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RAISED BILL NO.: 336
NEGLIGENT HOMICIDE WITH A MOTOR VEHICLE

Public Hearing
March 24, 2010
10:00 A.M.

LEGISLATIVE OFFICE BUILDING
300 Capitol Avenue, Room 2C
Hartford, Connecticut

CONNECTICUT STATUTES

C.G.S § 14-222a - **NEGLIGENT HOMICIDE WITH A MOTOR VEHICLE**
“Any person who, in consequence of the negligent operation of a motor vehicle, causes the death of another person shall be fined not more than one thousand dollars or imprisoned not more than six months or both.”

Raised Bill No. 336

Purpose:

To increase the penalty for negligent homicide from an unclassified misdemeanor to an unclassified felony.

C.G.S. § 53a-57 - **MISCONDUCT WITH A MOTOR VEHICLE: CLASS D FELONY.**
“(a) A person is guilty of misconduct with a motor vehicle when, with criminal negligence in the operation of a motor vehicle, he causes the death of another person.

(b) Misconduct with a motor vehicle is a class D felony.”

C.G.S. § 53a-56b - **MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR VEHICLE. Class C felony.**
(a) A person is guilty of manslaughter in the second degree with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes the death of another person as a consequence of the effect of such liquor or drug.

(b) Manslaughter in the second degree with a motor vehicle is a class C felony and the court shall suspend the motor vehicle operator's license or nonresident operating privilege of any person found guilty under this section for one year.

C.G.S. § 53a-60d

ASSAULT IN THE SECOND DEGREE WITH A MOTOR VEHICLE. Class D Felony

(a) A person is guilty of assault in the second degree with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes serious physical injury to another person as a consequence of the effect of such liquor or drug.

(b) Assault in the second degree with a motor vehicle is a class D felony and the court shall suspend the motor vehicle operator's license or nonresident operating privilege of any person found guilty under this section for one year.

C.G.S. § 52a-213

DRINKING WHILE OPERATING A MOTOR VEHICLE: Class C misdemeanor.

(a) A person is guilty of drinking while operating a motor vehicle when he drinks any alcoholic liquor while operating a motor vehicle upon a public highway of this state or upon any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or upon any school property. As used in this section, "alcoholic liquor" shall have the same meaning as in section 30-1.

(b) Drinking while operating a motor vehicle is a class C misdemeanor.

C.G.S. § 53a-55

MANSLAUGHTER IN THE FIRST DEGREE: Class B Felony

(a) A person is guilty of manslaughter in the first degree when: (1) With intent to cause serious physical injury to another person, he causes the death of such person or of a third person; or (2) with intent to cause the death of another person, he causes the death of such person or of a third person under circumstances which do not constitute murder because he committed the proscribed act or acts under the influence of extreme emotional disturbance, as provided in subsection (a) of section 53a-54a, except that the fact that homicide was committed under the influence of extreme emotional disturbance constitutes a mitigating circumstance reducing murder to manslaughter in the first degree and need not be proved in any prosecution initiated under this subsection; or (3) under circumstances evincing an extreme indifference to human life, he

recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes the death of another person.

(b) Manslaughter in the first degree is a class B felony.

Class B Felony carries a sentence of 20 years in jail, 1 year suspended

C.G.S. § 14-222 - RECKLESS DRIVING

(a) No person shall operate any motor vehicle upon any public highway of the state, or any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or upon any school property recklessly, having regard to the width, traffic and use of such highway, road, school property or parking area, the intersection of streets and the weather conditions. The operation of a motor vehicle upon any such highway, road or parking area for ten cars or more at such a rate of speed as to endanger the life of any person other than the operator of such motor vehicle, or the operation, downgrade, upon any highway, of any motor vehicle with a commercial registration with the clutch or gears disengaged, or the operation knowingly of a motor vehicle with defective mechanism, shall constitute a violation of the provisions of this section. The operation of a motor vehicle upon any such highway, road or parking area for ten cars or more at a rate of speed greater than eighty-five miles per hour shall constitute a violation of the provisions of this section.

(b) Any person who violates any provision of this section shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned for the first offense and for each subsequent offense shall be fined not more than six hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

EVASION OF RESPONSIBILITY IN OPERATION OF MOTOR VEHICLE. RACING. REQUIRED REMOVAL OF MOTOR VEHICLE FROM TRAVELED PORTION OF HIGHWAY.

(a) Each person operating a motor vehicle who is knowingly involved in an accident which causes serious physical injury, as defined in section 53a-3, to or results in the death of any other person shall at once stop and render such assistance as may be needed and shall give his name, address and operator's license number and registration number to the person injured or to any officer or witness to the death or serious physical injury of any person, and if such operator of the motor vehicle causing the death or serious physical injury of any person is unable to give his name, address and operator's license number and registration number to the person injured or to any witness or officer, for any reason or cause, such operator shall immediately report such death or serious physical injury of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the death or serious physical injury of any person and his name, address, operator's license number and registration number.

(b) Each person operating a motor vehicle who is knowingly involved in an accident which causes physical injury, as defined in section 53a-3, to any other person or injury or damage to property shall at once stop and render such assistance as may be needed and shall give his name, address and operator's license number and registration number to the person injured or to the owner of the injured or damaged property, or to any officer or witness to the physical injury to person or injury or damage to property, and if such operator of the motor vehicle causing the physical injury of any person or injury or damage to any property is unable to give his name, address and operator's license number and registration number to the person injured or the owner of the property injured or damaged, or to any witness or officer, for any reason or cause, such operator shall immediately report such physical injury of any person or injury or damage to property to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the physical injury of any person or the injury or damage to property and his name, address, operator's license number and registration number.

