

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
House Committee Substitute Favorable 8/26/15

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 (a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor
10 death by vehicle if:

11 ...

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~~, G.S. 20-138.1 or
15 G.S. 20-138.2, and

16 ...

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

19 ...

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

22 ...

23 (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of
24 repeat felony death by vehicle if:

25 (1) The person commits an offense under subsection (a1) or subsection (a5) of
26 this section; and

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

28 a. Subsection (a1) of this section;

29 b. Subsection (a5) of this section; or

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

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



1 (a7) Aggravated Misdemeanor Death by Vehicle. – A person commits the offense of
2 aggravated misdemeanor death by vehicle if:

3 (1) The person unintentionally causes the death of another person;

4 (2) The person was engaged in the violation of any State law applying to the
5 operation or use of a vehicle or to the regulation of traffic, other than the
6 following:

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

8 b. Improper equipment under G.S. 20-123.2;

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

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

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

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

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

18 a. Improper equipment under G.S. 20-123.2;

19 b. A financial responsibility requirement under G.S. 20-311;

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

21 d. No operator's license under G.S. 20-7.

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

25 ...

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

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

33 "

34 **SECTION 2.** G.S. 20-16.2(a1) reads as rewritten:

35 "(a1) Meaning of Terms. – Under this section, an "implied-consent offense" is an offense
36 involving impaired driving, a violation of G.S. 20-141.4(a2), a violation of G.S. 20-141.4(a7),
37 or an alcohol-related offense made subject to the procedures of this section. A person is
38 "charged" with an offense if the person is arrested for it or if criminal process for the offense
39 has been issued."

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