

HOUSE BILL NO. 267

INTRODUCED BY B. MITCHELL, D. FERN, L. SCHUBERT, M. NOLAND, S. KELLY, T. SHARP, E. BYRNE, T. MILLETT, M. REGIER, J. FULLER, A. REGIER, T. FALK, N. DURAM, C. GLIMM

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 IN VIOLATION OF 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