



House of Representatives

File No. 716

General Assembly

February Session, 2014

(Reprint of File No. 635)

Substitute House Bill No. 5592
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 30, 2014

**AN ACT CONCERNING THE TIME LIMITATION FOR PROSECUTING A
MOTOR VEHICLE VIOLATION OR OFFENSE THAT RESULTS IN THE
DEATH OF 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 Section 54-193 of the general statutes is repealed and the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
10 a 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, or (4) a motor
13 vehicle violation or offense that resulted in the death of another person
14 and involved a violation of subsection (a) of section 14-224.

15 (b) No person may be prosecuted for any offense, other than an
16 offense set forth in subsection (a) of this section, for which the
17 punishment is or may be imprisonment in excess of one year, except
18 within five years next after the offense has been committed.

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

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

27 (e) When any suit, indictment, information or complaint for any
28 crime may be brought within any other time than is limited by this
29 section, it shall be brought within such time.

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

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. 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.

House "A" strikes the language of the underlying bill and results in the fiscal impact described above.

The Out Years

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

OLR Bill Analysis**sHB 5592 (as amended by House "A")*****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 eliminates the statute of limitations for motor vehicle violations and offenses involving another's death when the offender caused the death while operating a motor vehicle and 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) misdemeanors (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 three felonies (in addition to the crime of evading responsibility) that specifically punish causing a death while operating a motor vehicle (see BACKGROUND).

*House Amendment "A" eliminates the statute of limitations for these crimes when they involve evading responsibility and causing a death, in place of provisions tolling the limitations period when the police and prosecutors do not know the identity of a driver who caused a death or serious injury and fled the scene.

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.

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.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 1 (04/02/2014)