



# House of Representatives

General Assembly

**File No. 635**

February Session, 2014

Substitute House Bill No. 5592

*House of Representatives, April 17, 2014*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE TIME LIMITATION FOR PROSECUTING A MOTOR VEHICLE VIOLATION THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.***

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

1 Section 1. Section 54-193 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) There shall be no limitation of time within which a person may  
4 be prosecuted for (1) a capital felony under the provisions of section  
5 53a-54b in effect prior to April 25, 2012, a class A felony or a violation  
6 of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or  
7 53a-166 in which such person renders criminal assistance to another  
8 person who has committed an offense set forth in subdivision (1) of  
9 this subsection, or (3) a violation of section 53a-156 committed during a  
10 proceeding that results in the conviction of another person  
11 subsequently determined to be actually innocent of the offense or  
12 offenses of which such other person was convicted.

13 (b) No person may be prosecuted for any offense, other than an  
14 offense set forth in subsection (a) of this section, for which the

15 punishment is or may be imprisonment in excess of one year, except  
16 within five years next after the offense has been committed.

17 (c) No person may be prosecuted for any offense, other than an  
18 offense set forth in subsection (a) or (b) of this section, except within  
19 one year next after the offense has been committed.

20 (d) If the person against whom an indictment, information or  
21 complaint for any of said offenses is brought has fled from and resided  
22 out of this state during the period so limited, it may be brought against  
23 such person at any time within such period, during which such person  
24 resides in this state, after the commission of the offense.

25 (e) Notwithstanding the provisions of subsections (b) and (c) of this  
26 section, there shall be no limitation of time within which a person may  
27 be prosecuted in the case of a motor vehicle violation or offense that  
28 caused the death or serious physical injury, as defined in section 53a-3,  
29 of another person during any period the person's identity is unknown  
30 to the peace officer or prosecutorial official in charge of such case as a  
31 result of such person evading responsibility for the violation or  
32 offense.

33 [(e)] (f) When any suit, indictment, information or complaint for any  
34 crime may be brought within any other time than is limited by this  
35 section, it shall be brought within such time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	54-193

**Statement of Legislative Commissioners:**

In Section 1(e), "or offense" was inserted after "violation" for consistency and accuracy.

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

**Municipal Impact:** None

**Explanation**

The bill results in a potential cost to the Department of Correction by eliminating the statute of limitations on certain statutes regarding motor vehicle violations that result in death or serious injury. To the extent that offenders in cases where the statute of limitations has expired who are now tried under this bill, potential costs for incarceration would result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 5592****AN ACT CONCERNING THE TIME LIMITATION FOR PROSECUTING A MOTOR VEHICLE VIOLATION THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.****SUMMARY:**

This bill stops the statute of limitations from running during the time that police or prosecutors do not know the responsible driver's identity, in motor vehicle cases in which (1) someone is killed or seriously injured and (2) the responsible driver fled the scene.

The law requires a driver who knowingly seriously injures or kills another person to stop at the scene, render necessary assistance, and provide certain information to the injured person or police.

By law, the state must prosecute (1) misdemeanor cases (crimes punishable by up to one year in prison) within one year of an offense and (2) most felonies (crimes punishable by at least one year in prison) within five years. Under the circumstances covered by the bill, an offender may be charged with a number of crimes. There are at least four felonies (in addition to the crime of evading responsibility) that specifically involve motor vehicles causing a death or serious physical injury (see BACKGROUND).

EFFECTIVE DATE: October 1, 2014

**BACKGROUND*****Evading Responsibility***

A driver knowingly involved in an accident that causes serious physical injury to or the death of another must immediately stop; render necessary aid; and provide his or her name, address, and

driver's license and registration information to the injured person, a police officer, or a person who witnessed the death or serious injury. If unable to do so for any reason, the driver must immediately report the death or serious injury and provide the required information to police (CGS § 14-224 (a)).

Evading responsibility where a death or serious physical injury occurs is punishable by between one and 10 years in prison, a fine of up to \$10,000, or both (CGS § 14-224 (f)).

### ***Second-Degree Manslaughter with a Motor Vehicle***

A person is guilty of this crime when, while operating a motor vehicle under the influence of alcohol or any drug, or both, he or she causes the death of another person as a consequence of the effect of the alcohol or drug (CGS § 53a-56b). The crime is a class C felony, punishable by between one and 10 years in prison, a fine of up to \$10,000, or both.

### ***Misconduct with a Motor Vehicle***

A person is guilty of this crime when, with criminal negligence in the operation of a motor vehicle, he or she causes another person's death (CGS § 53a-57). The crime is a class D felony, punishable by one to five years in prison, a fine of up to \$5,000, or both.

### ***Second-Degree Assault with a Motor Vehicle***

A person is guilty of this crime when, while operating a motor vehicle under the influence of alcohol or any drug, or both, he or she causes serious physical injury to another person as a consequence of the effect of the alcohol or drug (CGS § 53a-60d). The crime is a class D felony.

### ***Increasing Speed in Attempt to Escape or Elude an Officer***

It is illegal for anyone operating a motor vehicle, when signaled to stop by an officer in a police vehicle using an audible signal device or flashing or revolving lights, to increase the speed of the motor vehicle in an attempt to escape or elude the police officer (CGS § 14-223 (b)).

Violators who, as a result, cause someone's death or serious physical injury are guilty of a class C felony.

***Serious Physical Injury***

Serious physical injury means physical injury which creates a substantial risk of death, or which causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of the function of any bodily organ (CGS § 53a-3 (4)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 2 (04/02/2014)