect and punish those who would drive under the influence of alcohol, controlled substances, chemicals, organic solvents, compounds or any combination of these. Sponsored by: Councilman Steve Wolfson

Fiscal Impact:

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

It has been determined that the Municipal Code provisions relating to driving under the influence of alcohol, controlled substances, chemicals, organic solvents, compounds, etc., are in need of updating. This bill will accomplish that objective, and is intended to better discourage, detect and punish those who would drive under the influence of these substances.

RECOMMENDATION:

ADOPTION at 10/18/2006 City Council meeting pursuant to the 10/17/2006 Recommending Committee.

First Reading 10/4/2006; First Publication 10/7/2006

BACKUP DOCUMENTATION:

1. Bill No. 2006-58
2. Business Impact Statement

Motion made by STEVE WOLFSON to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

Second Reading and bill adopted as recommended as Ordinance No. 5864. Clerk to proceed with second publication.

CITY COUNCIL MEETING OF: October 18, 2006

COUNCILMAN WOLFSON thanked ASSISTANT CITY ATTORNEY BEN LITTLE of the Criminal Division, the Municipal Court Judges and members of the local defense bar for their input and support of this bill.

At the request of COUNCILMAN WOLFSON, MIKE MURPHY, Detention and Enforcement, briefly described the Coroner's Program that offenders will have to undergo as part of this bill. The Coroner's Program has been so instrumental in dealing with youth that it is now going to be used for adults as well. The participants are blindfolded and taken on a tour of the morgue, which is a very compelling deterrent for DUI offenders.

COUNCILMAN WOLFSON noted that, given the number of deaths reported in the news almost daily that are associated with DUI, he felt the Coroner's Program would help save lives.

Regarding a potential amendment to increase the fine from \$300 to \$500, as suggested by the Recommending Committee, COUNCILMAN WOLFSON expressed his appreciation of the intent. Nevertheless, he indicated that he would prefer to keep the fine at \$300, because this involves a newly created infraction in the City for a lesser offense than the traditional drunk driving offense. ASSISTANT CITY ATTORNEY LITTLE stated that the offense exists; this bill simply creates a quasi mandatory minimum penalty of \$500 unless a judge finds grounds not to impose it. This minimum fee does not include other fees and assessments. He affirmed for COUNCILMAN WOLFSON that a person is in a situation where the driver definitely has been determined to be impaired. COUNCILMAN WOLFSON reiterated that the fine should not be higher than for a traditional DUI offense. COUNCILMAN ROSS stated that his suggestion to increase the minimum fine was an expression of his support to get a clear message to the community that the City considers public safety one of its highest priorities.