

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 2853**

(SENATE AUTHORS: BIGHAM)

DATE  
03/01/2018

D-PG  
6239

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; providing for criminal vehicular homicide and operation
- 1.3 to include penalties for negligent driving causing death or injury while using a
- 1.4 cellular phone or other electronic device; amending Minnesota Statutes 2016,
- 1.5 sections 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114,
- 1.6 subdivisions 1, 2.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:
- 1.9 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
- 1.10 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
- 1.11 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
- 1.12 person causes the death of a human being not constituting murder or manslaughter as a
- 1.13 result of operating a motor vehicle:
- 1.14 (1) in a grossly negligent manner;
- 1.15 (2) in a negligent manner while under the influence of:
- 1.16 (i) alcohol;
- 1.17 (ii) a controlled substance; or
- 1.18 (iii) any combination of those elements;
- 1.19 (3) while having an alcohol concentration of 0.08 or more;
- 1.20 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 1.21 of the time of driving;
- 1.22 (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 or

2.11 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
2.12 device in any manner without the use of a hands-free setting.

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

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

2.17 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation  
2.18 resulting in great bodily harm and may be sentenced to imprisonment for not more than five  
2.19 years or to payment of a fine of not more than \$10,000, or both, if the person causes great  
2.20 bodily harm to another not constituting attempted murder or assault as a result of operating  
2.21 a motor vehicle:

2.22 (1) in a grossly negligent manner;

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

2.24 (i) alcohol;

2.25 (ii) a controlled substance; or

2.26 (iii) any combination of those elements;

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

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

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

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

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

3.6 (8) where the driver had actual knowledge that a peace officer had previously issued a  
3.7 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
3.8 knowledge that remedial action was not taken, the driver had reason to know that the defect  
3.9 created a present danger to others, and the injury was caused by the defective maintenance;  
3.10 or

3.11 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
3.12 device in any manner without the use of a hands-free setting.

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

3.14 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation  
3.15 resulting in substantial bodily harm and may be sentenced to imprisonment for not more  
3.16 than three years or to payment of a fine of not more than \$10,000, or both, if the person  
3.17 causes substantial bodily harm to another as a result of operating a motor vehicle:

3.18 (1) in a grossly negligent manner;

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

3.20 (i) alcohol;

3.21 (ii) a controlled substance; or

3.22 (iii) any combination of those elements;

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

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

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

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

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

4.1 (8) where the driver had actual knowledge that a peace officer had previously issued a  
4.2 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
4.3 knowledge that remedial action was not taken, the driver had reason to know that the defect  
4.4 created a present danger to others, and the injury was caused by the defective maintenance;  
4.5 or

4.6 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
4.7 device in any manner without the use of a hands-free setting.

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

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

4.13 (1) in a grossly negligent manner;

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

4.15 (i) alcohol;

4.16 (ii) a controlled substance; or

4.17 (iii) any combination of those elements;

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

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

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

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

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

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

5.1 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
5.2 device in any manner without the use of a hands-free setting.

5.3 Sec. 5. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:

5.4 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a  
5.5 person is guilty of criminal vehicular operation resulting in death to an unborn child and  
5.6 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
5.7 not more than \$20,000, or both, if the person causes the death of an unborn child as a result  
5.8 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 or

5.28 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
5.29 device in any manner without the use of a hands-free setting.

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

6.4 Sec. 6. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

6.5 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation  
6.6 resulting in injury to an unborn child and may be sentenced to imprisonment for not more  
6.7 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
6.8 causes the great bodily harm to an unborn child subsequently born alive as a result of  
6.9 operating a motor vehicle:

6.10 (1) in a grossly negligent manner;

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

6.12 (i) alcohol;

6.13 (ii) a controlled substance; or

6.14 (iii) any combination of those elements;

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

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

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

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

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

6.24 (8) where the driver had actual knowledge that a peace officer had previously issued a  
6.25 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
6.26 knowledge that remedial action was not taken, the driver had reason to know that the defect  
6.27 created a present danger to others, and the injury was caused by the defective maintenance;  
6.28 or

6.29 (9) in a negligent manner while the driver is operating a cellular phone or other electronic  
6.30 device in any manner without the use of a hands-free setting.

7.1 Sec. 7. **EFFECTIVE DATE.**

7.2 Sections 1 to 6 are effective August 1, 2018, and apply to crimes committed on or after  
7.3 that date.