

Regular Session, 2014

HOUSE BILL NO. 150

BY REPRESENTATIVE GISCLAIR

CRIME/HOMICIDE: Creates the crime of involuntary vehicular homicide

1 AN ACT

2 To amend and reenact R.S. 14:29(introductory paragraph) and to enact R.S. 14:29(6) and
3 32.2 and R.S. 32:414(W), relative to homicide; to provide for the crime of
4 involuntary vehicular homicide; to provide for elements of the crime; to provide for
5 criminal penalties; to provide for suspension of driving penalties; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:29(introductory paragraph) is hereby amended and reenacted and
9 R.S. 14:29(6) and 32.2 are hereby enacted to read as follows:

10 §29. Homicide

11 Homicide is the killing of a human being by the act, procurement, or culpable
12 omission of another. Criminal homicide is of ~~five~~ six grades:

13 * * *

14 (6) Involuntary vehicular homicide.

15 * * *

16 §32.2. Involuntary vehicular homicide

17 A. Involuntary vehicular homicide is the killing of a human being caused
18 proximately or directly by an offender engaged in the operation of, or in actual
19 physical control of, any motor vehicle, aircraft, watercraft, or other means of

1 conveyance when the operator fails to maintain control of the vehicle by falling
2 asleep whether or not the offender has the intent to cause death or great bodily harm.

3 B. Whoever violates the provisions of this Section shall be ordered to serve
4 court-approved community service for not more than two hundred fifty hours.

5 Section 2. R.S. 32:414(W) is hereby enacted to read as follows:

6 §414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

7 * * *

8 W. The department shall suspend the license of any person for a period of
9 two years upon notification that the person has been convicted of involuntary
10 vehicular homicide as provided in R.S. 14:32.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gisclair

HB No. 150

Abstract: Provides for the crime of involuntary vehicular homicide and provides for penalties including court-ordered community service and a two-year suspension of driving privileges.

Present law provides that homicide consists of five grades: first degree murder, second degree murder, manslaughter, negligent homicide, and vehicular homicide.

Proposed law adds involuntary vehicular homicide to present law.

Proposed law creates the crime of involuntary vehicular homicide and defines it as the killing of a person caused proximately or directly by an offender engaged in the operation of a vehicle when the operator fails to maintain control of the vehicle by falling asleep, regardless of whether or not the offender has the intent to cause death or great bodily harm.

Proposed law penalties include court-approved community service for a maximum of 250 hours and a two-year suspension of driving privileges.

(Amends R.S. 14:29(intro. para.); Adds R.S. 14:29(6) and 32.2 and R.S. 32:414(W))