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)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 232

H.P. 171

House of Representatives, January 18, 2005

An Act To Enhance Highway Safety

Reference to the Committee on Transportation suggested and ordered printed.

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Senator DOW of Lincoln and
Representatives: BRYANT-DESCHENES of Turner, CROSTHWAITE of Ellsworth,
McKANE of Newcastle, McLEOD of Lee, RECTOR of Thomaston, TARDY of Newport.

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

Sec. 1. 29-A MRSA §2413, sub-§1-A is enacted to read:

4

8

10

12

14

2

- 1-A. Aggravated punishment category. Notwithstanding subsection 1, a person commits a Class C crime if, with criminal negligence as defined in Title 17-A, section 35, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven, and causes serious bodily injury, as defined in Title 17-A, section 2, subsection 23, to another person.
- Sec. 2. 29-A MRSA §2413. sub-§3. as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16

18

20

22

24

3. Penalties. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1 for not less than 30 days nor more than 180 days, which minimum may not be suspended. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1-A for not less than 180 days nor more than 2 years, which minimum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension.

26

28 SUMMARY

30 Under current law a person who operates a vehicle in a grossly negligent manner and causes the death of another person commits the Class A crime of manslaughter. If the person drives 32 the vehicle with exactly the same kind of gross negligence but 34 does not cause a death, the only crime available for prosecution is driving to endanger, a Class E crime, even if a person suffers significant and permanent injury. This bill increases the 36 sentencing level to Class C if the State both pleads and proves that the criminally negligent driving caused serious bodily 3.8 injury and imposes a license suspension period of not less than 40 180 days and not more than 2 years.