

2023 -- S 0331

LC001854

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- THE MATTHEW O'GARA ACT OF 2022

Introduced By: Senators Burke, LaMountain, McKenney, Raptakis, and Tikoian

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be known and may be cited as the "Matthew O'Gara Act of
2 2022."

3 SECTION 1. Section 31-26-1 of the General Laws in Chapter 31-26 entitled "Accidents
4 and Accident Reports" is hereby amended to read as follows:

5 **31-26-1. ~~Duty to stop in accidents resulting in personal injury~~ Duty to stop in accidents**
6 **resulting in personal injury -- The Matthew O'Gara Act of 2022.**

7 (a) The driver of any vehicle knowingly involved in an accident resulting in injury to,
8 serious bodily injury to, or death of any person shall immediately stop the vehicle at the scene of
9 the accident or as close to it as possible, but shall then immediately return to and in every event
10 shall remain at the scene of the accident until he or she has fulfilled the requirements of § 31-26-
11 3. A stop shall be made without obstructing traffic more than is necessary.

12 (b) Any person knowingly failing to stop or to comply with the requirements under
13 circumstances which result in injury to any person shall upon conviction be punished by a
14 mandatory loss of license for at least one year and not more than five (5) years and imprisonment
15 for not less than eighteen (18) months and not more than five (5) years, ~~and/or fined~~ plus a fine of
16 up to five thousand dollars (\$5,000).

17 (c)(1) Any person knowingly failing to stop or to comply with the requirements under
18 circumstances which result in serious bodily injury to any person shall upon conviction be punished

1 as follows:

2 (i) Every person convicted of a first violation shall be punished by imprisonment for not
3 less than ~~one year~~ eighteen (18) months and for not more than ten (10) years and by a fine of not
4 less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000). The
5 sentencing judge shall have the discretion to sentence the person to any unit of the adult correctional
6 institutions. Additionally, the license of the person shall be revoked for a period of ~~up to~~ at least
7 two (2) years and not more than ten (10) years. The license privilege shall not be reinstated until
8 evidence satisfactory to the administrator of the division of motor vehicles establishes that no
9 grounds exist which would authorize refusal to issue a license and until the person gives proof of
10 financial responsibility pursuant to chapter 32 of this title.

11 (ii) For a second or subsequent conviction under this subsection within a five (5) year
12 period, a person shall be punished by imprisonment for not less than two (2) years nor more than
13 fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten
14 thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person
15 to any unit of the adult correctional institutions. Additionally, the license of the person shall be
16 revoked for a period of ~~up to~~ at least four (4) years and not more than fifteen (15) years. The license
17 privilege shall not be reinstated until evidence satisfactory to the administrator of the division of
18 motor vehicles establishes that no grounds exist which would authorize refusal to issue a license
19 and until the person gives proof of financial responsibility pursuant to chapter 32 of this title.

20 (2) As used in this subsection, "serious bodily injury" means physical injury that creates a
21 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment
22 of the function of any bodily member or organ.

23 (d) Any person knowingly failing to stop or to comply with the requirements under
24 circumstances which result in the death of any person, shall upon conviction be punished pursuant
25 to the provisions of this subsection as follows:

26 (1) Every person convicted of a first violation of this subsection shall be punished by
27 imprisonment in the state prison for not less than ~~two (2)~~ five (5) years and for not more than fifteen
28 (15) years, in any unit of the adult correctional institutions in the discretion of the sentencing judge,
29 by a fine of not less than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) nor more
30 than ~~ten thousand dollars (\$10,000)~~ twenty thousand dollars (\$20,000), and his or her license to
31 operate a motor vehicle shall be revoked for a period of ~~three (3)~~ not less than five (5) years and
32 not more than fifteen (15) years. The license privilege shall not be reinstated until evidence
33 satisfactory to the administrator of the division of motor vehicles establishes that no grounds exist
34 which would authorize the refusal to issue a license, and until the person gives proof of financial

1 responsibility pursuant to chapter 32 of this title.

2 (2) Every person convicted of a second or subsequent violation of this subsection within a
3 five (5) year period shall be punished by imprisonment in the state prison for not less than five (5)
4 years and for not more than twenty (20) years, in any unit of the adult correctional institutions in
5 the discretion of the sentencing judge, by a fine of not less than ten thousand dollars (\$10,000) nor
6 more than twenty thousand dollars (\$20,000) and his or her license to operate a motor vehicle shall
7 be revoked for a period of not less than five (5) years and may be permanently revoked. ~~The~~ If less
8 than a permanent revocation is imposed the license privilege shall not be reinstated until evidence
9 satisfactory to the administrator of the division of motor vehicles establishes that no grounds exist
10 which would authorize the refusal to issue a license, and until the person gives proof of financial
11 responsibility pursuant to chapter 32 of this title.

12 (e) This section shall apply in its entirety to any driver of a motor vehicle knowingly
13 involved in an accident with a pedestrian or a person riding a bicycle.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- THE MATTHEW O'GARA ACT OF
2022

- 1 This act would increase the penalties for a first offense of leaving the scene of an accident
2 resulting in death to a minimum five (5) years in incarceration, a minimum of ten thousand dollars
3 (\$10,000) and a minimum license revocation of five (5) years.
4 This act would take effect upon passage.

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