

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Roll

L.D. 1084

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

DATE: *May 22, 2001* (Filing No. S-*242*)

CRIMINAL JUSTICE

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to S.P. 316, L.D. 1084, Bill, "An Act to Increase the Penalty for Criminal Homicide Caused by a Person Operating a Motor Vehicle While Under the Influence"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2411, sub-§6, as repealed and replaced by PL 1999, c. 703, §1, is amended to read:

6. Aggravated punishment category. An operator commits a Class C offense if the State pleads and proves that the operator, while operating a motor vehicle in violation of this section:

A. In fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person; or

B. Has either a prior conviction for a Class C crime under this section or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood-alcohol content of 0.08% or greater.

COMMITTEE AMENDMENT

R 418

COMMITTEE AMENDMENT "A" to S.P. 316, L.D. 1084

2 In any prosecution under this subsection, the State need not
4 prove that the defendant's condition of being under the influence
6 of intoxicants or having a blood-alcohol level of 0.08% or more
8 caused the serious bodily injury or death alleged. The State
must prove only that the defendant's operation caused the serious
bodily injury or death. The court shall apply the definition of
causation in Title 17-A, section 33.

10 The sentence must include a period of incarceration of not less
12 than 6 months, a fine of not less than \$2,000 and a court-ordered
14 suspension of a driver's license for a period of 6 years. These
penalties may not be suspended.'

16 **SUMMARY**

18 This amendment is the majority report and replaces the
20 bill. The amendment specifies that in cases of criminal homicide
22 or bodily injury caused by a person operating a motor vehicle
while under the influence, the State must prove only that the
24 defendant's operation caused the serious bodily injury or death.
The court shall apply the standard of causation defined in the
Maine Revised Statutes, Title 17-A, section 33 in such cases.

COMMITTEE AMENDMENT