

HOUSE RESEARCH

Bill Summary

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Version: As introduced

Authors: Walz and others

Subject: Crimes; Failure to Yield Right-of-Way Resulting in Injury or Death

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Overview

Under current law, it is a crime to cause the death or injury of another person as a result of operating a motor vehicle in certain illegal manners. See Minn. Stat. § 609.21. Current categories of illegal operation include:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.10 or more;
- (4) while having an alcohol concentration of 0.10 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;

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

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

This bill essentially adds the offense of failure to yield the right-of-way to the above list. The new offenses set out in the bill would be codified in a separate statutory section, but the maximum penalties are identical to those in the existing criminal vehicular operation statute.

Section

1 Criminal vehicular homicide and injury for failure to yield right-of-way.

Subd. 1. Criminal vehicular homicide. Creates a felony offense for causing the death of another as a result of failing to yield the right-of-way in a motor vehicle. Maximum penalty: 10 years imprisonment, \$20,000 fine, or both.

Subd. 2. Resulting in great bodily harm. Same as above but resulting in great bodily harm. Max. penalty: 5 years; \$10,000.

Subd. 3. Resulting in substantial bodily harm. Same as above but resulting in substantial bodily harm. Max. penalty: 3 years; \$10,000.

Subd. 4. Resulting in bodily harm. Same as above but resulting in bodily harm. Gross misdemeanor offense: up to 1 year in jail; \$3,000 fine.

Subd. 5. Resulting in death to an unborn child. Same as subdivision 1 but resulting in death to an unborn child. Max. penalty: 10 years; \$20,000.

Subd. 6. Resulting in injury to unborn child. Same as above but resulting in injury to an unborn child. Max. penalty: 5 years; \$10,000.

Subd. 7. Definition. Makes a cross-reference to the traffic code to define "motor vehicle."

2 Effective date. August 1, 2004.