

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 660

By Senators Weld, Woelfel, Deeds, and Hamilton

[Introduced February 16, 2023; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating
 2 to reckless driving; correcting an erroneous internal citation; establishing the aggravated
 3 felony offense of reckless driving resulting in the death of another; and providing the
 4 penalties for the commission thereof.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§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 §20-5-1 *et seq.* of this
 6 code, in willful or wanton disregard for the safety of persons or property, is guilty of reckless
 7 driving.

8 (b) The provisions of subsection (a) of this section shall may not apply to those areas which
 9 have been temporarily closed for racing sport events or which may be set aside by the Director of
 10 the Division of Natural Resources within the state park and recreation system for exclusive use by
 11 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 90
 14 days, or fined not less than \$25 nor more than \$500, or both, and upon conviction of a second or
 15 subsequent conviction thereof, shall be confined in jail not less than 10 days nor more than six
 16 months, or fined not less than \$50 nor more than \$1,000, or both fined and confined.

17 (d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of
 18 a violation of subsection (a) of this section who ~~in doing so~~ while committing the violation
 19 proximately causes another to suffer serious bodily injury shall, upon conviction, be confined in jail

20 not less than 10 days nor more than six months or fined not less than \$50 nor more than \$1,000, or
21 both fined and confined.

22 (e) 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.

26 (f) Notwithstanding the provisions of subsection (c) and (d) of this section, any person
27 convicted of a violation of subsection (a) of this section and, while committing the violation,
28 proximately causes the death of another, is guilty of a felony and shall, upon conviction, be
29 imprisoned in a state correctional facility not less than one year nor more than 10 years or fined not
30 less than \$5,000 nor more than \$10,000, or both fined and imprisoned.

NOTE: The purpose of this bill is to establish the aggravated criminal offense of reckless driving resulting in death, establish the related penalty, and make several non-substantive technical corrections.

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