



# HOUSE BILL 66: Req Active Time Felony Death MV/Boat.

2019-2020 General Assembly

<b>Committee:</b>	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 26, 2019
<b>Introduced by:</b>	Reps. Pittman, Speciale, Jackson, Graham	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 66 would require an active sentence for conviction of felony death by vehicle or death by impaired boating.

### CURRENT LAW:

#### Felony Death by Vehicle (G.S. 20-141.4(a1))

- (a) Felony Death by Vehicle. – A person commits the offense of felony death by vehicle if:
- (1) The person unintentionally causes the death of another person,
  - (2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, and
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.

#### Death by Impaired Boating (G.S. 75A-10.3(a))

- (a) Death by Impaired Boating. – A person commits the offense of death by impaired boating if all of the following apply:
- (1) The person unintentionally causes the death of another person.
  - (2) The person was engaged in the offense of impaired boating under G.S. 75A-10(b1).
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.

### BILL ANALYSIS:

**Section 1** of House Bill 66 would amend the punishment for Felony Death by Vehicle. Under current law, Felony Death by Vehicle is a Class D felony, which if sentenced pursuant to the Structured Sentencing Chart would require an active sentence. However, current law allows a person with a Prior Record Level I to be sentenced outside the chart and given an intermediate sentence. House Bill 66 would provide that if an intermediate sentence is given, it must include special probation with a continuous period of confinement of one-fourth the maximum sentence imposed for the offense, which could be up to 27 months.

**Section 2** of House Bill 66 would amend the punishment for Death by Impaired Boating. Under current law, Death by Impaired Boating is a Class D felony, which if sentenced pursuant to the Structured Sentencing Chart would require an active sentence. However, current law allows a person with a Prior Record Level I to be sentenced outside the chart and given an intermediate sentence. House Bill 66 would provide that if an intermediate sentence is given, it must include special probation with a continuous period

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of confinement of one-fourth the maximum sentence imposed for the offense, which could be up to 27 months.

**EFFECTIVE DATE:** This act would become effective December 1, 2019, and apply to offenses committed on or after that date.

## **BACKGROUND:**

Class D felony minimum punishment chart.

	A	A	A	A	A	A	DISPOSITION
	64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
	38-51	44-59	51-67	58-78	67-89	77-103	Mitigated

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Corresponding maximums for the range of minimum sentences applicable to Prior Record Level I offenders range from 58 months to 104 months.

Corresponding maximums for the entire range of Class D minimum sentences range from 58 months to 204 months.