

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1486
Committee Substitute Favorable 5/10/05

Short Title: Felony Death by Vehicle.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY
VEHICLE.

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.**

(a) Repealed by Session Laws 1983, c. 435, s. 27.

(a1) First Degree Felony Death by Vehicle. – A person commits the offense of first degree felony death by vehicle if he unintentionally causes the death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2 and commission of that offense is the proximate cause of the ~~death~~death, and any of the following factors is present at the time of the commission of the crime:

(1) Gross impairment of the defendant's faculties while driving or an alcohol concentration of 0.16 or more at a relevant time after driving.

(2) A violation of G.S. 20-28 or G.S. 20-28.1, and the revocation was an impaired driving revocation under G.S. 20-28.2(a).

(3) One or more prior convictions for an impaired driving offense during the seven years before the current offense.

(4) A violation under G.S. 20-141.5(b) of felony speeding to elude arrest.

(a2) Second Degree Felony Death by Vehicle. – A person commits the offense of second degree felony death by vehicle if that person unintentionally causes the death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, and commission of that offense is a proximate cause of the death and none of the aggravating factors in subsection (a1) of this section are present.

(a2)(a3) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if he unintentionally causes the death of another person while 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

1 under G.S. 20-138.1, and commission of that violation is the proximate cause of the
2 death.

3 (b) Punishments. – ~~Felony~~ First degree felony death by vehicle is a Class ~~G~~E
4 felony. Second degree felony death by vehicle is a Class G felony. Misdemeanor death
5 by vehicle is a Class 1 misdemeanor.

6 (c) No Double Prosecutions. – No person who has been placed in jeopardy upon
7 a charge of death by vehicle may be prosecuted for the offense of manslaughter arising
8 out of the same death; and no person who has been placed in jeopardy upon a charge of
9 manslaughter may be prosecuted for death by vehicle arising out of the same death."

10 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
11 offenses committed on or after that date.