

AGGRAVATED VEHICULAR HOMICIDE

- Sentencing Range: 16-40 years
- Probation Eligible: No
- Parole Eligibility: 75% of sentence less earned time
- Mirrors the current sentencing on 2nd Degree Murder cases



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AGGRAVATED DRIVING COMPONENTS

2nd Degree Vehicular Homicide + Aggravated Driving
= *1st Degree Vehicular Homicide*

1st Degree Vehicular Homicide + Aggravated Driving
= *Aggravated Vehicular Homicide*



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AGGRAVATED DRIVING COMPONENTS

Recommended:

- Causing the death of more than one other person (IL, NY, PA)
- Prior DUI or DWAI conviction in past 10 years (IN, NC, NY, OR, VT)
- Prior vehicular homicide, vehicular assault, or felony DUI conviction (OK, OR, NY)
- Failing to stop at the scene of the crash (FL)
- Causing the death of a child who is under the age of sixteen years (AZ & NY)



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AGGRAVATED DRIVING COMPONENTS

Recommended from CO Revised Statutes:

- Committing DUI or DWAI with at least one child in the vehicle (AKA child endangerment—which is considered child abuse under CRS 18-6-401)
- Causing the death of a vulnerable road user as defined in CRS 42-4-1402.5
- Committing vehicular unlawful termination of the pregnancy of another person as defined in CRS 18-3.5-107 (FL, MN, ND, OH, SD & WI)



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AGGRAVATED DRIVING

We had concerns about these:

- BAC of .15 or more: (AZ, LA & NY)
- Driving under revocation or suspension (GA & NY)
 - In 2020, 45% of drivers involved in fatal crashes had previously recorded suspensions or revocations according to NHTSA.
- Committing DUI or DWAI with two or more impairing substances



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RECAP

- Recommending 3 tiers similar to NY:
 - *2nd Degree Vehicular Homicide*
 - *1st Degree Vehicular Homicide*
 - *Aggravated Vehicular Homicide*
- Components of aggravated driving
- Increase the sentencing ranges



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Questions?