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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3126

03/17/2014 Authored by Swedzinski

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

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 2012, section 609.21, subdivisions 1a, 5, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2012, section 609.21, subdivision 1a, is amended to read:

1.7 Subd. 1a. **Criminal penalties.** (a) Except as provided in subdivision 1c, a person
1.8 who violates subdivision 1 and causes the death of a human being not constituting murder
1.9 or manslaughter or the death of an unborn child may be sentenced to imprisonment for not
1.10 more than ten years or to payment of a fine of not more than \$20,000, or both.

1.11 (b) A person who violates subdivision 1 and causes great bodily harm to another not
1.12 constituting attempted murder or assault or great bodily harm to an unborn child who is
1.13 subsequently born alive may be sentenced to imprisonment for not more than five years or
1.14 to payment of a fine of not more than \$10,000, or both.

1.15 (c) A person who violates subdivision 1 and causes substantial bodily harm to
1.16 another may be sentenced to imprisonment for not more than three years or to payment of
1.17 a fine of not more than \$10,000, or both.

1.18 (d) A person who violates subdivision 1 and causes bodily harm to another may be
1.19 sentenced to imprisonment for not more than one year or to payment of a fine of not
1.20 more than \$3,000, or both.

1.21 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
1.22 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2012, section 609.21, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 1c. **Enhanced penalty.** If a person is sentenced under subdivision 1a,
2.4 paragraph (a), for a violation of subdivision 1, clauses (2) to (6), occurring within ten years
2.5 of a qualified prior driving offense, the statutory maximum sentence of imprisonment is
2.6 15 years.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
2.8 committed on or after that date.

2.9 Sec. 3. Minnesota Statutes 2012, section 609.21, subdivision 5, is amended to read:

2.10 Subd. 5. **Definitions.** For purposes of this section, the terms defined in this
2.11 subdivision have the meanings given them.

2.12 (a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and
2.13 includes attached trailers.

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

2.15 (c) "Hazardous substance" means any chemical or chemical compound that is listed
2.16 as a hazardous substance in rules adopted under chapter 182.

2.17 (d) "Qualified prior driving offense" includes a prior conviction:

2.18 (1) for a violation of section 169A.20 under the circumstances described in section
2.19 169A.24, 169A.25, or 169A.26;

2.20 (2) for a violation of section 169A.20 under the circumstances described in section
2.21 169A.27 and involving damage to property;

2.22 (3) for a violation of section 169.13 involving damage to property;

2.23 (4) under subdivision 1, clauses (2) to (6); or

2.24 (5) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6);
2.25 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
2.26 clauses (2) to (6).

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
2.28 committed on or after that date.