

Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439

HB 2439 amends the definition of the crime of involuntary manslaughter to include the killing of a human being committed in the commission of, or attempt to commit, or flight from driving under the influence of alcohol, drugs, or both (DUI) while:

- In violation of any restriction imposed on such person's driving privileges for DUI;
- The person's driving privileges are suspended or revoked for DUI; or
- The person has been deemed a "habitual violator," as defined in KSA 2017 Supp. 8-285, including at least one DUI violation.

Violation of this provision is a severity level 3 person felony. This new offense is added to the list of offenses for which juvenile records or files may not be expunged. It also is added to the list of offenses that the Department of Corrections is required to report when committed by a sex offender in the custody of the Secretary of Corrections.

In addition, the bill amends the definition of aggravated battery to include causing great bodily harm or disfigurement of another person while DUI under the same circumstances as those described above. Violation of the aggravated battery provision is a severity level 4 person felony.

The new offenses are added to the list of underlying offenses requiring an increased penalty for a third or subsequent conviction for driving while driving privileges are canceled, suspended, or revoked for such underlying offenses. The bill amends the DUI, commercial DUI, and test refusal statutes to include the new offenses in the list of offenses for which any convictions in a person's lifetime must be considered in determining the number of a subsequent DUI conviction. The DUI administrative penalties definitions statute is amended to include the new offenses, as well as the continuing offense of involuntary manslaughter while DUI, in the definition of "alcohol or drug-related conviction."

The statute governing the use of previous DUI-related convictions in calculating criminal history for involuntary manslaughter while DUI or aggravated battery while DUI is amended to apply the same rules to the new offenses.