



# HOUSE BILL 151: Req Active Time Felony Death MV/Boat.

2021-2022 General Assembly

<b>Committee:</b>	House Marine Resources and Aqua Culture. If favorable, re-refer to Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	May 5, 2021
<b>Introduced by:</b>	Reps. Pittman, C. Smith, Hanig, Kidwell	<b>Prepared by:</b>	Chris Saunders Committee Counsel
<b>Analysis of:</b>	PCS to First Edition H151-CSML-4		

**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 151 would require an active sentence for conviction of felony death by vehicle or death by impaired boating.*

*The PCS would repeal a provision in current law allowing intermediate punishment for a defendant who is a Prior Record Level I offender for felony death by vehicle and death by impaired boating, rather than imposing conditions on the intermediate punishment.*

[As introduced, this bill was identical to S213, as introduced by Sen. Ford, which is currently in Senate Rules and Operations of the Senate.]

## CURRENT LAW:

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

- (a1) 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 151 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

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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. This section would repeal the provision allowing an intermediate sentence for this offense.

**Section 2** 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. This section would repeal the provision allowing an intermediate sentence for this offense.

**EFFECTIVE DATE:** This act would become effective December 1, 2021, and would 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 108 months.

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

*Susan Sitze, Staff Attorney, substantially contributed to this summary.*