

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 71

01/12/2015 Authored by Swedzinski, Rarick and Slocum

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

04/06/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
 1.2 relating to public safety; creating an enhanced penalty for criminal vehicular
 1.3 homicide occurring within ten years of a qualified offense; amending Minnesota
 1.4 Statutes 2014, sections 609.2111; 609.2112, subdivision 1; 609.2114, subdivision
 1.5 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 609.2111, is amended to read:

1.8 **609.2111 DEFINITIONS.**

1.9 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this
 1.10 subdivision have the meanings given them.

1.11 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and
 1.12 includes attached trailers.

1.13 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

1.14 (d) "Hazardous substance" means any chemical or chemical compound that is listed
 1.15 as a hazardous substance in rules adopted under chapter 182.

1.16 (e) "Qualified prior driving offense" includes a prior conviction:

1.17 (1) for a violation of section 169A.20 under the circumstances described in section
 1.18 169A.24 or 169A.25;

1.19 (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision
 1.20 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision
 1.21 1, clauses (2) to (6); or 2, clauses (2) to (6);

1.22 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

2.1 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6);
2.2 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
2.3 clauses (2) to (6).

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
2.5 committed on or after that date.

2.6 Sec. 2. Minnesota Statutes 2014, section 609.2112, subdivision 1, is amended to read:

2.7 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in
2.8 paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced
2.9 to imprisonment for not more than ten years or to payment of a fine of not more than
2.10 \$20,000, or both, if the person causes the death of a human being not constituting murder
2.11 or manslaughter as a result of operating a motor vehicle:

2.12 (1) in a grossly negligent manner;

2.13 (2) in a negligent manner while under the influence of:

2.14 (i) alcohol;

2.15 (ii) a controlled substance; or

2.16 (iii) any combination of those elements;

2.17 (3) while having an alcohol concentration of 0.08 or more;

2.18 (4) while having an alcohol concentration of 0.08 or more, as measured within
2.19 two hours of the time of driving;

2.20 (5) in a negligent manner while knowingly under the influence of a hazardous
2.21 substance;

2.22 (6) in a negligent manner while any amount of a controlled substance listed in
2.23 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is
2.24 present in the person's body;

2.25 (7) where the driver who causes the collision leaves the scene of the collision in
2.26 violation of section 169.09, subdivision 1 or 6; or

2.27 (8) where the driver had actual knowledge that a peace officer had previously issued a
2.28 citation or warning that the motor vehicle was defectively maintained, the driver had actual
2.29 knowledge that remedial action was not taken, the driver had reason to know that the defect
2.30 created a present danger to others, and the death was caused by the defective maintenance.

2.31 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
2.32 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the
2.33 statutory maximum sentence of imprisonment is 15 years.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
3.2 committed on or after that date.

3.3 Sec. 3. Minnesota Statutes 2014, section 609.2114, subdivision 1, is amended to read:

3.4 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b),
3.5 a person is guilty of criminal vehicular operation resulting in death to an unborn child
3.6 and may be sentenced to imprisonment for not more than ten years or to payment of a
3.7 fine of not more than \$20,000, or both, if the person causes the death of an unborn child
3.8 as a result of operating a motor vehicle:

3.9 (1) in a grossly negligent manner;

3.10 (2) in a negligent manner while under the influence of:

3.11 (i) alcohol;

3.12 (ii) a controlled substance; or

3.13 (iii) any combination of those elements;

3.14 (3) while having an alcohol concentration of 0.08 or more;

3.15 (4) while having an alcohol concentration of 0.08 or more, as measured within
3.16 two hours of the time of driving;

3.17 (5) in a negligent manner while knowingly under the influence of a hazardous
3.18 substance;

3.19 (6) in a negligent manner while any amount of a controlled substance listed in
3.20 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is
3.21 present in the person's body;

3.22 (7) where the driver who causes the accident leaves the scene of the accident in
3.23 violation of section 169.09, subdivision 1 or 6; or

3.24 (8) where the driver had actual knowledge that a peace officer had previously issued a
3.25 citation or warning that the motor vehicle was defectively maintained, the driver had actual
3.26 knowledge that remedial action was not taken, the driver had reason to know that the defect
3.27 created a present danger to others, and the injury was caused by the defective maintenance.

3.28 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
3.29 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the
3.30 statutory maximum sentence of imprisonment is 15 years.

3.31 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
3.32 committed on or after that date.