

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5174

By Delegate Forsht

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

1 A BILL to amend and reenact §17C-5-1 and §17C-5-3 of the Code of West Virginia, 1931, as
 2 amended, all relating to amending the definition of negligent homicide; defining vehicular
 3 homicide; imposing a penalty; and increasing the penalty for reckless driving.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.
§17C-5-1. Negligent Vehicular homicide; penalties.

1 (a) When the death of any person ensues within one year as a proximate result of injury
 2 received caused by the driving of any vehicle anywhere in this state by any person, in reckless
 3 disregard of the safety of others the person so operating such vehicle shall be guilty of negligent
 4 vehicular homicide if the person was operating a motor vehicle in violation of §17C-5-3 of this
 5 code.

6 (b) Any person convicted of negligent vehicular homicide shall be guilty of a felony and,
 7 punished by imprisonment for not more than one year or by fine of not less than \$100 nor more
 8 than \$1,000, or by both such fine and imprisonment upon conviction, shall be committed to the
 9 custody of the Division of Corrections and Rehabilitation for a definite term of years of not less than
 10 one nor more than five years or, in the discretion of the court, confined in the regional jail for not
 11 more than one year, or fined not less than \$250 or more than \$2,500 two, or both fined and
 12 confined.

13 (c) In addition to the penalties imposed by this section, a person convicted of vehicular
 14 homicide may be sentenced to an additional term not to exceed five years' imprisonment if at trial
 15 the prosecution proves beyond a reasonable doubt that the offense occurred in a school zone as
 16 set forth in §17C-6-1 of this code where children are present.

17 (d) In addition to the penalties imposed by this section, a person convicted of vehicular
 18 homicide may be sentenced to an additional term not to exceed five years' imprisonment if at trial
 19 the prosecution proves beyond a reasonable doubt that the offense occurred in a posted street or
 20 highway construction zone pursuant to the provisions of §17C-3-1 et seq. of this code where street

21 or highway construction work is being conducted.

22 ~~(e)~~(e) The commissioner shall revoke the license or permit to drive and any nonresident
23 operating privilege of any person convicted of ~~negligent~~ vehicular 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 §20-4-3 of this code in
6 willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

7 (b) The provisions of subsection (a) of this section shall not apply to those areas which
8 have been temporarily closed for racing sport events or which may be set aside by the Director of
9 the Division of Natural Resources within the state park and recreation system for exclusive use by
10 motorcycles or other recreational vehicles.

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

16 (d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of
17 a violation of subsection (a) of this section who in doing so proximately causes another to suffer
18 serious bodily injury shall, upon conviction, be confined in jail not less than ~~ten~~ 30 days nor more
19 than ~~six months~~ one year or fined not less than \$50 nor more than \$1,000, or both.

20 (e) For purposes of subsection (d) of this section, "serious bodily injury" means bodily
21 injury which creates a substantial risk of death, which causes serious or prolonged disfigurement,
22 prolonged impairment of health or prolonged loss or impairment of the function of any bodily

23 organ.

NOTE: The purpose of this bill generally relates to amending the definition of negligent homicide. The bill defines vehicular homicide. The bill imposes a penalty. Finally, the bill increases the penalty for reckless driving.

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