

2010 -- H 7785

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Representative Edwin R. Pacheco

Date Introduced: February 25, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
2 hereby amended by adding thereto the following section:

3 **31-27-1.3. Homicide by motor vehicle. – (a) Any person who, without malice**
4 **aforethought, causes the death of another person through the violation of any violation or offense**
5 **set forth in section 31-41.1-4 and which is a moving motor vehicle violation and/or directly**
6 **involves a moving motor vehicle commits the offense of homicide by vehicle in the first degree**
7 **which such violation is the cause of said death and, upon conviction thereof, shall be punished by**
8 **imprisonment for not less than three (3) years nor more than fifteen (15) years, and a fine of not**
9 **more than ten thousand dollars (\$10,000).**

10 **(b) Any person who causes the death of another person, without an intention to do so, by**
11 **violating any traffic violation or offense set forth in section 31-41.1-4 which violation or offense**
12 **is not a moving motor vehicle violation and/or does not directly involve a moving motor vehicle**
13 **commits the offense of homicide by vehicle in the second degree when such violation is the cause**
14 **of said death and, upon conviction thereof, shall be punished by imprisonment for not more than**
15 **one year, and a fine of not more than one thousand dollars (\$1,000).**

16 **(c) Any person who, after being declared a habitual offender as determined under the**
17 **provisions of chapter 31-40 ("Habitual Offenders") and while such person's license is in**
18 **revocation or otherwise withheld during the period during such periods as provided in sections**
19 **31-40-6 and/or 31-40-7, causes the death of another person, without malice aforethought, by**

1 operation of a motor vehicle, commits the offense of homicide by vehicle in the first degree and,
2 upon conviction thereof, shall be punished by imprisonment for not less than five (5) years nor
3 more than twenty (20) years. Adjudication of guilt or imposition of such sentence for a person so
4 convicted may be suspended, probated, deferred, or withheld, but only after such person shall
5 have served at least three (3) years in incarceration, which may not be served or included as home
6 confinement.

7 (d) As used herein, the term "motor vehicle" shall have the same meaning and definition
8 as set forth in chapter 31-1 ("Definitions and General Code Provisions").

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would establish the crime of homicide by motor vehicle for motor vehicle
2 violations that cause the death of another person. The crime may be a felony or a misdemeanor,
3 depending upon the nature of the motor vehicle violation.

4 This act would take effect upon passage.

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