

Amendment to SB 66-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the penalties for negligent homicide and manslaughter causing a  
4 miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree  
5 murder cases.  
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7 Amend the bill by replacing all after the enacting clause with the following:

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9 1 Homicide; Manslaughter. Amend RSA 630:2 to read as follows:

10 630:2 Manslaughter.

11 I. A person is guilty of manslaughter when he **or she** causes the death of another:

12 (a) Under the influence of extreme mental or emotional disturbance caused by extreme  
13 provocation but which would otherwise constitute murder; or

14 (b) Recklessly.

15 II.(a) Manslaughter shall be punishable by imprisonment for a term of not more than 30  
16 years.

17 (b) ***Manslaughter which causes a miscarriage or stillbirth, as defined in RSA***  
18 ***631:1, II(a) and (b), shall be punishable by imprisonment for a term of not more than 60***  
19 ***years.***

20 III. In addition to any other penalty imposed, if the death of another person resulted from  
21 the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted  
22 person indefinitely.

23 2 Homicide; Negligent Homicide. Amend RSA 630:3 to read as follows:

24 630:3 Negligent Homicide.

25 I. A person is guilty of a class B felony when he **or she** causes the death of another  
26 negligently. ***A person convicted of class B felony negligent homicide which causes a***  
27 ***miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by***  
28 ***imprisonment for a term of not more than 14 years.***

29 II. A person is guilty of a class A felony when in consequence of being under the influence of  
30 intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled  
31 drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA  
32 265-A:1, II, he or she causes the death of another. ***A person convicted of class A felony***  
33 ***negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a)***

1 ***and (b), shall be punished by imprisonment for a term of not more than 25 years.***

2 III. In addition to any other penalty imposed, if the death of another person resulted from  
3 the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the  
4 convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the  
5 court shall revoke the license or driving privilege of the convicted person indefinitely and the person  
6 shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in  
7 which alcohol was involved, the court may also require that the convicted person shall not have a  
8 license to drive reinstated until after the division of motor vehicles receives certification of  
9 installation of an ignition interlock device as described in RSA 265-A:36, which shall remain in  
10 place for a period not to exceed 5 years.

11 3 Homicide; Second Degree Murder. Amend RSA 630:1-b to read as follows:

12 630:1-b Second Degree Murder.

13 I. A person is guilty of murder in the second degree if:

14 (a) He ***or she*** knowingly causes the death of another; or

15 (b) He ***or she*** causes such death recklessly under circumstances manifesting an  
16 extreme indifference to the value of human life. Such recklessness and indifference are presumed if  
17 the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to  
18 commit, or in immediate flight after committing or attempting to commit any class A felony.

19 II. Murder in the second degree shall be punishable by imprisonment for life or for such  
20 term as the court may order.

21 ***III. In cases where a person is convicted of murder in the second degree which***  
22 ***causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), the judge shall***  
23 ***explicitly state for the record that he or she considered the miscarriage or stillbirth as a***  
24 ***factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or***  
25 ***stillbirth had in determining the sentence imposed.***

26 4 Effective Date. This act shall take effect January 1, 2018

2017-1961h

AMENDED ANALYSIS

This bill adds an enhanced term of imprisonment for manslaughter or negligent homicide causing a miscarriage or stillbirth. The bill also requires that in second degree murder convictions, the judge shall state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence.