

IN THE SENATE

SENATE BILL NO. 1004

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PUNISHMENT FOR MANSLAUGHTER; AMENDING SECTION 18-4006, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-4007, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE AMOUNT OF SUPPORT PAID WHEN VEHICULAR MANSLAUGHTER RESULTED IN THE DEATH OF THE PARENT OR PARENTS OF A CHILD AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-4006, Idaho Code, be, and the same is hereby amended to read as follows:

18-4006. MANSLAUGHTER DEFINED. Manslaughter is the unlawful killing of a human being including, but not limited to, a human embryo or fetus, without malice. It is of three (3) kinds:

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

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

(3-) Vehicular – in which the operation of a motor vehicle is a significant cause contributing to the death because of:

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

or

(b) The commission of a violation of section 18-8004 or 18-8006, Idaho Code; or

(c) The commission of an unlawful act, not amounting to a felony, without gross negligence.

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

SECTION 2. That Section 18-4007, Idaho Code, be, and the same is hereby amended to read as follows:

18-4007. PUNISHMENT FOR MANSLAUGHTER. Manslaughter is punishable as follows:

1 (1-) Voluntary – by a fine of not more than fifteen thousand dollars (\$15,000), or by a
 2 sentence to the custody of the state board of correction not exceeding fifteen (15) years, or by
 3 both such fine and imprisonment.

4 (2-) Involuntary – by a fine of not more than ten thousand dollars (\$10,000), or by a
 5 sentence to the custody of the state board of correction not exceeding ten (10) years, or by both
 6 such fine and imprisonment.

7 (3-) Vehicular – in the operation of a motor vehicle:

8 (a) For a violation of section 18-4006(3-)(a), Idaho Code, by a fine of not more than
 9 ten thousand dollars (\$10,000), or by a sentence to the custody of the state board of
 10 correction not exceeding ten (10) years, or by both such fine and imprisonment.

11 (b) For a violation of section 18-4006(3-)(b), Idaho Code, by a fine of not more than
 12 fifteen thousand dollars (\$15,000), or by a sentence to the custody of the state board of
 13 correction not exceeding fifteen (15) years, or by both such fine and imprisonment.

14 (c) For a violation of section 18-4006(3-)(c), Idaho Code, by a fine of not more than two
 15 thousand dollars (\$2,000), or by a jail sentence not exceeding one (1) year, or by both
 16 such fine and jail sentence.

17 (d) In addition to the foregoing, any person convicted of a violation of section
 18 18-4006(3-), Idaho Code, which resulted in the death of the parent or parents of minor
 19 children may be ordered by the court to pay support for each such minor child until the
 20 child reaches the age of eighteen (18) years. ~~Support shall be established in accordance~~
 21 ~~with the child support guidelines then in effect, and~~ In setting the amount of support, the
 22 court shall consider all relevant factors, including:

23 (i) The financial resources of each child;

24 (ii) The financial resources, needs and obligations of the defendant and of the
 25 surviving parent or guardian of the child or children, which shall not include
 26 a surviving parent's community property interest in the financial resources or
 27 obligations of a spouse who is not a parent or guardian of the child or children,
 28 unless compelling reasons exist;

29 (iii) The standard of living each child enjoyed during the life of the parent or
 30 parents;

31 (iv) The physical and emotional condition and needs of each child;

32 (v) The availability of medical coverage for the child at reasonable cost as
 33 defined in section 32-1214B, Idaho Code;

34 (vi) The educational needs of each child; and

35 (vii) The actual tax benefit realized by the party claiming the federal child
 36 dependency exemption.

37 ‡The nonpayment of such support shall be subject to enforcement and collection by the
 38 surviving parent or guardian of the child in the same manner that other child support
 39 orders are enforced as provided by law. In no event shall the child support judgment or
 40 order imposed by the court under this section be paid or indemnified by the proceeds of
 41 any liability insurance policy.

42 (e) In addition to the foregoing, the driver's license of any person convicted of a
 43 violation of section 18-4006(3-), Idaho Code, may be suspended for a time determined by
 44 the court.