

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4848

By Delegates Espinosa, Householder, Clark, and

Hardy

[Introduced; Referred
to the Committee on]

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

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

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

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

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

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