

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENGROSSED

House Bill 3134

BY DELEGATES SHOTT, HOLLEN, CANESTRARO, STEELE,

BYRD AND HARSHBARGER

[Originating in the Committee on the Judiciary;

Reported on February 19, 2019.]

1 A BILL to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating
2 to establishing criminal penalties for negligent homicide, and increasing criminal penalties
3 for reckless driving resulting in serious bodily injury.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent homicide; penalties.

1 (a) When the death of any person ensues within one year as a proximate result of injury
2 received by the driving of any vehicle anywhere in this state in reckless disregard of the safety of
3 others, the person so operating such vehicle shall be guilty of negligent homicide.

4 (b) Any person convicted of negligent homicide is guilty of a felony and, upon conviction
5 thereof, shall be imprisoned in a state correctional facility for not less than three nor more than
6 fifteen years and shall be fined not less than \$1,000 nor more than \$3,000. ~~shall be punished by~~
7 ~~imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000,~~
8 ~~or by both such fine and imprisonment.~~

9 (c) The commissioner shall revoke the license or permit to drive and any nonresident
10 operating privilege of any person convicted of negligent homicide.

§17C-5-3. Reckless driving; penalties.

1 (a) Any person who drives any vehicle upon any street or highway, or upon any residential
2 street, or in any parking area, or upon the ways of any institution of higher education, whether
3 public or private, or upon the ways of any state institution, or upon the property of any county
4 boards of education, or upon any property within the state park and public recreation system
5 established by the Director of the Division of Natural Resources pursuant to section three, article
6 four, chapter twenty of this code in willful or wanton disregard for the safety of persons or property
7 is guilty of reckless driving.

8 (b) The provisions of subsection (a) of this section shall not apply to those areas which
9 have been temporarily closed for racing sport events or which may be set aside by the Director

10 of the Division of Natural Resources within the state park and recreation system for exclusive use
11 by motorcycles or other recreational vehicles.

12 (c) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a first
13 conviction thereof, shall be confined in jail for a period of not less than five days nor more than
14 ninety days, or fined not less than \$25 nor more than \$500, or both, and upon conviction of a
15 second or subsequent conviction thereof, shall be confined in jail not less than ten days nor more
16 than six months, or fined not less than \$50 nor more than \$1,000, or both.

17 (e) Notwithstanding the provisions of subsection (c) of this section, any person convicted
18 of a violation of subsection (a) of this section who in doing so proximately causes another to suffer
19 serious bodily injury shall, upon conviction, be imprisoned in a state correctional facility ~~confined~~
20 ~~in jail~~ not less than ~~ten days~~ two nor more than ~~six months or ten years~~ and fined not less than
21 ~~\$50~~ \$1000 nor more than ~~\$1,000, \$3000.~~ or both

22 (f) For purposes of subsection (d) of this section, "serious bodily injury" means bodily
23 injury which creates a substantial risk of death, which causes serious or prolonged disfigurement,
24 prolonged impairment of health or prolonged loss or impairment of the function of any bodily
25 organ.

NOTE: The purpose of this bill is to increase the penalties associated with reckless driving resulting in death or serious bodily injury.

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