

IN THE SENATE

SENATE BILL NO. 1058

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 80, TITLE 18, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 18-8006A, IDAHO CODE, TO PROVIDE FOR THE CRIME
3 OF AGGRAVATED DRIVING WHILE RECKLESS, TO PROVIDE PENALTIES, AND TO PRO-
4 VIDE THAT EVIDENCE OF CONVICTION SHALL BE ADMISSIBLE IN A CIVIL ACTION
5 FOR DAMAGES; AMENDING CHAPTER 80, TITLE 18, IDAHO CODE, BY THE ADDITION
6 OF A NEW SECTION 18-8006B, IDAHO CODE, TO PROVIDE FOR THE CRIME OF AG-
7 GRAVATED DRIVING WHILE DISTRACTED, TO PROVIDE PENALTIES, AND TO PROVIDE
8 THAT EVIDENCE OF CONVICTION SHALL BE ADMISSIBLE IN A CIVIL ACTION FOR
9 DAMAGES; AMENDING SECTION 18-4006, IDAHO CODE, TO REVISE PROVISIONS RE-
10 GARDING VEHICULAR MANSLAUGHTER; AND DECLARING AN EMERGENCY AND PROVID-
11 ING AN EFFECTIVE DATE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Chapter 80, Title 18, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 18-8006A, Idaho Code, and to read as follows:

17 18-8006A. AGGRAVATED DRIVING WHILE RECKLESS. (1) Any person causing
18 great bodily harm, permanent disability, or permanent disfigurement to any
19 person other than himself in committing a violation of the provisions of sec-
20 tion 49-1401(1), Idaho Code, is guilty of a felony, and upon conviction:

21 (a) Shall be sentenced to the state board of correction for a term not to
22 exceed fifteen (15) years. Notwithstanding the provisions of section
23 19-2601, Idaho Code, should the court impose any sentence other than in-
24 carceration in the state penitentiary, the defendant shall be sentenced
25 to the county jail for a mandatory minimum period of at least thirty (30)
26 days, the first forty-eight (48) hours of which must be consecutive.
27 Notwithstanding the provisions of section 18-111, Idaho Code, a convic-
28 tion under this section shall be deemed a felony;

29 (b) May be fined an amount not to exceed five thousand dollars (\$5,000);

30 (c) Shall surrender his driver's license or permit to the court;

31 (d) Shall have his driving privileges suspended by the court for a
32 mandatory minimum period of one (1) year after release from imprison-
33 ment and may have his driving privileges suspended by the court for a
34 period not to exceed five (5) years after release from imprisonment,
35 during which time he shall have absolutely no driving privileges of any
36 kind; and

37 (e) Shall be ordered by the court to pay restitution in accordance with
38 chapter 53, title 19, Idaho Code.

39 (2) Notwithstanding any other provision of law, any evidence of convic-
40 tion under this section shall be admissible in any civil action for damages
41 resulting from the occurrence. A conviction for the purposes of this section

1 means that the person has pled guilty or has been found guilty, notwithstand-
2 ing the form of the judgment or withheld judgment.

3 SECTION 2. That Chapter 80, Title 18, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 18-8006B, Idaho Code, and to read as follows:

6 18-8006B. AGGRAVATED DRIVING WHILE DISTRACTED. (1) Any person causing
7 great bodily harm, permanent disability, or permanent disfigurement to any
8 person other than himself in committing a violation of the provisions of sec-
9 tion 49-1401A(2) or (3), Idaho Code, is guilty of a felony, and upon convic-
10 tion:

11 (a) Shall be sentenced to the state board of correction for a term not
12 to exceed five (5) years. Notwithstanding the provisions of section
13 19-2601, Idaho Code, should the court impose any sentence other than in-
14 carceration in the state penitentiary, the defendant shall be sentenced
15 to the county jail for a mandatory minimum period of at least thirty (30)
16 days, the first forty-eight (48) hours of which must be consecutive.
17 Notwithstanding the provisions of section 18-111, Idaho Code, a convic-
18 tion under this section shall be deemed a felony;

19 (b) May be fined an amount not to exceed two thousand dollars (\$2,000);

20 (c) Shall surrender his driver's license or permit to the court;

21 (d) Shall have his driving privileges suspended by the court for a
22 mandatory minimum period of one (1) year after release from imprison-
23 ment and may have his driving privileges suspended by the court for a
24 period not to exceed five (5) years after release from imprisonment,
25 during which time he shall have absolutely no driving privileges of any
26 kind; and

27 (e) Shall be ordered by the court to pay restitution in accordance with
28 chapter 53, title 19, Idaho Code.

29 (2) Notwithstanding any other provision of law, any evidence of convic-
30 tion under this section shall be admissible in any civil action for damages
31 resulting from the occurrence. A conviction for the purposes of this section
32 means that the person has pled guilty or has been found guilty, notwithstand-
33 ing the form of the judgment or withheld judgment.

34 SECTION 3. That Section 18-4006, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 18-4006. MANSLAUGHTER DEFINED. Manslaughter is the unlawful killing
37 of a human being including, but not limited to, a human embryo or fetus, with-
38 out malice. It is of three (3) kinds:

39 (1) Voluntary -- upon a sudden quarrel or heat of passion.

40 (2) Involuntary -- in the perpetration of or attempt to perpetrate any
41 unlawful act, other than those acts specified in section 18-4003(d), Idaho
42 Code; or in the commission of a lawful act which might produce death, in an
43 unlawful manner, or without due caution and circumspection; or in the oper-
44 ation of any firearm or deadly weapon in a reckless, careless or negligent
45 manner which produces death.

46 (3) Vehicular -- in which the operation of a motor vehicle is a signifi-
47 cant cause contributing to the death because of:

1 (a) The commission of an unlawful act, not amounting to a felony, with
2 gross negligence; or

3 (b) The commission of a violation of section 18-8004 ~~or~~, 18-8006,
4 18-8006A, or 18-8006B, Idaho Code; or

5 (c) The commission of an unlawful act, not amounting to a felony, with-
6 out gross negligence.

7 Notwithstanding any other provision of law, any evidence of conviction under
8 subsection (3) (b) of this section shall be admissible in any civil action for
9 damages resulting from the occurrence. A conviction for the purposes of sub-
10 section (3) (b) of this section means that the person has pled guilty or has
11 been found guilty, notwithstanding the form of the judgment(s) or withheld
12 judgment(s).

13 SECTION 4. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after
15 July 1, 2023.