



General Assembly

January Session, 2011

**Raised Bill No. 1034**

LCO No. 3362

\*03362\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE PENALTY FOR MANSLAUGHTER WHILE OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUG.***

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

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 Section 53a-56b of the general statutes is repealed and the  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

3 (a) (1) A person is guilty of manslaughter in the [second] first degree  
4 with a motor vehicle when [,] he commits manslaughter in the first  
5 degree as provided in section 53a-55, and in the commission of such  
6 offense he [while operating] operates a motor vehicle under the  
7 influence of intoxicating liquor or any drug, or both, [he] and thereby  
8 causes the death of another person as a consequence of the effect of  
9 such liquor or drug.

10 (2) There shall be a rebuttable presumption that any person who  
11 operates a motor vehicle under the influence of intoxicating liquor or  
12 drug, or both, and thereby causes the death of another person did so  
13 under circumstances evincing an extreme indifference to human life  
14 and recklessly engaged in conduct which created a grave risk of death

15 to another person, and thereby caused the death of another person in  
16 the manner set forth in subdivision (3) of subsection (a) of section 53a-  
17 55.

18 (3) No person shall be found guilty of manslaughter in the first  
19 degree and manslaughter in the first degree with a motor vehicle upon  
20 the same transaction but such person may be charged and prosecuted  
21 for both such offenses upon the same information.

22 (b) Manslaughter in the [second] first degree with a motor vehicle is  
23 a class [C] B felony. [and the] Any person found guilty under this  
24 section shall be sentenced to a term of imprisonment in accordance  
25 with subdivision (5) of section 53a-35a, as amended by this act, of  
26 which five years of the sentence imposed may not be suspended or  
27 reduced by the court. The court shall suspend the motor vehicle  
28 operator's license or nonresident operating privilege of any person  
29 found guilty under this section for one year. The court shall also order  
30 such person not to operate any motor vehicle that is not equipped with  
31 an approved ignition interlock device, as defined in section 14-227j, for  
32 a period of two years after such person's operator's license or  
33 nonresident operating privilege is restored by the Commissioner of  
34 Motor Vehicles.

35 Sec. 2. Section 53a-35a of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2011*):

37 For any felony committed on or after July 1, 1981, the sentence of  
38 imprisonment shall be a definite sentence and, unless the section of the  
39 general statutes that defines the crime specifically provides otherwise,  
40 the term shall be fixed by the court as follows: (1) For a capital felony, a  
41 term of life imprisonment without the possibility of release unless a  
42 sentence of death is imposed in accordance with section 53a-46a; (2) for  
43 the class A felony of murder, a term not less than twenty-five years nor  
44 more than life; (3) for the class A felony of aggravated sexual assault of  
45 a minor under section 53a-70c, a term not less than twenty-five years  
46 or more than fifty years; (4) for a class A felony other than an offense

47 specified in subdivision (2) or (3) of this section, a term not less than  
48 ten years nor more than twenty-five years; (5) for the class B felony of  
49 manslaughter in the first degree with a firearm under section 53a-55a  
50 or manslaughter in the first degree with a motor vehicle under section  
51 53a-56b, as amended by this act, a term not less than five years nor  
52 more than forty years; (6) for a class B felony other than manslaughter  
53 in the first degree with a firearm under section 53a-55a, a term not less  
54 than one year nor more than twenty years; (7) for a class C felony, a  
55 term not less than one year nor more than ten years; (8) for a class D  
56 felony, a term not less than one year nor more than five years; and (9)  
57 for an unclassified felony, a term in accordance with the sentence  
58 specified in the section of the general statutes that defines the crime.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	53a-56b
Sec. 2	<i>October 1, 2011</i>	53a-35a

**Statement of Purpose:**

To make the penalty for the offense of manslaughter with a motor vehicle while under the influence of intoxicating liquor or any drug, or both, consistent with the penalty for manslaughter in the first degree with a firearm and provide for a rebuttable presumption that any person who causes the death of another person while operating a motor vehicle under the influence of intoxicating liquor or drug, or both, did so evincing an extreme indifference to human life in a manner that constitutes manslaughter in the first degree.

*[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.]*