

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 208**

BY SENATOR WELD

[Introduced February 9, 2017; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to modifying the crime of fleeing the scene of an accident involving injuries; and increasing  
 3 criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

1 That §17C-4-1 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 4. ACCIDENTS.**

**§17C-4-1. Crashes involving death or personal injuries; Erin's Law.**

1 (a) The driver of any vehicle involved in a crash resulting in injury to or death of any person  
 2 shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible  
 3 and return to and remain at the scene ~~of the crash~~ or as close to the scene as possible until he  
 4 or she has complied with the requirements of section three of this article: *Provided*, That the driver  
 5 may leave the scene of the crash as may reasonably be necessary for the purpose of rendering  
 6 assistance to an injured person as required by said section three. Every such stop shall be made  
 7 without obstructing traffic more than is necessary.

8 (b) Any person who knowingly violating and intentionally violates the provisions of  
 9 subsection (a) of this section after being involved in a crash ~~resulting in~~ which proximately causes  
 10 the death of any person is guilty of a felony and, upon conviction thereof, shall be fined by not  
 11 more than \$5,000 or imprisoned in a state correctional facility for not less than one year nor more  
 12 than five years, or both fined and ~~confined~~ imprisoned.

13 (c) Any person who knowingly and intentionally violates the provisions of subsection (a)  
 14 of this section after being involved in a crash which proximately causes serious bodily injury to  
 15 any person other than himself or herself is guilty of a felony and, upon conviction thereof, shall be  
 16 fined not more than \$2,500 or imprisoned in a state correctional facility for not less than one year  
 17 nor more than three years, or both fined and imprisoned.

18 ~~(e)~~ (d) Any person who knowingly violating and intentionally violates the provisions of

19 subsection (a) of this section after being involved in a crash ~~resulting in physical injury to any~~  
20 ~~person~~ which proximately causes a bodily injury to any person other than himself or herself is  
21 guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for  
22 not more than one year, or fined not more than \$1,000, or both.

23 ~~(d)~~ (e) The commissioner shall revoke the license or permit or operating privilege to drive  
24 of any resident or nonresident person convicted pursuant to the provisions of this section for a  
25 period of one year from the date of conviction or the date of release from incarceration, whichever  
26 is later.

27 ~~(e)~~ (f) This section may be known and cited as "Erin's Law".

NOTE: The purpose of this bill is to modify the crime of fleeing the scene of an accident involving injuries. It also increases criminal penalties when there is a death proximately resulting from the accident.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.