(c) No person shall operate a motor vehicle upon any public highway for a wager or for any race or for the purpose of making a speed record.

(d) Each person operating a motor vehicle who is knowingly involved in an accident on a limited access highway which causes damage to property only shall immediately move or cause his motor vehicle to be moved from the traveled portion of the highway to an untraveled area which is adjacent to the accident site if it is possible to move the motor vehicle without risk of further damage to property or injury to any person.

(e) No person who acts in accordance with the provisions of subsection (d) of this section may be considered to have violated subsection (b) of this section.

(f) Any person who violates the provisions of subsection (a) of this section shall be fined not more than ten thousand dollars or be imprisoned not less than one year nor more than ten years or be both fined and imprisoned.

(g) Any person who violates the provisions of subsection (b) or (c) of this section shall be fined not less than seventy-five dollars nor more than six hundred dollars or be imprisoned not more than one year or be both fined and imprisoned, and for any subsequent offense shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned.

STATUTE OF LIMITATIONS

Should there be value placed for a person's life? Should there be a time limit within which to seek justice for a victim?

The statute of limitations in Connecticut for the prosecution of a Hit & Run Driver is 5 years. Most states have statutes of limitations set up and some states even as low as 3 years.

If a Hit & Run driver is not arrested and charged within 5 years of having killed another person in a hit and run they can basically just go on with their lives, admit to the crime and not be charged with it.

In October of 1997, Teodoro Alers-Perez was struck and killed on Park Street. In 2003, a man confessed to the crime by stating that he hit and dragged Mr. Perez on the way back from a bar. Police could not arrest the man who confessed because the statute of limitations for vehicular homicide had passed.

Other similar situations have occurred in many states. Basically after the statute of limitations expires in Hit and Runs, the driver could basically come out of hiding, brag about what they did and there is nothing that could be done by police.

THERE ARE NO HIT & RUN LAWS

The bottom line is that there are really no HIT & RUN Specific Laws/Statutes. A person who is a HIT & RUN Driver could face the following:

1. Reckless Driving
2. Evading Responsibility -
3. Assault with a Motor Vehicle (in order to be found guilty the driver must have been operating the motor vehicle under the influence of drugs or alcohol).

IF THE HIT & RUN RESULTS IN THE DEATH OF SOMEONE, then the charges may be upgraded to:

1. Negligent Homicide with a Motor Vehicle
2. Misconduct with a Motor Vehicle
3. Manslaughter in the First Degree
4. Manslaughter in the Second Degree with a Motor Vehicle (in order to be found guilty the driver must have been operating the motor vehicle under the influence of drugs or alcohol).

So a person who is critically injures or suffered serious physical injuries as a result of being the victim of a hit and run will basically have no justice because there is no specific law/statute that protects the victim.

THERE SHOULD BE A HIT & RUN SPECIFIED STATUTE/LAW THAT CONTAINS LANGUAGE FORM OTHER STATUTES BUT ALSO CONTAINS HIT AND RUN SPECIFIC LANGUAGE.

AN EXAMPLE/PROPOSAL:

Hit & Run Matters a person operating a motor vehicle that **knowingly** strikes a person with such motor vehicle causing physical injury or which result in death should (a) **immediately stop** such motor vehicle and report such incident (b) provide their name, address and information including license and registration information to a law enforcement officer or any proper person.

If a person knowingly strikes another person with his motor vehicle and said person **DOES NOT STOP**, then in addition to the charge of Evading Responsibility (C.G.S. § 14-224) the following factors should be taken into consideration:

- (1) **A Hit & Run shall be considered an ACCIDENT if:**
 - (a) *the Hit & Run driver STOPS his/her vehicle IMMEDIATELY*
 - (b) *the Hit & Run driver REPORTS the incident within 12- 24 hours of having struck another person*
 - (c) *the Hit & Run driver struck another person under circumstances that were beyond his or her control including, medical/physical conditions.*

THERE ARE NOT HIT & RUN LAWS CONTINUED:

IF a Hit & Run driver fails to stop and/or report the incident within 12-24 hours a Hit & Run should then be considered a CRIME not an ACCIDENT. The following factors should be considered in HIT & RUN CRIMES:

- (2) A Hit & Run shall be considered a CRIME if:
- (a) *the Hit & Run driver fails to immediately STOP, render assistance and provide their information.*
 - (b) *the Hit & Run driver fleas the accident scene (evading responsibility) and fails to report their involvement within 12- 24 hours.*
 - (c) *the Hit & Run occurred as a result of the driver's reckless and negligent conduct with no due regard for public safety, or the driver was under the influence of drugs and/or alcohol.*

Then fines should be considered under different circumstances, such as:

A person should face penalties that incorporate conditions of other statutes such as:

1. Manslaughter in the First Degree
2. Manslaughter in the Second Degree with a Motor Vehicle
3. Negligent Homicide.
4. Reckless Driving.

HIT & RUNS ARE CRIMES THAT SHOULD COME WITH STRONG PENALTIES.

IN CONNECTICUT ALONE BETWEEN 2003 – 2007 THERE WERE 47 FATAL HIT AND RUNS. THIS NUMBER DOES NOT INCLUDE THOSE THAT WERE CRITICALLY INJURED.