

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40249-ML-123

Short Title: Bentley's Law.

(Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE RESTITUTION IN THE FORM OF CHILD SUPPORT IF THE
3 VICTIM OF A FELONY DEATH BY VEHICLE OFFENSE WAS THE PARENT OF A
4 MINOR CHILD.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. This act shall be known as "Bentley's Law."

7 SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 20-141.4A. Restitution for felony death by vehicle offense.**

10 (a) Definition. – For purposes of this section, the term "minor child" means a child under
11 the age of 18.

12 (b) Restitution. – Notwithstanding any provision of law to the contrary, if a defendant is
13 convicted of a violation of subsection (a1), (a5), or (a6) of G.S. 20-141.4 and the deceased victim
14 of the offense was the parent of a minor child, then the sentencing court shall order the defendant
15 to pay restitution in the form of child support to each of the victim's children until each child
16 reaches 18 years of age and has graduated from high school or the class of which the child is a
17 member when the child reached 18 years of age has graduated from high school.

18 (c) Factors. – The court shall determine an amount that is reasonable and necessary for
19 the maintenance of the victim's child after considering all relevant factors, including all of the
20 following:

21 (1) The financial needs and resources of the child.

22 (2) The financial resources and needs of the surviving parent or guardian of the
23 child, including the State if the child is in the custody of the State.

24 (3) The standard of living to which the child is accustomed.

25 (4) The physical and emotional condition of the child and the child's educational
26 needs.

27 (5) The child's physical and legal custody arrangements.

28 (6) The reasonable work-related child care expenses of the surviving parent or
29 guardian.

30 (d) Payment. – The court shall order that child support payments be made to the clerk of
31 court as trustee for remittance to the child's surviving parent or guardian. The clerk shall remit
32 the payments to the surviving parent or guardian within 10 working days of receipt by the clerk.
33 The clerk shall deposit all payments no later than the next working day after receipt.

34 (e) Defendant Incarcerated. – If a defendant who is ordered to pay child support under
35 this section is incarcerated and unable to pay the required support, then the defendant shall have
36 up to one year after the release from incarceration to begin payment, including entering a payment



1 plan to address any arrearage. If a defendant's child support payments are set to terminate but the
2 defendant's obligation is not paid in full, then the child support payments continue until the entire
3 arrearage is paid.

4 (f) Enforcement. – Notwithstanding any provision of law to the contrary, a surviving
5 parent or guardian who is awarded restitution pursuant to this section may enforce the order in
6 the same manner as a civil judgment.

7 (g) Offset. – If the surviving parent or guardian of the child brings a civil action against
8 the defendant prior to the sentencing court ordering child support payments as restitution and the
9 surviving parent or guardian obtains a judgment in the civil suit, then any support ordered under
10 this section shall be offset by the amount of damages that has been received by the surviving
11 parent or guardian prior to the sentencing court entering an order of restitution. If the court orders
12 the defendant to make child support payments as restitution under this section and the surviving
13 parent or guardian subsequently brings a civil action and obtains a judgment, then the child
14 support order under this section shall be offset by the amount of damages received by the
15 surviving parent or guardian pursuant to the civil action."

16 **SECTION 3.** This act becomes effective December 1, 2025, and applies to offenses
17 committed on or after that date.