

1 any substance controlled under chapter 893, when affected to
2 the extent that the person's normal faculties are impaired;
3 (b) The person has a blood-alcohol level of 0.08 or
4 more grams of alcohol per 100 milliliters of blood; or
5 (c) The person has a breath-alcohol level of 0.08 or
6 more grams of alcohol per 210 liters of breath.
7 (3) Any person:
8 (a) Who is in violation of subsection (1);
9 (b) Who operates a vehicle; and
10 (c) Who, by reason of such operation, causes or
11 contributes to causing:
12 1. Damage to the property or person of another commits
13 a misdemeanor of the first degree, punishable as provided in
14 s. 775.082 or s. 775.083.
15 2. Serious bodily injury to another, as defined in s.
16 316.1933, commits a felony of the third degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084.
18 3. The death of any human being or unborn quick child
19 commits DUI manslaughter, and commits:
20 a. A felony of the second degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.
22 b. A felony of the first degree, punishable as
23 provided in s. 775.082, s. 775.083, or s. 775.084, if:
24 (I) At the time of the crash, the person knew, or
25 should have known, that the crash occurred; and
26 (II) The person failed to give information and render
27 aid as required by s. 316.062.
28
29 For purposes of this paragraph, any person who violates
30 subsection (1) creates a rebuttable presumption that he or she
31 caused or contributed to causing damage to property, serious

1 bodily injury, or death to another human being or unborn quick
2 child.

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4 For purposes of this subsection, the definition of the term
5 "unborn quick child" shall be determined in accordance with
6 the definition of viable fetus as set forth in s. 782.071.

7 Section 2. Section 782.071, Florida Statutes, is
8 amended to read:

9 782.071 Vehicular homicide.--"Vehicular homicide" is
10 the killing of a human being, or the killing of a viable fetus
11 by any injury to the mother, caused by the operation of a
12 motor vehicle by another in a reckless manner likely to cause
13 the death of, or great bodily harm to, another.

14 (1) Vehicular homicide is:

15 (a) A felony of the second degree, punishable as
16 provided in s. 775.082, s. 775.083, or s. 775.084.

17 (b) A felony of the first degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084, if:

19 1. At the time of the accident, the person knew, or
20 should have known, that the accident occurred; and

21 2. The person failed to give information and render
22 aid as required by s. 316.062.

23
24 This paragraph does not require that the person knew that the
25 accident resulted in injury or death.

26 (2) For purposes of this section, a fetus is viable
27 when it becomes capable of meaningful life outside the womb
28 through standard medical measures.

29 (3) For purposes of this section, any person who
30 violates s. 316.193(1) creates a rebuttable presumption that

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1 he or she operated a motor vehicle in a reckless manner likely
2 to cause death or bodily injury to a human being.

3 ~~(4)(3)~~ A right of action for civil damages shall exist
4 under s. 768.19, under all circumstances, for all deaths
5 described in this section.

6 ~~(5)(4)~~ In addition to any other punishment, the court
7 may order the person to serve 120 community service hours in a
8 trauma center or hospital that regularly receives victims of
9 vehicle accidents, under the supervision of a registered
10 nurse, an emergency room physician, or an emergency medical
11 technician pursuant to a voluntary community service program
12 operated by the trauma center or hospital.

13 Section 3. This act shall take effect July 1, 2006.
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