

April 21, 2005

H 1486. FELONY DEATH BY VEHICLE. TO PROVIDE FOR FIRST AND SECOND DEGREE FELONY DEATH BY VEHICLE. Amends GS 20-141.5 to denominate current offense of felony death by vehicle as second-degree felony death by vehicle and increase punishment from Class G to Class E felony. Creates new offense of first-degree felony death by vehicle punishable as Class I felony. New offense contains all elements of second-degree felony death by vehicle and additionally requires state to prove one of seven specified factors: (1) gross impairment of the defendant's faculties or alcohol concentration of 0.16 or more at relevant time after driving; (2) aggressive driving under GS 20-141.6; (3) violation of GS 20-28 (driving while license revoked) or 20-28.1 (moving violation during revocation); (4) one or more DWI convictions during seven years before current offense; (5) violation of GS 20-141.5 (speeding to elude arrest); (6) violation of GS 20-141 (speeding) involving speed at least 30 m.p.h. over speed limit; or (7) violation of GS 20-217 (passing stopped school bus). Effective December 1, 2005, and applicable to offenses committed on or after that date.

Intro. by Culpepper.

Ref. to Judiciary IV

GS 20

May 10, 2005

H 1486. FELONY DEATH BY VEHICLE. Intro. 4/21/05. House committee substitute makes the following changes to 1st edition. Revises two aggravating factors that make offense first degree felony death by vehicle: a violation of GS 20-28 or 20-28.1 if the revocation was an impaired driving revocation; and a violation of GS 20-141.5(b) (speeding to elude arrest) if the violation is a felony. Eliminates three aggravating factors: aggressive driving under GS 20-141.6, a violation of GS 20-141 involving speeding at least 30 mph over the speed limit, and a violation of GS 20-217. Makes first degree felony death by vehicle a Class E felony (was, Class I) and second-degree felony death by vehicle a Class G felony (was, Class E).