

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

FILED SENATE  
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S.B. 213  
PRINCIPAL CLERK

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SENATE BILL DRS55000-ML-40B\*

Short Title: Req Active Time Felony Death MV/Boat. (Public)

Sponsors: Senator Ford (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE ACTIVE TIME FOR A CONVICTION OF FELONY DEATH BY  
3 VEHICLE OR FELONY DEATH BY IMPAIRED BOATING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-141.4(b) reads as rewritten:

6 "(b) Punishments. – Unless the conduct is covered under some other provision of law  
7 providing greater punishment, the following classifications apply to the offenses set forth in this  
8 section:

- 9 (1) Repeat felony death by vehicle is a Class B2 felony.  
10 (1a) Aggravated felony death by vehicle is a Class D felony. Notwithstanding the  
11 provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the  
12 aggravated range of the appropriate Prior Record Level.  
13 (2) Felony death by vehicle is a Class D felony. Notwithstanding the provisions  
14 of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant  
15 who is a Prior Record Level I offender. Any intermediate punishment issued  
16 pursuant to this subdivision shall include special probation with a continuous  
17 period of confinement of at least one-fourth the maximum sentence of  
18 imprisonment imposed for the offense. Notwithstanding G.S. 15A-1351, the  
19 continuous period of confinement imposed may be for a period of up to 27  
20 months.  
21 (3) Aggravated felony serious injury by vehicle is a Class E felony.  
22 (4) Felony serious injury by vehicle is a Class F felony.  
23 (5) Misdemeanor death by vehicle is a Class A1 misdemeanor."

24 SECTION 2. G.S. 75A-10.3(f) reads as rewritten:

25 "(f) Punishments. – Unless the conduct is covered under some other provision of law  
26 providing greater punishment, the following classifications apply to the offenses set forth in this  
27 section:

- 28 (1) Repeat death by impaired boating is a Class B2 felony.  
29 (2) Aggravated death by impaired boating is a Class D felony. Notwithstanding  
30 the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in  
31 the aggravated range of the appropriate Prior Record Level.  
32 (3) Death by impaired boating is a Class D felony. Notwithstanding the provisions  
33 of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant  
34 who is a Prior Record Level I offender. Any intermediate punishment issued  
35 pursuant to this subdivision shall include special probation with a continuous  
36 period of confinement of at least one-fourth the maximum sentence of



1                            imprisonment imposed for the offense. Notwithstanding G.S. 15A-1351, the  
2                            continuous period of confinement imposed may be for a period of up to 27  
3                            months.

4                    (4)    Aggravated serious injury by impaired boating is a Class E felony.

5                    (5)    Serious injury by impaired boating is a Class F felony."

6                    **SECTION 3.** This act becomes effective December 1, 2021, and applies to offenses  
7 committed on or after that date.