

**BALLOT LANGUAGE FOR INITIATIVE NO. 188 (I-188)**

INITIATIVE NO. 188

A LAW PROPOSED BY INITIATIVE PETITION

**I-188** creates the criminal offense of vehicular manslaughter. A person commits the crime of vehicular manslaughter if the person kills a human being or unborn child while operating a vehicle recklessly, carelessly, with depraved indifference, or with gross negligence. A person convicted of vehicular manslaughter could be punished with up to a \$50,000 fine, incarceration for up to 20 years, or both. The driver's license of the convicted person would be suspended for one year either after release from incarceration or upon the person's sentencing if incarceration is not imposed. **I-188** allows a court to order the convicted person to pay child support for each minor child of the deceased person.

YES ON INITIATIVE I-188

NO ON INITIATIVE I-188

**THE COMPLETE TEXT OF INITIATIVE NO. 188 (I-188)**

Be it enacted by the People of the state of Montana:

**NEW SECTION. Section 1. Vehicular manslaughter.** (1) A person commits the offense of vehicular manslaughter if the person:

- (a) operates a vehicle recklessly or carelessly or with depraved indifference or with gross negligence likely to cause the death of or great bodily harm to another; and
- (b) the operation of the vehicle results in the killing of a human being or an unborn child by any injury to the mother.

(2) A person convicted of vehicular manslaughter is guilty of a felony and shall be punished by:

- (a) a fine in an amount not to exceed \$50,000, incarceration for a term not to exceed 20 years, or both; and
- (b) suspension of the person's driver's license for a period of 1 year to begin upon the person's release from incarceration or upon the person's sentencing if incarceration is not imposed.

**NEW SECTION. Section 2. Vehicular manslaughter -- child support.** (1) A person guilty of vehicular manslaughter may be ordered to pay child support for each minor child of the deceased person.

(2) In determining the amount to be paid for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall consider all relevant factors.

(3) A child support obligation imposed under this section may be enforced in the same manner as a child support obligation imposed under Title 40.

(4) A child support obligation imposed under this section may not be paid or indemnified by the proceeds of any liability insurance policy.

**Section 3.** Section 61-11-203, MCA, is amended to read:

**"61-11-203. Definitions -- habitual traffic offenders -- point schedule.** (1) As used in this part, the following definitions apply:

(a) "Conviction" has the meaning provided in 61-5-213 resulting from a violation of traffic regulations on highways in this state or a traffic statute or traffic regulation in another jurisdiction.

(b) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in subsection (2).

(c) "License" means any type of license or permit to operate a motor vehicle.

(d) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway.

(e) "Traffic regulation" includes any provision governing motor vehicle operation, equipment, safety, or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking.

(2) Subject to subsection (3), when the department receives a report of conviction, the department shall assign points based on the point schedule to determine whether an individual is a habitual traffic offender, as follows:

- (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;
- (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, vehicular manslaughter, or negligent vehicular assault, 12 points;
- (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;
- (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of \$1,000 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of Title 61, chapter 7, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired.

(l) speeding, except as provided in 61-8-725(2)(a), 3 points;

(m) all other moving violations, 2 points.

(3) If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant."

**NEW SECTION. Section 4. {standard} Codification instruction.** [Sections 1 through 3] are intended to be codified as an integral part of Title 45, chapter 5, and the provisions of Title 45, chapter 5, apply to [sections 1 through 3].

**NEW SECTION. Section 5. Submission to electorate.** This initiative shall be submitted to the qualified electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of this initiative and the following:

YES ON INITIATIVE I-188

NO ON INITIATIVE I-188