

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 378

Short Title: Increase Punishment/Misd. Death by Vehicle. (Public)

Sponsors: Senators Bingham (Primary Sponsor); and Rabin.

Referred to: Rules and Operations of the Senate.

March 25, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES OF
3 MISDEMEANOR DEATH BY VEHICLE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-141.4 reads as rewritten:

6 "**§ 20-141.4. Felony and misdemeanor death by vehicle; felony serious injury by vehicle;**
7 **aggravated offenses; repeat felony death by vehicle.**

8 ...

9 (a4) Aggravated Misdemeanor Death by Vehicle. – A person commits the offense of
10 aggravated misdemeanor death by vehicle if:

11 (1) The person unintentionally causes the death of another person,

12 (2) The person was engaged in the violation of any State law or local ordinance
13 applying to the operation or use of a vehicle or to the regulation of traffic,
14 other than impaired driving under G.S. 20-138.1 or G.S. 20-138.2,

15 (3) The commission of the offense in subdivision (2) of this subsection is the
16 proximate cause of the death, and

17 (4) The person has three or more previous convictions for a violation of any
18 State law or local ordinance applying to the operation or use of a vehicle or
19 to the regulation of traffic, other than impaired driving under G.S. 20-138.1
20 or G.S. 20-138.2, within seven years of the date of the offense.

21 ~~(a4)~~(a5) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense
22 of aggravated felony serious injury by vehicle if:

23 ...

24 ~~(a5)~~(a6) Aggravated Felony Death by Vehicle. – A person commits the offense of
25 aggravated felony death by vehicle if:

26 ...

27 ~~(a6)~~(a7) Repeat Felony Death by Vehicle Offender. – A person commits the offense of
28 repeat felony death by vehicle if:

29 (1) The person commits an offense under subsection (a1) or subsection ~~(a5)~~(a6)
30 of this section; and

31 (2) The person has a previous conviction under:

32 a. Subsection (a1) of this section;

33 b. Subsection ~~(a5)~~(a6) of this section; or

34 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the
35 unintentional death of another person while engaged in the offense of
36 impaired driving under G.S. 20-138.1 or G.S. 20-138.2.



* S 3 7 8 - V - 1 *

1 The pleading and proof of previous convictions shall be in
2 accordance with the provisions of G.S. 15A-928.

3 (b) Punishments. – Unless the conduct is covered under some other provision of law
4 providing greater punishment, the following classifications apply to the offenses set forth in
5 this section:

6 ...

7 (5) Misdemeanor death by vehicle is a Class A1 misdemeanor.

8 (6) Aggravated misdemeanor death by vehicle is a Class A1 misdemeanor,
9 provided that, notwithstanding G.S. 15A-1340.23, a person convicted of
10 aggravated misdemeanor death by vehicle may be sentenced to an active
11 sentence of not more than one year. Nothing in this subdivision shall be
12 construed as prohibiting a greater sentence if the conduct is prohibited by
13 another provision of law providing for greater punishment.

14"

15 **SECTION 2.** G.S. 20-19(e) reads as rewritten:

16 "(e) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has
17 two or more previous offenses involving impaired driving for which the person has been
18 convicted, and the most recent offense occurred within the five years immediately preceding
19 the date of the offense for which the person's license is being revoked, (ii) G.S. 20-17(a)(2) and
20 the person was sentenced pursuant to G.S. 20-179(f3) for the offense resulting in the
21 revocation, or (iii) G.S. 20-17(a)(9) due to a violation of ~~G.S. 20-141.4(a4)~~, G.S. 20-141.4(a5),
22 the revocation is permanent."

23 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
24 offenses committed on or after that date.