

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2796

(SENATE AUTHORS: EKEN)

DATE
03/01/2018

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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 penalties for criminal vehicular homicide;
1.3 requiring driver education programs to instruct on the penalties for criminal
1.4 vehicular homicide; appropriating money; amending Minnesota Statutes 2016,
1.5 section 609.2112, subdivision 1, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

1.8 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
1.9 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
1.10 for not more than ~~ten~~ 25 years or to payment of a fine of not more than \$20,000, or both, if
1.11 the person causes the death of a human being not constituting murder or manslaughter as a
1.12 result of operating a motor vehicle:

1.13 (1) in a grossly negligent manner;

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

1.15 (i) alcohol;

1.16 (ii) a controlled substance; or

1.17 (iii) any combination of those elements;

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

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

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

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

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

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

2.10 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
2.11 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the ~~statutory~~
2.12 ~~maximum sentence of~~ person may be sentenced to imprisonment is 15 for not more than
2.13 30 years or to the payment of a fine of not more than \$30,000, or both.

2.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.15 committed on or after that date.

2.16 Sec. 2. Minnesota Statutes 2016, section 609.2112, is amended by adding a subdivision
2.17 to read:

2.18 **Subd. 3. Driver training programs.** The commissioner of public safety shall adopt
2.19 rules requiring thorough instruction concerning this section for persons enrolled in driver
2.20 training programs offered at public, private, and parochial schools, and commercial driver
2.21 training schools. The instruction must encompass at least the penalties for violating this
2.22 section.

2.23 Sec. 3. **VEHICULAR HOMICIDE AWARENESS.**

2.24 \$100,000 in fiscal year 2019 is appropriated from the general fund to the commissioner
2.25 of public safety for programs to raise public awareness of the dangers associated with driving
2.26 under the influence of alcohol including, but not limited to, the penalties for violation of
2.27 section 609.2112.