WEST virginia legislature

2023 regular session

**FISCAL NOTE**

Introduced

House Bill 3401

By Delegates Espinosa, Ridenour, Hardy, and Hornby

[Introduced February 13, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the offense of vehicular homicide by adding two categories; adding the termination of a pregnancy as an offense of simple negligent homicide; and increasing the penalty for gross negligent homicide.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. ~~Negligent~~ Simple and gross negligent homicide; penalties.

(a) When the death of any person ensues within one year, or termination of another's pregnancy, as a proximate result of an injury received by the driving of any vehicle anywhere in this state in reckless disregard ~~of~~ through an act or omission that constitutes simple negligence to the safety of others, the person so operating such vehicle shall be guilty of simple negligent homicide.

(b) When the death of any person ensues within one year, or termination of another’s pregnancy, as a proximate result of an injury received by the driving of any vehicle anywhere in this state (*in reckless disregard)* through an act or omission that constitutes gross negligence to the safety of others, the person so operating such vehicle shall be guilty of gross negligent homicide

~~(b)~~ (c) Any person convicted of simple negligent homicide shall be punished by imprisonment for not more than one year or by fine of not less than $100 nor more than $1,000, or by both such fine and imprisonment.

(d) Any person convicted of gross negligent homicide shall be punished by imprisonment is a state correctional facility for not less than three nor more than 15 years, and shall be fined of not less than $1,000 nor more than $3,000, or by both such fine and imprisonment.

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

NOTE: The purpose of this bill is to clarify the offense of vehicular homicide by adding two categories. The bill adds the termination of a pregnancy as an offense of simple negligent homicide. Finally, the bill increases the penalty for gross negligent homicide.

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