



General Assembly

Amendment

January Session, 2011

LCO No. 6056

SB0103406056SD0

Offered by:

SEN. PRAGUE, 19th Dist.

SEN. FONFARA, 1st Dist.

To: Subst. Senate Bill No. 1034

File No. 726

Cal. No. 443

"AN ACT CONCERNING CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53a-56b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

12 (2) There shall be a rebuttable presumption that any person who

13 operates a motor vehicle under the influence of intoxicating liquor or
14 drug, or both, and thereby causes the death of another person did so
15 under circumstances evincing an extreme indifference to human life
16 and recklessly engaged in conduct which created a grave risk of death
17 to another person, and thereby caused the death of another person in
18 the manner set forth in subdivision (3) of subsection (a) of section 53a-
19 55.

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

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

37 Sec. 502. Section 53a-35a of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2011*):

39 For any felony committed on or after July 1, 1981, the sentence of
40 imprisonment shall be a definite sentence and, unless the section of the
41 general statutes that defines the crime specifically provides otherwise,
42 the term shall be fixed by the court as follows: (1) For a capital felony, a
43 term of life imprisonment without the possibility of release unless a
44 sentence of death is imposed in accordance with section 53a-46a; (2) for

45 the class A felony of murder, a term not less than twenty-five years nor
46 more than life; (3) for the class A felony of aggravated sexual assault of
47 a minor under section 53a-70c, a term not less than twenty-five years
48 or more than fifty years; (4) for a class A felony other than an offense
49 specified in subdivision (2) or (3) of this section, a term not less than
50 ten years nor more than twenty-five years; (5) for the class B felony of
51 manslaughter in the first degree with a firearm under section 53a-55a
52 or manslaughter in the first degree with a motor vehicle under section
53 53a-56b, as amended by this act, a term not less than five years nor
54 more than forty years; (6) for a class B felony other than manslaughter
55 in the first degree with a firearm under section 53a-55a, a term not less
56 than one year nor more than twenty years; (7) for a class C felony, a
57 term not less than one year nor more than ten years; (8) for a class D
58 felony, a term not less than one year nor more than five years; and (9)
59 for an unclassified felony, a term in accordance with the sentence
60 specified in the section of the general statutes that defines the crime."