

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 9, 2021
S.B. 213
PRINCIPAL CLERK

S

D

SENATE BILL DRS55000-ML-40B*

Short Title: Req Active Time Felony Death MV/Boat. (Public)

Sponsors: Senator Ford (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ACTIVE TIME FOR A CONVICTION OF FELONY DEATH BY
3 VEHICLE OR FELONY DEATH BY IMPAIRED BOATING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-141.4(b) reads as rewritten:

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

- 9 (1) Repeat felony death by vehicle is a Class B2 felony.
10 (1a) Aggravated felony death by vehicle is a Class D felony. Notwithstanding the
11 provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the
12 aggravated range of the appropriate Prior Record Level.
13 (2) Felony death by vehicle is a Class D felony. Notwithstanding the provisions
14 of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant
15 who is a Prior Record Level I offender. Any intermediate punishment issued
16 pursuant to this subdivision shall include special probation with a continuous
17 period of confinement of at least one-fourth the maximum sentence of
18 imprisonment imposed for the offense. Notwithstanding G.S. 15A-1351, the
19 continuous period of confinement imposed may be for a period of up to 27
20 months.
21 (3) Aggravated felony serious injury by vehicle is a Class E felony.
22 (4) Felony serious injury by vehicle is a Class F felony.
23 (5) Misdemeanor death by vehicle is a Class A1 misdemeanor."

24 SECTION 2. G.S. 75A-10.3(f) reads as rewritten:

25 "(f) Punishments. – Unless the conduct is covered under some other provision of law
26 providing greater punishment, the following classifications apply to the offenses set forth in this
27 section:

- 28 (1) Repeat death by impaired boating is a Class B2 felony.
29 (2) Aggravated death by impaired boating is a Class D felony. Notwithstanding
30 the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in
31 the aggravated range of the appropriate Prior Record Level.
32 (3) Death by impaired boating is a Class D felony. Notwithstanding the provisions
33 of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant
34 who is a Prior Record Level I offender. Any intermediate punishment issued
35 pursuant to this subdivision shall include special probation with a continuous
36 period of confinement of at least one-fourth the maximum sentence of



1 imprisonment imposed for the offense. Notwithstanding G.S. 15A-1351, the
2 continuous period of confinement imposed may be for a period of up to 27
3 months.

4 (4) Aggravated serious injury by impaired boating is a Class E felony.

5 (5) Serious injury by impaired boating is a Class F felony."

6 **SECTION 3.** This act becomes effective December 1, 2021, and applies to offenses
7 committed on or after that date.