



2009 SENATE BILL 363

October 23, 2009 – Introduced by Senators GROTHMAN and DARLING, cosponsored by Representatives STRACHOTA, TOWNSEND, BROOKS, KNODL, LEMAHEU, BIES, KAUFERT and LOTHIAN. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT** *to repeal* 346.74 (5) (e); *to amend* 346.74 (5) (b) and 346.74 (5) (c); and
2 *to create* 346.74 (5) (bm) of the statutes; **relating to:** the penalty for failing to
3 stop at the scene of a motor vehicle accident and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, if an operator of a vehicle has an accident resulting in personal injury or vehicle damage, the operator must immediately stop the vehicle at or near the scene of the accident, provide certain information, and render reasonable assistance to any injured person. A person who commits a failure-to-stop violation (hit-and-run): 1) may be fined not more than \$10,000 or imprisoned for not more than nine months or both if the accident involved injury to a person but the person did not suffer great bodily harm; 2) is guilty of a Class E felony if the accident involved injury to a person and the person suffered great bodily harm; and 3) is guilty of a Class D felony if the accident involved death to a person.

This bill creates an additional category of penalty for hit-and-run. A person guilty of hit-and-run is guilty of a Class H felony if the accident involved injury to a person and the person suffered substantial bodily harm. A Class H felony is punishable by a fine not exceeding \$10,000 or imprisonment not exceeding six years or both. “Substantial bodily harm” means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight, or hearing; a concussion; or a loss or fracture of a tooth. The bill also defines “great bodily harm,” for purposes of the bill, as bodily injury that creates a substantial risk of death, or that causes

