

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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SENATE BILL 158

Short Title: Modify Felony Death By Vehicle Penalty. (Public)

Sponsors: Senators Berger of Rockingham; Blake, Brock, Brown, East, Goodall, Hunt, Jacumin, Stevens, and Tillman.

Referred to: Judiciary I.

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR FELONY DEATH BY VEHICLE AND FELONY SERIOUS INJURY BY VEHICLE AND TO REPEAL AGGRAVATED DEATH BY VEHICLE AND AGGRAVATED SERIOUS INJURY BY VEHICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141.4(a4) is repealed.

SECTION 2. G.S. 20-141.4(a5) is repealed.

SECTION 3. G.S. 20-141.4(a6) reads as rewritten:

"(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~~; section; or

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.

A person convicted under this subsection shall be subject to the same sentence as if the person had been convicted of second degree murder."

SECTION 4. G.S. 20-141.4(b) reads as rewritten:

"(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) ~~Aggravated felony death by vehicle is a Class D felony.~~

(2) Felony death by vehicle is a Class ~~E~~D felony.

(3) ~~Aggravated felony serious injury by vehicle is a Class E felony.~~

(4) Felony serious injury by vehicle is a Class ~~F~~E felony.

(5) Misdemeanor death by vehicle is a Class 1 misdemeanor."

SECTION 5. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

