

HOUSE RESEARCH

Bill Summary

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Subject: Criminal Vehicular Homicide

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Overview

Establishes specific criminal penalties for drivers who fail to yield the right-of-way and the failure results in death or injury to another or an unborn child.

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

Subd. 1. Criminal vehicular homicide. Establishes a 10-year felony for failing to yield the right-of-way and the failure results in the death of another person. Penalty does not apply if the driver's actions constitute murder or manslaughter.

Subd. 2. Resulting in great bodily harm. Establishes a 5-year felony for failing to yield the right-of-way and the failure results in great bodily harm to another person. Penalty does not apply if the driver's actions constitute attempted murder or assault. "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Subd. 3. Resulting in substantial bodily harm. Establishes a 3-year felony for failing to yield the right-of-way and the failure results in substantial bodily harm to another person. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a

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fracture of any bodily member.

Subd. 4. Resulting in bodily harm. Establishes a gross misdemeanor for failing to yield the right-of-way and the failure results in bodily harm to another person. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

Subd. 5. Resulting in death to an unborn child. Establishes a 10-year felony for failing to yield the right-of-way and the failure results in the death of an unborn child.

Subd. 6. Resulting in injury to unborn child. Establishes a 5-year felony for failing to yield the right-of-way and the failure causes great bodily harm to an unborn child who is subsequently born alive.

Subd. Definition. Defines motor vehicle as every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.

2 Effective date. August 1, 2005.