

Homicide: Murder and Involuntary Manslaughter

In 2008, the Commission published its Report on [Homicide: Murder and Involuntary Manslaughter](#) (LRC 87-2008) (3rd Programme of Law Reform, Project 17). This followed from the Consultation Paper on [Homicide: The Mental Element in Murder](#) (LRC CP 17-2001) and the Consultation Paper on [Involuntary Manslaughter](#) (LRC CP 44-2007). In the Report the Commission recommended that the existing definition of the mental element in murder – an intention to kill or cause serious injury – should be retained and should be extended to include a subjective form of reckless indifference to the value of human life. The Commission concluded that this was required to ensure that murder clearly encompassed the most heinous unlawful killings. As to involuntary manslaughter, the Commission has also recommended that the current two divisions of involuntary manslaughter – unlawful and dangerous act manslaughter and gross negligence manslaughter – should be retained. Unlawful and dangerous act manslaughter would occur where the act which causes death constitutes a criminal offence and poses a risk of bodily harm to another; and the act is one which an ordinary reasonable person would consider to be dangerous, that is, is likely to cause bodily harm. Low levels of deliberate violence would be removed from the scope of unlawful and dangerous act manslaughter and the Commission recommended that a new offence of assault causing death be enacted to deal with these. Gross negligence manslaughter would continue to require negligence of a very high degree and that the negligence involved a high degree of risk or likelihood of substantial personal injury to others.

The Commission also recommended that the specific offence of dangerous driving causing death should continue to exist alongside the more serious offence of manslaughter. The Commission also recommended the enactment of a new offence of careless driving causing death.