



# House of Representatives

General Assembly

**File No. 789**

January Session, 2019

Substitute House Bill No. 7378

*House of Representatives, April 25, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING NEGLIGENT HOMICIDE WITH A MOTOR VEHICLE AND ILLEGAL RACING.**

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

1 Section 1. Subsection (a) of section 14-111g of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2019*):

4 (a) For the purposes of this subsection, "moving violation" means  
5 any violation of subsection (c) of section 14-36 or section 14-36g, 14-  
6 212d, 14-218a, 14-219, 14-222, 14-223, 14-230 to 14-249, inclusive, 14-  
7 279, 14-283, 14-289b, 14-296aa, 14-299, 14-300, 14-301, 14-302 or 14-303,  
8 and "suspension violation" means a violation of section 14-222a, as  
9 amended by this act, 14-224, as amended by this act, 14-227a, 14-227m  
10 or 14-227n, or section 53a-56b, 53a-57 or 53a-60d. The Commissioner of  
11 Motor Vehicles may require any motor vehicle operator who is twenty-  
12 four years of age or less, who has been convicted of a moving violation  
13 or a suspension violation, or both, committed on two or more  
14 occasions to attend a motor vehicle operator's retraining program. The

15 commissioner may require any motor vehicle operator over twenty-  
16 four years of age, who has been convicted of a moving violation or a  
17 suspension violation or a combination of said violations, committed on  
18 three or more occasions to attend a motor vehicle operator's retraining  
19 program. The commissioner shall require any motor vehicle operator  
20 convicted of traveling more than seventy-five miles per hour, [or] any  
21 person operating a commercial motor vehicle convicted of traveling  
22 more than sixty-five miles per hour in a highway work zone, as  
23 defined in section 14-212d, or any person convicted of a violation of  
24 subdivision (1) of subsection (c) of section 14-224, to attend a motor  
25 vehicle operator's retraining program. The commissioner shall notify  
26 such operator, in writing, of such requirement. A fee of not more than  
27 eighty-five dollars shall be charged for the retraining program. The  
28 commissioner, after notice and opportunity for hearing, may suspend  
29 the motor vehicle operator's license of any such operator who fails to  
30 attend or successfully complete the program until the operator  
31 successfully completes the program. The hearing shall be limited to  
32 any claim of impossibility of the operator to attend the retraining  
33 program, or to a determination of mistake or misidentification.

34 Sec. 2. Section 14-222a of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2019*):

36 [(a) Except as provided in subsection (b) of this section, any] Any  
37 person who, in consequence of the negligent operation of a motor  
38 vehicle, causes the death of another person shall be fined not more  
39 than [one thousand] three thousand five hundred dollars or  
40 imprisoned not more than [six months] three years, or both.

41 [(b) Any person who, in consequence of the negligent operation of a  
42 commercial motor vehicle, causes the death of another person shall be  
43 fined not more than two thousand five hundred dollars or imprisoned  
44 not more than six months, or both.]

45 Sec. 3. Subsection (g) of section 14-224 of the general statutes is  
46 repealed and the following is substituted in lieu thereof (*Effective*  
47 *October 1, 2019*):

48 (g) (1) Any person who violates the provisions of subdivision (2) of  
 49 subsection (b) of this section shall be fined not less than seventy-five  
 50 dollars or more than six hundred dollars or be imprisoned not more  
 51 than five years or be both fined and imprisoned, and for any  
 52 subsequent offense shall be fined not less than one hundred dollars or  
 53 more than one thousand dollars or be imprisoned not more than five  
 54 years or be both fined and imprisoned.

55 (2) Any person who violates the provisions of subdivision (1) of  
 56 subsection (c) of this section shall be fined not less than one hundred  
 57 fifty dollars or more than six hundred dollars or be imprisoned not  
 58 more than one year or be both fined and imprisoned, and for any  
 59 subsequent offense shall be fined not less than three hundred dollars  
 60 or more than one thousand dollars or be imprisoned not more than  
 61 one year or be both fined and imprisoned.

62 [(2)] (3) Any person who violates the provisions of subdivision (3) of  
 63 subsection (b) or subdivision (2) of subsection (c) of this section shall  
 64 be fined not less than seventy-five dollars or more than six hundred  
 65 dollars or be imprisoned not more than one year or be both fined and  
 66 imprisoned, and for any subsequent offense shall be fined not less than  
 67 one hundred dollars or more than one thousand dollars or be  
 68 imprisoned not more than one year or be both fined and imprisoned.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	14-111g(a)
Sec. 2	October 1, 2019	14-222a
Sec. 3	October 1, 2019	14-224(g)

**Statement of Legislative Commissioners:**

In Section 1(a), "any person" was added before "convicted of a violation" for consistency.

**JUD** Joint Favorable Subst. -LCO

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 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill increases the penalties for negligent homicide with a motor vehicle and illegal racing and result in a potential cost for incarceration or probation supervision. Currently there are 30 individuals incarcerated for the offenses and 41 on probation. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year. In addition, the bill results in potential revenue gain from increasing associated fines.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis**

**sHB 7378**

***AN ACT CONCERNING NEGLIGENT HOMICIDE WITH A MOTOR VEHICLE AND ILLEGAL RACING.***

**SUMMARY**

This bill increases the maximum fine and prison sentence for causing someone else's death through the negligent operation of a motor vehicle, regardless of the type of vehicle. Under current law, such negligent operation of a (1) motor vehicle, other than a commercial vehicle, is punishable by a fine of up to \$1,000, up to six months in prison, or both or (2) commercial motor vehicle is punishable by a fine of up to \$2,500, up to six months in prison, or both. Under the bill, such negligent operation of any motor vehicle is punishable by a fine of up to \$3,500, up to three years in prison, or both.

The bill also increases the penalties for driving a motor vehicle on a public road for purposes of betting, racing, or making a speed record. Under current law, a first offense is punishable by a fine of \$75 to \$600, up to one year in prison, or both; and any subsequent offense is punishable by a fine of \$100 to \$1,000, up to one year in prison, or both. (By law, a subsequent offense is defined as one committed within 10 years after the arrest date that resulted in a previous conviction for the same violation (CGS § 14-1(84)).) Under the bill:

1. the minimum fine is raised to \$150 for a first offense and \$300 for any subsequent offense and
2. the Department of Motor Vehicles (DMV) commissioner must require anyone convicted of such driving to attend an operator's retraining program.

By law, a person’s driver’s license is suspended if he or she fails to attend the operator’s retraining program, and the suspension lasts until the person completes the program (Conn. Agencies Regs. §14-111g-2(e)).

Additionally, the bill makes conforming changes.

EFFECTIVE DATE: October 1, 2019

**BACKGROUND**

***Related Bill***

sSB 925 (File 527), reported favorably by the Transportation Committee, establishes an advanced operator’s retraining program that a driver must attend if he or she commits another moving or suspension violation within 36 months after completing the existing operator’s retraining program. By law, suspension violations include (1) causing someone else’s death through the negligent operation of a motor vehicle and (2) driving a motor vehicle on a public road for purposes of betting, racing, or making a speed record (CGS § 14-111g(a)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable  
Yea 38 Nay 0 (04/09/2019)