

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 66

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

Sponsors: Representatives Pittman, Speciale, Jackson, and Graham (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

February 14, 2019

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 one-fourth the maximum sentence of imprisonment
18 imposed for the offense. Notwithstanding G.S. 15A-1351, the continuous
19 period of confinement imposed may be for a period of up to 27 months.
20 (3) Aggravated felony serious injury by vehicle is a Class E felony.
21 (4) Felony serious injury by vehicle is a Class F felony.
22 (5) Misdemeanor death by vehicle is a Class A1 misdemeanor."

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

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

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



- 1 imposed for the offense. Notwithstanding G.S. 15A-1351, the continuous
2 period of confinement imposed may be for a period of up to 27 months.
3 (4) Aggravated serious injury by impaired boating is a Class E felony.
4 (5) Serious injury by impaired boating is a Class F felony."
5 **SECTION 3.** This act becomes effective December 1, 2019, and applies to offenses
6 committed on or after that date.