

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3830

(SENATE AUTHORS: BIGHAM)

DATE
03/26/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; increasing the maximum penalties for criminal vehicular
1.3 injury crimes committed by an offender with a qualified prior driving offense;
1.4 expanding the definition of qualified prior driving offense; amending Minnesota
1.5 Statutes 2016, sections 609.2111; 609.2113, subdivisions 1, 2, 3; 609.2114,
1.6 subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2016, section 609.2111, is amended to read:

1.9 **609.2111 DEFINITIONS.**

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

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

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

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

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

1.18 (1) for a violation of section 169A.20 under the circumstances described in section
1.19 169A.24 ~~or~~, 169A.25, 169A.26, or 169A.27;

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

2.1 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or
2.2 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
2.3 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
2.4 clauses (2) to (6).

2.5 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
2.6 committed on or after that date.

2.7 Sec. 2. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

2.8 Subdivision 1. **Great bodily harm.** (a) Except as provided in paragraph (b), a person
2.9 is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced
2.10 to imprisonment for not more than five years or to payment of a fine of not more than
2.11 \$10,000, or both, if the person causes great bodily harm to another not constituting attempted
2.12 murder or assault as a result of operating a motor vehicle:

2.13 (1) in a grossly negligent manner;

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

2.15 (i) alcohol;

2.16 (ii) a controlled substance; or

2.17 (iii) any combination of those elements;

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

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

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

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

2.25 (7) where the driver who causes the accident leaves the scene of the accident in violation
2.26 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 injury was caused by the defective maintenance.

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

3.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
3.5 committed on or after that date.

3.6 Sec. 3. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

3.7 Subd. 2. **Substantial bodily harm.** (a) Except as provided in paragraph (b), a person is
3.8 guilty of criminal vehicular operation resulting in substantial bodily harm and may be
3.9 sentenced to imprisonment for not more than three years or to payment of a fine of not more
3.10 than \$10,000, or both, if the person causes substantial bodily harm to another as a result of
3.11 operating a motor vehicle:

3.12 (1) in a grossly negligent manner;

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

3.14 (i) alcohol;

3.15 (ii) a controlled substance; or

3.16 (iii) any combination of those elements;

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

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

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

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

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

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

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

4.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
4.5 committed on or after that date.

4.6 Sec. 4. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

4.7 Subd. 3. **Bodily harm.** (a) Except as provided in paragraph (b), a person is guilty of
4.8 criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment
4.9 for not more than one year or to payment of a fine of not more than \$3,000, or both, if the
4.10 person causes bodily harm to another as a result of operating a motor vehicle:

4.11 (1) in a grossly negligent manner;

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

4.13 (i) alcohol;

4.14 (ii) a controlled substance; or

4.15 (iii) any combination of those elements;

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

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

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

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

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

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

4.29 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
4.30 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
4.31 maximum sentence of imprisonment is a year and a day.

5.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
5.2 committed on or after that date.

5.3 Sec. 5. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

5.4 Subd. 2. **Injury to an unborn child.** (a) Except as provided in paragraph (b), a person
5.5 is guilty of criminal vehicular operation resulting in injury to an unborn child and may be
5.6 sentenced to imprisonment for not more than five years or to payment of a fine of not more
5.7 than \$10,000, or both, if the person causes the great bodily harm to an unborn child
5.8 subsequently born alive as a result of operating a motor vehicle:

5.9 (1) in a grossly negligent manner;

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

5.11 (i) alcohol;

5.12 (ii) a controlled substance; or

5.13 (iii) any combination of those elements;

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

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

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

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

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

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

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

5.30 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
5.31 committed on or after that date.