

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 673
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10198-ML-168 (03/24)

Short Title: DWLR/Death or Injury by Vehicle.

(Public)

Sponsors: Representative Faircloth.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON COMMITS CERTAIN DEATH OR SERIOUS INJURY BY VEHICLE OFFENSES IF THE PERSON CAUSES THE DEATH OR SERIOUS INJURY WHILE COMMITTING THE OFFENSE OF DRIVING WHILE LICENSE REVOKED FOR IMPAIRED DRIVING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141.4 reads as rewritten:

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

...

(a1) Felony Death by Vehicle. – A person commits the offense of felony death by vehicle ~~if~~ if all of the following apply:

- (1) The person unintentionally causes the death of another ~~person,~~person.
- (2) The person was engaged in the offense of (i) impaired driving under G.S. 20-138.1 or ~~G.S. 20-138.2,~~ and G.S. 20-138.2 or (ii) driving while license revoked for impaired driving under G.S. 20-28(a1).
- (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~~ if all of the following apply:

- (1) The person unintentionally causes the death of another ~~person,~~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 the offenses set forth in subdivision (2) of subsection (a1) of this section.
- (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~~ if all of the following apply:

- (1) The person unintentionally causes serious injury to another ~~person,~~person.
- (2) The person was engaged in the offense of (i) impaired driving under G.S. 20-138.1 or ~~G.S. 20-138.2,~~ and G.S. 20-138.2 or (ii) driving while license revoked for impaired driving under G.S. 20-28(a1).
- (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury.



1 (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of
 2 aggravated felony serious injury by vehicle ~~if~~if all of the following apply:

- 3 (1) The person unintentionally causes serious injury to another ~~person,~~person.
- 4 (2) The person was engaged in the offense of (i) impaired driving under
 5 G.S. 20-138.1 or ~~G.S. 20-138.2,~~G.S. 20-138.2 or (ii) driving while license
 6 revoked for impaired driving under G.S. 20-28(a1).
- 7 (3) The commission of the offense in subdivision (2) of this subsection is the
 8 proximate cause of the serious ~~injury,~~and injury.
- 9 (4) The person has a previous conviction involving impaired driving, as defined
 10 in G.S. 20-4.01(24a), or a previous conviction for driving while license
 11 revoked for impaired driving under G.S. 20-28(a1), within seven years of the
 12 date of the offense.

13 (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of
 14 aggravated felony death by vehicle ~~if~~if all of the following apply:

- 15 (1) The person unintentionally causes the death of another ~~person,~~person.
- 16 (2) The person was engaged in the offense of (i) impaired driving under
 17 G.S. 20-138.1 or ~~G.S. 20-138.2,~~G.S. 20-138.2 or (ii) driving while license
 18 revoked for impaired driving under G.S. 20-28(a1).
- 19 (3) The commission of the offense in subdivision (2) of this subsection is the
 20 proximate cause of the ~~death,~~and death.
- 21 (4) The person has a previous conviction involving impaired driving, as defined
 22 in G.S. 20-4.01(24a), or a previous conviction for driving while license
 23 revoked for impaired driving under G.S. 20-28(a1), within seven years of the
 24 date of the offense.

25 (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of
 26 repeat felony death by vehicle ~~if~~if all of the following apply:

- 27 (1) The person commits an offense under subsection (a1) or subsection (a5) of
 28 this ~~section;~~and section.
- 29 (2) The person has a previous conviction ~~under~~under any of the following:
 30 a. Subsection (a1) of this ~~section;~~section.
 31 b. Subsection (a5) of this ~~section;~~or section.
 32 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the
 33 unintentional death of another person while engaged in the offense of
 34 impaired driving under G.S. 20-138.1 or G.S. 20-138.2.
 35 The pleading and proof of previous convictions shall be in
 36 accordance with the provisions of G.S. 15A-928.

37"

38 **SECTION 2.** This act becomes effective December 1, 2017, and applies to
 39 offenses committed on or after that date.