

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5119**

By Delegates Kump, Espinosa, Ward, Phillips,  
Ridenour, Householder, Hite, Riley, DeVault,  
Rohrbach, and Petitto

[Introduced January 25, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating  
2 to creating the felony offense of reckless and wanton vehicular homicide.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. SERIOUS TRAFFIC OFFENSES.**

**§17C-5-1. Negligent Reckless and wanton vehicular 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 and wanton disregard of  
3 the safety of others, the person so operating such vehicle ~~shall be~~ is guilty of ~~negligent~~ the felony  
4 offense of reckless and wanton vehicular homicide.

5 (b) Any person convicted of ~~negligent~~ the felony offense of reckless and wanton vehicular  
6 homicide shall be ~~punished by imprisonment~~ imprisoned in a state correction facility for not ~~more~~  
7 less than one year nor more than five years, or ~~by fine of~~ fined not less than \$100 \$2,000 nor more  
8 than ~~\$1,000-\$5,000~~, or ~~by both such fine and imprisonment~~ fined and imprisoned.

9 (c) If the death of any person ensues within one year as a proximate result of injury  
10 received by the driving of any vehicle anywhere in this state in negligent manner, but not reckless  
11 and wanton disregard of the safety of others, the person so operating the vehicle is guilty of the  
12 misdemeanor of negligent vehicular homicide.

13 (d) Any person convicted of the misdemeanor offense of negligent vehicular homicide shall  
14 be fined not less than \$500 nor more than \$1,000 or confined in jail not more than six months, or  
15 both fined and confined.

16 (e) (e) The commissioner shall revoke the license or permit to drive and any nonresident  
17 operating privilege of any person convicted of negligent vehicular homicide or reckless and  
18 wanton vehicular homicide.

1

NOTE: The purpose of this bill is to create the felony offense of reckless and wanton

vehicular 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.