

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

1

SENATE BILL 213

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

Sponsors: Senator Ford (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 10, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ACTIVE TIME FOR A CONVICTION OF FELONY DEATH BY
VEHICLE OR FELONY DEATH BY IMPAIRED BOATING.

The General Assembly of North Carolina enacts:

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

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

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

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

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

- (1) Repeat death by impaired boating is a Class B2 felony.
- (2) Aggravated death by impaired boating is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the aggravated range of the appropriate Prior Record Level.
- (3) Death by impaired boating is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant who is a Prior Record Level I offender. Any intermediate punishment issued pursuant to this subdivision shall include special probation with a continuous 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.