

§ 20-141.4. Felony and misdemeanor death by vehicle; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.

- (a) Repealed by Session Laws 1983, c. 435, s. 27.
- (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.
- (a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if:
- (1) The person unintentionally causes the death of another person,
 - (2) The person was engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G.S. 20-138.1, and
 - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.
- (a3) Felony Serious Injury by Vehicle. – A person commits the offense of felony serious injury by vehicle if:
- (1) The person unintentionally causes serious injury to 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 serious injury.
- (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:
- (1) The person unintentionally causes serious injury to 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,
 - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury, and
 - (4) The person has a previous conviction involving impaired driving, as defined in G.S. 20-4.01(24a), within seven years of the date of the offense.
- (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated 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,
 - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death, and
 - (4) The person has a previous conviction involving impaired driving, as defined in G.S. 20-4.01(24a), within seven years of the date of the offense.
- (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:
- (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and
 - (2) The person has a previous conviction under:
 - a. Subsection (a1) of this section;
 - b. Subsection (a5) of this section; or

- c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.
The pleading and proof of previous convictions shall be in accordance with the provisions of G.S. 15A-928.

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

- (1) Repeat felony death by vehicle is a Class B2 felony.
- (1a) Aggravated felony death by vehicle is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the aggravated range of the appropriate Prior Record Level.
- (2) Felony death by vehicle is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant who is a Prior Record Level I offender.
- (3) Aggravated felony serious injury by vehicle is a Class E felony.
- (4) Felony serious injury by vehicle is a Class F felony.
- (5) Misdemeanor death by vehicle is a Class A1 misdemeanor.

(c) No Double Prosecutions. – No person who has been placed in jeopardy upon a charge of death by vehicle may be prosecuted for the offense of manslaughter arising out of the same death; and no person who has been placed in jeopardy upon a charge of manslaughter may be prosecuted for death by vehicle arising out of the same death. (1973, c. 1330, s. 9; 1983, c. 435, s. 27; 1993, c. 285, s. 10; c. 539, ss. 371, 1259; 1994, Ex. Sess., c. 24, s. 14(c); 2006-253, s. 14; 2007-493, s. 15; 2009-528, s. 1; 2012-165, s. 2, 3.)