



**This Bill Analysis reflects the contents of the bill as it was presented in committee.**

# SENATE BILL 378: Increase Punishment/Misd. Death by Vehicle

2015-2016 General Assembly

<b>Committee:</b>	House Judiciary III	<b>Date:</b>	August 26, 2015
<b>Introduced by:</b>	Sen. Bingham	<b>Prepared by:</b>	Susan Sitze*
<b>Analysis of:</b>	PCS to Third Edition S378-CSSA-95		Staff Attorney

**SUMMARY:** *The Proposed Committee Substitute for Senate Bill 378 would create a new offense of Aggravated Misdemeanor Death by Vehicle. The PCS makes technical changes.*

**CURRENT LAW:** G.S. 20-141.4 sets out the elements and penalties for the following crimes:

- Felony Death by Vehicle (Class D felony, and intermediate punishment is authorized for a defendant who is a Prior Record Level I offender)
- Misdemeanor Death by Vehicle (Class A1 misdemeanor)
- Felony Serious Injury by Vehicle (Class F felony)
- Aggravated Felony Serious Injury by Vehicle (Class E felony)
- Aggravated Felony Death by Vehicle (Class D felony, and the court must sentence the defendant in the aggravated range of the appropriate Prior Record Level)
- Repeat Felony Death by Vehicle (Class B2 felony)

G.S. 20-141.4(c) provides that no one who has been placed in jeopardy upon a charge of death by vehicle can be prosecuted for the offense of manslaughter arising out of the same death, and no one who has been placed in jeopardy upon a charge of manslaughter may be prosecuted for death by vehicle arising out of the same death.

**BILL ANALYSIS:** The PCS for Senate Bill 378 creates a new offense of Aggravated Misdemeanor Death by Vehicle. A person commits the offense of aggravated misdemeanor death by vehicle if all of the following apply: (1) the person unintentionally causes the death of another person; (2) the person was engaged in the violation of any State law applying to the use or operation of a vehicle other than those specified; (3) the commission of such offense is the proximate cause of the death; and (4) within five years of the date of the offense, the person has had three or more previous convictions for violations applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving/impaired driving in a commercial vehicle and other specifically identified offenses.

Aggravated misdemeanor death by vehicle is punishable as a Class A1 misdemeanor, provided that a person convicted of this offense can be sentenced to an active punishment of not more than one year.

The PCS for Senate Bill 378 also makes conforming changes.

**EFFECTIVE DATE:** This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

*\*Janice Paul and Kelly Tornow, Staff Attorneys, substantially contributed to this summary.*

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