

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3175

(SENATE AUTHORS: EKEN)

DATE
02/13/2020

D-PG
4763

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; establishing a conditional release period for individuals
1.3 who commit criminal vehicular homicide; amending Minnesota Statutes 2018,
1.4 sections 609.2112, subdivision 1; 609.2114, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

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

1.12 (1) in a grossly negligent manner;

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

1.14 (i) alcohol;

1.15 (ii) a controlled substance; or

1.16 (iii) any combination of those elements;

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

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

1.20 (5) in a negligent manner while under the influence of an intoxicating substance and the
1.21 person knows or has reason to know that the substance has the capacity to cause impairment;

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 imprisonment is 15 years.

2.13 (c) Notwithstanding the statutory maximum sentence provided in paragraph (a) or (b),
2.14 when a court commits a person to the custody of the commissioner of corrections for a
2.15 violation under paragraph (a), clauses (2) to (6), or paragraph (b), it shall provide that after
2.16 the person has been released from prison, the commissioner shall place the person on
2.17 conditional release for five years. The terms of conditional release are governed by section
2.18 169A.276, subdivision 1, paragraphs (d) and (e).

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
2.20 committed on or after that date.

2.21 Sec. 2. Minnesota Statutes 2018, section 609.2114, subdivision 1, is amended to read:

2.22 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
2.23 person is guilty of criminal vehicular operation resulting in death to an unborn child and
2.24 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
2.25 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
2.26 of operating a motor vehicle:

2.27 (1) in a grossly negligent manner;

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

2.29 (i) alcohol;

2.30 (ii) a controlled substance; or

2.31 (iii) any combination of those elements;

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

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

3.4 (5) in a negligent manner while under the influence of an intoxicating substance and the
3.5 person knows or has reason to know that the substance has the capacity to cause impairment;

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

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

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

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

3.18 (c) Notwithstanding the statutory maximum sentence provided in paragraph (a) or (b),
3.19 when a court commits a person to the custody of the commissioner of corrections for a
3.20 violation under paragraph (a), clauses (2) to (6), or paragraph (b), it shall provide that after
3.21 the person has been released from prison, the commissioner shall place the person on
3.22 conditional release for five years. The terms of conditional release are governed by section
3.23 169A.276, subdivision 1, paragraphs (d) and (e).

3.24 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
3.25 committed on or after that date.