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## 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)