

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 73

BY SENATORS WELD AND CLINE

[Introduced January 10, 2018; 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:

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 §17C-4-3 of this code: *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~~ that section. ~~three~~ Every such stop shall be
 7 made 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 subsection (a) of this section after
 14 being involved in a crash which proximately causes serious bodily injury to any person other than
 15 himself or herself is guilty of a felony and, upon conviction thereof, shall be fined not more than
 16 \$2,500 or confined in a state correctional facility for not less than one year nor more than three
 17 years, or both fined and confined.

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. The bill 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.