

HOUSE BILL NO. 267

INTRODUCED BY B. MITCHELL, L. SCHUBERT, S. KELLY, E. BYRNE, T. MILLETT, J. FULLER, A. REGIER,
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DRIVING UNDER THE
INFLUENCE; CREATING THE CRIME OF AGGRAVATED VEHICULAR HOMICIDE WHILE UNDER THE
INFLUENCE; PROVIDING PENALTIES; AND AMENDING SECTIONS 44-15-103, 46-18-201, 61-8-1007, 61-8-
1008, AND 61-8-1016, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Aggravated vehicular homicide while under the influence. (1) A
person commits the offense of aggravated vehicular homicide while under the influence if the person
~~negligently~~ causes the death of another human being while the person is operating a vehicle in violation of 61-
8-1002(1)(a), (1)(b), (1)(c), or (1)(d) and is charged with aggravated driving under the influence as defined in
61-8-1001.

(2) Aggravated vehicular homicide while under the influence is not an included offense of
deliberate homicide as described in 45-5-102(1)(b).

(3) A person convicted of aggravated vehicular homicide while under the influence shall be
imprisoned in a state prison for a term of not less than 3 years or more than 30 years or be fined an amount of
at least \$10,000 not to exceed \$50,000, or both. Imposition of a sentence may not be deferred. The court may
not suspend execution of the first 3 years of a sentence of imprisonment imposed under this subsection except
as provided in 46-18-222(1) through (5).

Section 2. Section 44-15-103, MCA, is amended to read:

"44-15-103. Definitions. As used in this part, unless the context clearly indicates otherwise, the
following definitions apply:

(1) "Affirmative authorization" means an action that demonstrates the intentional decision by an