



General Assembly

January Session, 2011

Raised Bill No. 6589

LCO No. 3799

03799_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT INCREASING THE PENALTIES FOR DRUNKEN DRIVING
WHEN A CHILD IS A PASSENGER OR WHEN SERIOUS INJURY OR
DEATH OF A CHILD RESULTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (g) [Any] Except as provided in subsection (m) of this section, any
5 person who violates any provision of subsection (a) of this section
6 shall: (1) For conviction of a first violation, (A) be fined not less than
7 five hundred dollars or more than one thousand dollars, and (B) be (i)
8 imprisoned not more than six months, forty-eight consecutive hours of
9 which may not be suspended or reduced in any manner, or (ii)
10 imprisoned not more than six months, with the execution of such
11 sentence of imprisonment suspended entirely and a period of
12 probation imposed requiring as a condition of such probation that
13 such person perform one hundred hours of community service, as
14 defined in section 14-227e, and (C) have such person's motor vehicle
15 operator's license or nonresident operating privilege suspended for
16 one year; (2) for conviction of a second violation within ten years after

17 a prior conviction for the same offense, (A) be fined not less than one
18 thousand dollars or more than four thousand dollars, (B) be
19 imprisoned not more than two years, one hundred twenty consecutive
20 days of which may not be suspended or reduced in any manner, and
21 sentenced to a period of probation requiring as a condition of such
22 probation that such person perform one hundred hours of community
23 service, as defined in section 14-227e, and (C) (i) if such person is
24 under twenty-one years of age at the time of the offense, have such
25 person's motor vehicle operator's license or nonresident operating
26 privilege suspended for three years or until the date of such person's
27 twenty-first birthday, whichever is longer, and be prohibited for the
28 two-year period following completion of such period of suspension
29 from operating a motor vehicle unless such motor vehicle is equipped
30 with a functioning, approved ignition interlock device, as defined in
31 section 14-227j, or (ii) if such person is twenty-one years of age or older
32 at the time of the offense, have such person's motor vehicle operator's
33 license or nonresident operating privilege suspended for one year and
34 be prohibited for the two-year period following completion of such
35 period of suspension from operating a motor vehicle unless such
36 motor vehicle is equipped with a functioning, approved ignition
37 interlock device, as defined in section 14-227j; and (3) for conviction of
38 a third and subsequent violation within ten years after a prior
39 conviction for the same offense, (A) be fined not less than two
40 thousand dollars or more than eight thousand dollars, (B) be
41 imprisoned not more than three years, one year of which may not be
42 suspended or reduced in any manner, and sentenced to a period of
43 probation requiring as a condition of such probation that such person
44 perform one hundred hours of community service, as defined in
45 section 14-227e, and (C) have such person's motor vehicle operator's
46 license or nonresident operating privilege permanently revoked upon
47 such third offense. For purposes of the imposition of penalties for a
48 second or third and subsequent offense pursuant to this subsection, a
49 conviction under the provisions of subsection (a) of this section in
50 effect on October 1, 1981, or as amended thereafter, a conviction under

51 the provisions of either subdivision (1) or (2) of subsection (a) of this
52 section, a conviction under the provisions of section 53a-56b or 53a-60d
53 or a conviction in any other state of any offense the essential elements
54 of which are determined by the court to be substantially the same as
55 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
56 or 53a-60d, shall constitute a prior conviction for the same offense.

57 Sec. 2. Section 14-227a of the general statutes is amended by adding
58 subsection (m) as follows (*Effective October 1, 2011*):

59 (NEW) (m) Any person who violates any provision of subsection (a)
60 of this section while a person under sixteen years of age is a passenger
61 in the motor vehicle shall be fined not more than twice the maximum
62 fine and imprisoned not more than twice the maximum term of
63 imprisonment authorized for such violation pursuant to subsection (g)
64 of this section.

65 Sec. 3. Section 53a-56b of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2011*):

67 (a) A person is guilty of manslaughter in the second degree with a
68 motor vehicle when, while operating a motor vehicle under the
69 influence of intoxicating liquor or any drug or both, he causes the
70 death of another person as a consequence of the effect of such liquor or
71 drug.

72 (b) Manslaughter in the second degree with a motor vehicle is a
73 class C felony or, if the victim of the offense was a person under
74 sixteen years of age, a class B felony, and the court shall suspend the
75 motor vehicle operator's license or nonresident operating privilege of
76 any person found guilty under this section for one year. The court shall
77 also order such person not to operate any motor vehicle that is not
78 equipped with an approved ignition interlock device, as defined in
79 section 14-227j, for a period of two years after such person's operator's
80 license or nonresident operating privilege is restored by the
81 Commissioner of Motor Vehicles.

82 Sec. 4. Section 53a-60d of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

89 (b) Assault in the second degree with a motor vehicle is a class D
90 felony or, if the victim of the offense was a person under sixteen years
91 of age, a class C felony, and the court shall suspend the motor vehicle
92 operator's license or nonresident operating privilege of any person
93 found guilty under this section for one year. The court shall also order
94 such person not to operate any motor vehicle that is not equipped with
95 an approved ignition interlock device, as defined in section 14-227j, for
96 a period of two years after such person's operator's license or
97 nonresident operating privilege is restored by the Commissioner of
98 Motor Vehicles.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	14-227a(g)
Sec. 2	<i>October 1, 2011</i>	14-227a
Sec. 3	<i>October 1, 2011</i>	53a-56b
Sec. 4	<i>October 1, 2011</i>	53a-60d

Statement of Purpose:

To increase the penalties for operating while under the influence, manslaughter with a motor vehicle and assault with a motor vehicle when a person under sixteen years of age is a passenger.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]