

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS15129-ML-130 (03/10)

Short Title: Increase Punishment/Misd. Death by Vehicle. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to:

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 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 or G.S. 20-138.2,

15 (3) The commission of the offense in subdivision (2) of this subsection is the  
16 proximate cause of the death, and

17 (4) The person has three or more previous convictions for a violation of any  
18 State law or local ordinance applying to the operation or use of a vehicle or  
19 to the regulation of traffic, other than impaired driving under G.S. 20-138.1  
20 or G.S. 20-138.2, within seven years of the date of the offense.

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

23 ...

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

26 ...

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

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

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

32 a. Subsection (a1) of this section;

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

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



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

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

6 ...

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

8 (6) Aggravated misdemeanor death by vehicle is a Class A1 misdemeanor,  
9 provided that, notwithstanding G.S. 15A-1340.23, a person convicted of  
10 aggravated misdemeanor death by vehicle may be sentenced to an active  
11 sentence of not more than one year. Nothing in this subdivision shall be  
12 construed as prohibiting a greater sentence if the conduct is prohibited by  
13 another provision of law providing for greater punishment.

14 ...."

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

16 "(e) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has  
17 two or more previous offenses involving impaired driving for which the person has been  
18 convicted, and the most recent offense occurred within the five years immediately preceding  
19 the date of the offense for which the person's license is being revoked, (ii) G.S. 20-17(a)(2) and  
20 the person was sentenced pursuant to G.S. 20-179(f3) for the offense resulting in the  
21 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),  
22 the revocation is permanent."

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