

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 61

Short Title: Felony Death/Serious Injury by Vehicle. (Public)

Sponsors: Senators Thomas; Apodaca, Bingham, Garwood, Jenkins, Presnell, Smith, Swindell, Tillman, and Weinstein.

Referred to: Judiciary II.

February 7, 2005

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY  
INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND  
CREATING THE OFFENSE OF FELONY SERIOUS INJURY 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(a) Repealed by Session Laws 1983, c. 435, s. 27.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) **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) **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.

(a3) Felony Serious Injury by Vehicle. – A person commits the offense of felony serious injury by vehicle if he unintentionally causes serious injury to 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 serious injury.

(b) **Punishments.** – Felony death by vehicle is a Class ~~G-D~~ felony. Felony serious injury by vehicle is a Class E felony. Misdemeanor death by vehicle is a Class 1 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

- 1 out of the same death; and no person who has been placed in jeopardy upon a charge of  
2 manslaughter may be prosecuted for death by vehicle arising out of the same death."  
3           **SECTION 2.** This act becomes effective December 1, 2005, and applies to  
4 offenses committed on or after that date.