

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 2099

BY DELEGATE MCGEEHAN

[Originating in the Committee on the Judiciary;

Introduced on February 8, 2017.]

1 A BILL to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating
2 to crashes involving death or personal injuries; defining terms; clarifying when a driver
3 may leave the scene of a crash for the purpose of rendering assistance to an injured
4 person in the crash; clarifying the crime of leaving the scene of a crash that causes bodily
5 injury; creating a felony crime of leaving the scene of a crash that proximately causes
6 serious bodily injury and providing criminal penalties; and clarifying the crime of leaving
7 the scene of a crash that causes death.

Be it enacted by the Legislature of West Virginia:

1 That §17C-4-1 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 4. CRASHES.

§17C-4-1. Crashes involving death or personal injuries; Erin’s Law.

1 (a) As used in this section:

2 (1) “Bodily injury” means injury that causes substantial physical pain, illness or any
3 impairment of physical condition; and

4 (2) “Serious bodily injury” means bodily injury that creates a substantial risk of death, that
5 causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or
6 impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality
7 occurring because of a preterm delivery.

8 ~~(a)~~ (b) The driver of any vehicle involved in a crash resulting in injury to or death of any
9 person shall immediately stop the vehicle at the scene of the crash or as close to the scene as
10 possible and return to and remain at the scene of the crash until he or she has complied with the
11 requirements of section three of this article: *Provided*, That the driver may leave the scene of the
12 crash as may reasonably be necessary for the purpose of rendering assistance to ~~an injured a~~
13 person injured in the crash, including the driver, as required by ~~said~~ section three ~~Every such of~~
14 this article. stop shall be made without obstructing traffic more than is necessary.

15 ~~(b) (c)~~ Any person knowingly violating the provisions of subsection (a) of this section after
16 being involved in a crash resulting in the death of any person is guilty of a felony and, upon
17 conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility
18 for not less than one year nor more than five years, or both fined and confined. Any driver who is
19 involved in a crash that proximately causes another person to suffer bodily injury and knowingly
20 violates subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof,
21 shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000,
22 or both fined and confined.

23 (d) Any driver who is involved in a crash that proximately causes another person to suffer
24 serious bodily injury and knowingly violates subsection (b) of this section is guilty of a felony and,
25 upon conviction, shall be imprisoned in a correctional facility for not less than one year nor more
26 than three years, or fined not more than \$2,500, or both fined and imprisoned.

27 ~~(c) (e)~~ Any person knowingly violating the provisions of subsection (a) of this section after
28 being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and,
29 upon conviction thereof, shall be punished by confinement in jail for not more than one year, or
30 fined not more than \$1,000, or both. Any driver who is involved in a crash that proximately causes
31 the death of another person and knowingly violates subsection (b) of this section is guilty of a
32 felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a
33 correctional facility for not less than one year nor more than five years, or both fined and
34 imprisoned: *Provided*, That any death charged under this subsection must occur within one year
35 of the offense.

36 ~~(d) (f)~~ The commissioner shall revoke the license or permit or operating privilege to drive
37 of any resident or nonresident person convicted pursuant to the provisions of this section for a
38 period of one year from the date of conviction or the date of release from incarceration, whichever
39 is later.

40 ~~(e) (g)~~ This section may be known and cited as "Erin's Law".

NOTE: The purpose of this bill is to define the act of leaving the scene of a crash involving death or serious bodily injury as a felony. The bill also establishes the act of leaving the scene of a crash that does not proximately cause death or injury as a misdemeanor and defines bodily injury and serious bodily injury.

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