

HOUSE BILL NO. 241

INTRODUCED BY D. KOTTEL

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A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING WITHIN THE OFFENSE OF NEGLIGENT HOMICIDE THE OPERATION OF A VEHICLE BY A PERSON WITH KNOWLEDGE OF A PHYSICAL CONDITION THAT IMPAIRS THE PERSON'S ABILITY TO OPERATE A VEHICLE WHEN THE OPERATION RESULTS IN THE DEATH OF ANOTHER PERSON; AND AMENDING SECTION 45-5-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-104, MCA, is amended to read:

"45-5-104. Negligent homicide. (1) A person commits the offense of negligent homicide if the person negligently causes the death of another human being.

(2) Negligent homicide is not an included offense of deliberate homicide as defined in 45-5-102(1)(b).

(3) A person convicted of negligent homicide shall be imprisoned in the state prison for any term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both.

(4) The offense includes the operation of a vehicle that results in a death for which it can be proved that:

(a) the operator of the vehicle had knowledge of a physical condition of the operator that might result in an impairment of the operator's ability to control the vehicle;

(b) the impairment was a direct result of that physical condition;

(c) the loss of control of the vehicle, other than a bicycle as defined in 61-8-102, was the direct result of that impairment; and

(d) the death of another person was the direct result of that loss of control."

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 1, and the provisions of Title 45, chapter 5, part 1, apply to [section 1].

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