



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

2015-2016 General Assembly

Committee:	Senate Judiciary II	Date:	April 27, 2015
Introduced by:	Sen. Bingham	Prepared by:	Janice Paul
Analysis of:	PCS to First Edition S378-CSTJ-25		Committee Counsel

SUMMARY: *The Proposed Committee Substitute for Senate Bill 378 would create a new offense of Aggravated Misdemeanor Death by Vehicle. The PCS deletes reference to "local ordinance," specifies traffic violations that are excluded as a basis for the offense, and 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 other than those specified; (3) the commission of such offense is the proximate cause of the death; and (4) within seven years of the date of the offense, the person has had three or more previous convictions for certain 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.

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.

Kelly Tornow, Staff Attorney, substantially contributed to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* S 3 7 8 - S M T J - 5 4 C S T J - 2 5 - V 3 *