

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 73**

BY SENATORS WELD AND CLINE

[Originating in the Committee on the Judiciary;

reported on January 16, 2018]



1 A BILL to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating  
2 generally to motor vehicle crashes involving death or personal injuries; defining terms;  
3 clarifying circumstances under which a driver may leave the scene of a crash for the  
4 purpose of rendering assistance to an injured person in the crash; clarifying essential  
5 elements of the offenses of leaving the scene of a crash that causes bodily injury, serious  
6 bodily injury, or death; creating the felony offense of leaving the scene of a crash that  
7 causes another person serious bodily injury and providing criminal penalties therefor;  
8 clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a  
9 crash that causes death requires death to occur within one year of the crash.

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

**ARTICLE 4. ACCIDENTS.**

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

1 (a) The driver of any vehicle involved in a crash resulting in the injury to or death of any  
2 person shall immediately stop the vehicle at the scene of the crash or as close to the scene as  
3 possible and return to and remain at the scene of the crash until he or she has complied with the  
4 requirements of §17C-4-3 of this code: *Provided*, That the driver may leave the scene of the crash  
5 as may reasonably be necessary for the purpose of rendering assistance to ~~an injured~~ any person  
6 injured in the crash, as required by §17C-4-3 of this code.

7 ~~(b) Any person knowingly violating the provisions of subsection (a) of this section after~~  
8 ~~being involved in a crash resulting in the death of any person is guilty of a felony and, upon~~  
9 ~~conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility~~  
10 ~~for not less than one year nor more than five years, or both fined and confined. Any driver who is~~  
11 ~~involved in a crash in which another person suffers bodily injury and who intentionally violates~~  
12 ~~§17C-4-1(a) of this code when he or she knows or has reason to believe that another person has~~  
13 ~~suffered physical injury in said crash is guilty of a misdemeanor and, upon conviction thereof,~~

14 shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and  
15 confined.

16 (c) Notwithstanding the provisions of §17C-4-1(b) of this code, any driver who is involved  
17 in a crash in which another person suffers serious bodily injury and who intentionally violates  
18 §17C-4-1(a) of this code when he or she knows or has reason to believe that another person has  
19 suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be  
20 fined not more than \$2,500, or imprisoned in a state correctional facility for not less than one year  
21 nor more than three years, or both fined and imprisoned.

22 ~~(e) (d) Any person knowingly violating the provisions of subsection (a) of this section after~~  
23 ~~being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and,~~  
24 ~~upon conviction thereof, shall be punished by confinement in jail for not more than one year, or~~  
25 ~~fined not more than \$1,000, or both. Notwithstanding the provisions of §17C-4-1-(b) or §17C-4-~~  
26 ~~1(c) of this code, any driver who is involved in a crash that proximately causes the death of another~~  
27 ~~person who intentionally violates §17C-4-1(a) of this code when he or she knows or has reason~~  
28 ~~to believe that another person has suffered physical injury in said crash is guilty of a felony and,~~  
29 ~~upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional~~  
30 ~~facility for not less than one year nor more than five years, or both fined and imprisoned: *Provided,*~~  
31 ~~That any death underlying a prosecution under this subsection must occur within one year of the~~  
32 ~~crash.~~

33 (e) As used in this section:

34 (1) "Bodily injury" means injury that causes substantial physical pain, illness, or any  
35 impairment of physical condition;

36 (2) "Physical injury" means bodily injury, serious bodily injury or death; and

37 (3) "Serious bodily injury" means bodily injury that creates a substantial risk of death, that  
38 causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or

39 impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality  
40 occurring because of a preterm delivery.

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

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