## GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2015**

 $\mathbf{S}$ D

## **SENATE BILL 378**

## **Judiciary II Committee Substitute Adopted 4/28/15** Third Edition Engrossed 4/29/15 PROPOSED HOUSE COMMITTEE SÜBSTITUTE S378-PCS45407-SA-95

Sponsors:  Referred to:  March 25, 2015  A BILL TO BE ENTITLED  AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES OF MISDEMEANOR 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; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. — A person commits the offense of misdemeanor death by vehicle if:  (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 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. — A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of repeat felony death by vehicle if:  (a7) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (a8) Aggravated Felony Death by Vehicle Offender. — A person commits the offense of repeat felony death by vehicle if:  (a9) The person has a previous conviction under:  a Subsection (a1) of this section;  b Subsection (a2) of this section;  c G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in accordance with the provisions of G.S. 15A-928.		Short Title:	Increase Punishment/Misd. Death by Vehicle.	(Public)	
A BILL TO BE ENTITLED  AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES OF MISDEMEANOR 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; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. — A person commits the offense of misdemeanor death by vehicle if:   (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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. — A person commits the offense of aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section; or  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		Sponsors:			
A BILL TO BE ENTITLED  AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES OF MISDEMEANOR DEATH BY VEHICLE.  The General Assembly of North Carolina enacts:  SECTION 1. G.S. 20-141.4 reads as rewritten:  **substance and misdemeanor death by vehicle; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. — A person commits the offense of misdemeanor death by vehicle if:  (a2) 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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. — A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of this section; and  (2) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a2) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		Referred to:			
AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES OF MISDEMEANOR 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; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. — A person commits the offense of misdemeanor death by vehicle if:  (a2) 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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. — A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of this section; and  (2) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a1) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in			March 25, 2015		
AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN OFFENSES OF MISDEMEANOR 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; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. — A person commits the offense of misdemeanor death by vehicle if:  (a2) 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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. — A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of this section; and  (2) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a1) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in	1		Δ RILL TO BE ENTITLED		
MISDEMEANOR DEATH BY VEHICLE. The General Assembly of North Carolina enacts:  SECTION 1. G.S. 20-141.4 reads as rewritten:  SECTION 2. G.S. 20-141.4 reads as rewritten:  SECTION 3. G.S. 20-141.4 reads as rewritten:  SECTION 3. G.S. 20-141.4 reads as rewritten:  SECTION 4. Felony and misdemeanor death by vehicle; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. — A person commits the offense of misdemeanor death by vehicle if:  (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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. — A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of repeat felony death by vehicle if:  (a7) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (a8) The person has a previous conviction under:  a Subsection (a1) of this section;  b Subsection (a5) of this section;  c G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		AN ACT T		OFFENSES OF	
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.  "(a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if:  "(a2) 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, G.S. 20-138.1 or G.S. 20-138.2, and  "(a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  "(a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:  "(a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of this section; and  (2) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a5) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in					
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.  "(a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if:  "(a2) 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, G.S. 20-138.1 or G.S. 20-138.2, and  "(a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  "(a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:  "(a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of this section; and  (2) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a5) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in	4	The General Assembly of North Carolina enacts:			
aggravated offenses; repeat felony death by vehicle.  (a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if:   (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, G.S. 20-138.1 or G.S. 20-138.2, and   (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a3) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in	5	·			
(a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if:  (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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a2) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in	6	"§ 20-141.4. Felony and misdemeanor death by vehicle; felony serious injury by vehicle;			
(a2) Misdemeanor Death by Vehicle. – A person commits the offense of misdemeanor death by vehicle if:  (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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		/ 1 V V			
death by vehicle if:   (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, G.S. 20-138.1 or G.S. 20-138.2, and   (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in					
11		, ,	• • • • • • • • • • • • • • • • • • •	of misdemeanor	
12 (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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and (2) The person has a previous conviction under: a. Subsection (a1) of this section; b. Subsection (a5) of this section; c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2. The pleading and proof of previous convictions shall be in		death by vehic	le if:		
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, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in			The many of the second of the	1 1 1	
other than impaired driving under G.S. 20-138.1, G.S. 20-138.1 or G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:  (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		(2)			
G.S. 20-138.2, and  G.S. 20-138.2, and  (a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in			11 • 0		
(a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in			1 0	J.D. 20-130.1 OI	
(a4) Aggravated Felony Serious Injury by Vehicle. – A person commits the offense of aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in			<u>5.5. 20 130.2,</u> and		
aggravated felony serious injury by vehicle if:   (a5) Aggravated Felony Death by Vehicle. – A person commits the offense of aggravated felony death by vehicle if:   (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section; or  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		(a4) Ag	gravated Felony Serious Injury by Vehicle. – A person comm	its the offense of	
20 (a5) Aggravated Felony Death by Vehicle. — A person commits the offense of aggravated felony death by vehicle if: 22 23 (a6) Repeat Felony Death by Vehicle Offender. — A person commits the offense of repeat felony death by vehicle if: 25 (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and 27 (2) The person has a previous conviction under: 28 a. Subsection (a1) of this section; 29 b. Subsection (a5) of this section; or 30 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2. 33 The pleading and proof of previous convictions shall be in	18				
aggravated felony death by vehicle if:  (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section; or  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in	19				
22  (a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section;  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in	20	, ,		the offense of	
<ul> <li>(a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:</li> <li>(1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and</li> <li>(2) The person has a previous conviction under: <ul> <li>a. Subsection (a1) of this section;</li> <li>b. Subsection (a5) of this section; or</li> <li>c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.</li> <li>The pleading and proof of previous convictions shall be in</li> </ul> </li></ul>		aggravated felo	ony death by vehicle if:		
repeat felony death by vehicle if:  (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and  (2) The person has a previous conviction under:  a. Subsection (a1) of this section;  b. Subsection (a5) of this section; or  c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in					
25 (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and 27 (2) The person has a previous conviction under: 28 a. Subsection (a1) of this section; 29 b. Subsection (a5) of this section; or 30 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2. 33 The pleading and proof of previous convictions shall be in		_		ts the offense of	
this section; and The person has a previous conviction under: a. Subsection (a1) of this section; b. Subsection (a5) of this section; or c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2. The pleading and proof of previous convictions shall be in		•	•	wheretien (a5) of	
27 (2) The person has a previous conviction under: 28 a. Subsection (a1) of this section; 29 b. Subsection (a5) of this section; or 30 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the 31 unintentional death of another person while engaged in the offense of 32 impaired driving under G.S. 20-138.1 or G.S. 20-138.2. 33 The pleading and proof of previous convictions shall be in		(1)	<u> </u>	subsection (as) of	
<ul> <li>a. Subsection (a1) of this section;</li> <li>b. Subsection (a5) of this section; or</li> <li>c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.</li> <li>The pleading and proof of previous convictions shall be in</li> </ul>		(2)			
b. Subsection (a5) of this section; or  C. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in		(2)	•		
30 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  The pleading and proof of previous convictions shall be in			· /		
impaired driving under G.S. 20-138.1 or G.S. 20-138.2. The pleading and proof of previous convictions shall be in				onviction was the	
The pleading and proof of previous convictions shall be in					
accordance with the provisions of G.S. 15A-928.				ons shall be in	
	34		accordance with the provisions of G.S. 15A-928.		



