

39-13-213. Vehicular homicide

(a) Vehicular homicide is the reckless killing of another by the operation of an automobile, airplane, vessel subject to registration under title 69, chapter 9, part 2, or other motor vehicle, as the proximate result of:

(1) Conduct creating a substantial risk of death or serious bodily injury to a person;

(2) The driver's intoxication, as set forth in § 55-10-401, or the operator's intoxication, as set forth in § 69-9-217(a). For the purposes of this section, "intoxication" includes alcohol intoxication as defined by § 55-10-411(a), drug intoxication, or both;

(3) As the proximate result of conduct constituting the offense of drag racing as prohibited by title 55, chapter 10, part 5; or

(4) The driver's conduct in a posted construction zone where the person killed was an employee of the department of transportation or a highway construction worker.

(b)

(1) Vehicular homicide under subdivision (a)(1) or (a)(3) is a Class C felony.

(2)

(A) Vehicular homicide under subdivision (a)(2) is a Class B felony.

(B) Any sentence imposed for a first violation of subdivision (a)(2) shall include a mandatory minimum sentence of forty eight (48) consecutive hours of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire forty eight hour minimum mandatory sentence.

(C) If at the time of sentencing for a violation of subdivision (a)(2), the person has one (1) prior conviction for an alcohol related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of forty five (45) consecutive days of incarceration. The person shall not be eligible for release

~~from confinement on probation pursuant to § 40-35-303 until the person has served the entire forty five day minimum mandatory sentence.~~

~~**(D)** If at the time of sentencing for a violation of subdivision (a)(2), the person has any combination of two (2) prior convictions for an alcohol related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of one hundred twenty (120) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire one hundred twenty day mandatory minimum sentence.~~

~~**(E)** If at the time of sentencing for a violation of subdivision (a)(2), the person has any combination of three (3) or more prior convictions for an alcohol related offense, any sentence imposed by the judge shall include a mandatory minimum sentence of one hundred fifty (150) consecutive days of incarceration. The person shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the person has served the entire one hundred fifty day mandatory minimum sentence.~~

(F) As used in this subdivision (b)(2), "alcohol-related offense" means a conviction for a violation of subdivision (a)(2), § 55-10-401, § 39-13-106, or § 39-13-218.

(G) For purposes of sentencing under this subdivision (b)(2), a prior conviction for an alcohol-related offense may be used to enhance the mandatory minimum sentence regardless of whether it occurred before or after July 1, 2015, as long as the violation of this section occurs on or after July 1, 2015.

(3) Vehicular homicide under subdivision (a)(4) is a Class D felony.

(c) The court shall prohibit a defendant convicted of vehicular homicide from driving a vehicle or operating a vessel subject to registration in this state for a period of time not less than three (3) years nor more than ten (10) years.

Note: 2022 Truth In Sentencing legislation effectively eliminated subsections (b)(2)(A) through.