

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH50271-MA-57B (01/05)

Short Title: The Baucum - Reynolds Safe Roads Act.

(Public)

Sponsors: Representatives Folwell, Horn, Sanderson, and Parmon (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE THE USE OF A MOBILE PHONE WHEN INVOLVED IN A REPORTABLE CRASH RESULTING IN DEATH OR SERIOUS INJURY AN AGGRAVATING FACTOR IN SENTENCING FOR THE UNDERLYING OFFENSE COMMITTED WHICH RESULTED IN THE REPORTABLE CRASH.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-137.4B. Mobile phone use in a crash is an aggravating factor in sentencing.**

(a) Mobile Phone Use. – The use of a mobile phone or additional technology, as those terms are defined in G.S. 20-137.3, while committing a violation of this Chapter, or any other law that results in a reportable crash resulting in death or serious injury, shall be considered an aggravating factor in sentencing for the violation resulting in the crash. A finding of mobile phone or additional technology use as an aggravating factor under this section shall require the punishment for the underlying violation of law to be set at the next highest level misdemeanor. If the underlying violation is a Class A1 misdemeanor or a felony, the punishment shall be set at the next highest level above the level at which the underlying offense would have been punished based on prior convictions. The sentence enhancement required by this section shall be in addition to any other penalty required by law or ordered by a court of competent jurisdiction.

(b) Prayers for Judgment Continued. – A person sentenced pursuant to this section shall be ineligible for a prayer for judgment continued or a remission of court costs and fines."

**SECTION 2.** This act becomes effective December 1, 2011, and applies to offenses committed on or after that date.

