

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 378
Judiciary II Committee Substitute Adopted 4/28/15
Third Edition Engrossed 4/29/15

Short Title: Increase Punishment/Misd. Death by Vehicle.

(Public)

Sponsors:

Referred to:

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 applying to the
13 operation or use of a vehicle or to the regulation of traffic, other than the
14 following:

15 a. Impaired driving under G.S. 20-138.1 or G.S. 20-138.2;

16 b. Improper equipment under G.S. 20-141(o)(1);

17 c. A financial responsibility requirement under G.S. 20-311;

18 d. A registration requirement under G.S. 20-111; or

19 e. No operator's license under G.S. 20-7.

20 (3) The commission of the offense in subdivision (2) of this subsection is the
21 proximate cause of the death; and

22 (4) Within five years of the date of the offense, the person has three or more
23 previous convictions for a violation of any State law or local law applying to
24 the operation or use of a vehicle or to the regulation of traffic, other than the
25 following:

26 a. Impaired driving under G.S. 20-138.1 or G.S. 20-138.2;

27 b. Improper equipment under G.S. 20-141(o)(1);

28 c. A financial responsibility requirement under G.S. 20-311;

29 d. A registration requirement under G.S. 20-111; or

30 e. No operator's license under G.S. 20-7.

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

33 ...

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



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1 ...
 2 ~~(a6)~~(a7) Repeat Felony Death by Vehicle Offender. – A person commits the offense of
 3 repeat felony death by vehicle if:

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

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

7 a. Subsection (a1) of this section;

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

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

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

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

17 ...

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

19 (6) Aggravated misdemeanor death by vehicle is a Class A1 misdemeanor,
 20 provided that, notwithstanding G.S. 15A-1340.23(c), the court may impose
 21 an active or suspended sentence of up to 365 days, regardless of the
 22 defendant's prior conviction level. Nothing in this subdivision shall be
 23 construed as prohibiting a greater sentence if the conduct is prohibited by
 24 another provision of law providing for greater punishment.

25"

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

27 "(e) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has
 28 two or more previous offenses involving impaired driving for which the person has been
 29 convicted, and the most recent offense occurred within the five years immediately preceding
 30 the date of the offense for which the person's license is being revoked, (ii) G.S. 20-17(a)(2) and
 31 the person was sentenced pursuant to G.S. 20-179(f3) for the offense resulting in the
 32 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),
 33 the revocation is permanent."

34 **SECTION 3.** G.S. 20-141.4(a2)(2) reads as rewritten:

35 "(2) The person was engaged in the violation of any State law or local ordinance
 36 applying to the operation or use of a vehicle or to the regulation of traffic,
 37 other than impaired driving under ~~G.S. 20-138.1~~, G.S. 20-138.1 or
 38 G.S. 20-138.2, and"

39 **SECTION 4.** G.S. 20-16.2(a1) reads as rewritten:

40 "(a1) Meaning of Terms. – Under this section, an "implied-consent offense" is an offense
 41 involving impaired driving, a violation of G.S. 20-141.4(a2), a violation of G.S. 20-141.4(a4),
 42 or an alcohol-related offense made subject to the procedures of this section. A person is
 43 "charged" with an offense if the person is arrested for it or if criminal process for the offense
 44 has been issued."

45 **SECTION 5.** This act becomes effective December 1, 2015, and applies to
 46 offenses committed on or after that date.