

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS75131-LK-83 (3/12)

Short Title: Death by Vehicle.

(Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE OFFENSE OF "DEATH BY VEHICLE" AND TO PROVIDE THAT THE OFFENSE SHALL BE PUNISHED AS A CLASS I FELONY.

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(a) Repealed by Session Laws 1983, c. 435, s. 27.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) Felony Death by Vehicle. – A person commits the offense of 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.

(a2) Death by Vehicle. – A person commits the offense of death by vehicle if he unintentionally causes the death of another person while engaged in any of the following offenses and the commission of that offense is the proximate cause of death:

(1) Passing a stopped school bus.

(2) Reckless driving.

(3) Driving on the wrong side of the road.

(4) Running through a stop sign or a red light.

(5) Speeding of 15 miles per hour or more over the speed limit.

(6) Speeding in a school zone.

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

1 (b) Punishments. – Felony death by vehicle is a Class G felony. Death by vehicle
2 is a Class I felony. Misdemeanor death by vehicle is a Class 1 misdemeanor.

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

7 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
8 offenses committed on or after that date. Prosecutions for offenses committed before the
9 effective date of this act are not abated or affected by this act, and the statutes that
10 would be applicable but for this act remain applicable to those prosecutions.