offenses committed on or after that date.

41

1 Aggravated Misdemeanor Death by Vehicle. – A person commits the offense of (a7) 2 aggravated misdemeanor death by vehicle if: 3 The person unintentionally causes the death of another person; (1) 4 The person was engaged in the violation of any State law applying to the (2) 5 operation or use of a vehicle or to the regulation of traffic, other than the 6 following: 7 Impaired driving under G.S. 20-138.1 or G.S. 20-138.2; a. 8 <u>b.</u> Improper equipment under G.S. 20-123.2; 9 A financial responsibility requirement under G.S. 20-311; c. 10 d. A registration requirement under G.S. 20-111; or 11 No operator's license under G.S. 20-7. The commission of the offense in subdivision (2) of this subsection is the 12 <u>(3)</u> proximate cause of the death; and 13 14 Within five years of the date of the offense, the person has three or more <u>(4)</u> previous convictions for a violation of any State law or local law applying to 15 16 the operation or use of a vehicle or to the regulation of traffic, other than the 17 following: Improper equipment under G.S. 20-123.2; 18 <u>a.</u> 19 A financial responsibility requirement under G.S. 20-311; <u>b.</u> 20 A registration requirement under G.S. 20-111; or <u>c.</u> 21 No operator's license under G.S. 20-7. d. 22 Punishments. – Unless the conduct is covered under some other provision of law 23 providing greater punishment, the following classifications apply to the offenses set forth in 24 this section: 25 26 (5) Misdemeanor death by vehicle is a Class A1 misdemeanor. 27 Aggravated misdemeanor death by vehicle is a Class A1 misdemeanor, (6) provided that, notwithstanding G.S. 15A-1340.23(c), the court may impose 28 29 an active or suspended sentence of up to 365 days, regardless of the 30 defendant's prior conviction level. Nothing in this subdivision shall be 31 construed as prohibiting a greater sentence if the conduct is prohibited by 32 another provision of law providing for greater punishment. 33 34 **SECTION 2.** G.S. 20-16.2(a1) reads as rewritten: 35 "(a1) Meaning of Terms. – Under this section, an "implied-consent offense" is an offense involving impaired driving, a violation of G.S. 20-141.4(a2), a violation of G.S. 20-141.4(a7), 36 37 or an alcohol-related offense made subject to the procedures of this section. A person is 38 "charged" with an offense if the person is arrested for it or if criminal process for the offense 39 has been issued." 40 **SECTION 3.** This act becomes effective December 1, 2015, and applies to

Page 2 Senate Bill 378 S378-PCS45407-SA-95