

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1084

S.P. 316

In Senate, February 22, 2001

**An Act to Increase the Penalty for Criminal Homicide Caused by a
Person Operating a Motor Vehicle While Under the Influence.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PENDLETON of Cumberland.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 29-A MRSA §2411, sub-§6, ¶¶A and B,** as enacted by PL
1999, c. 703, §1, are amended to read:

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

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

16 **Sec. 2. 29-A MRSA §2411, sub-6-A** is enacted to read:

18 **6-A. Criminal homicide.** An operator commits a Class B
crime if the State pleads and proves that the operator, while
20 operating a motor vehicle in violation of this section:

22 A. In fact caused the death of another person; or

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

30 The sentence must include a period of incarceration of not less
than 12 months, a fine of not less than \$4,000 and a
32 court-ordered suspension of a driver's license for a period of 12
years. These penalties may not be suspended.

34
36 **SUMMARY**

38 Current law provides a Class C crime, punishable by at least
6 months incarceration, for a person who, while intoxicated,
40 seriously injures or causes the death of another person.

42 This bill creates a separate crime for a person who, while
intoxicated, causes the death of another person and increases the
44 offense to a Class B crime, punishable by at least one year in
prison.
46