

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENGROSSED

House Bill 4602

BY DELEGATES EVANS, SHOTT, PAYNTER, ESTEP-
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[Introduced January 30, 2020; 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 increasing the penalty for DUI causing death when a child is present in the vehicle at
3 the time of the accident.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent ~~homicide~~ operation of a motor vehicle resulting in death; 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 disregard of the safety of
3 others, the person so operating such vehicle shall be guilty of ~~negligent homicide~~.

4 ~~(b) Any person convicted of negligent homicide~~ a felony and, upon conviction thereof, shall
5 be imprisoned in a state correctional facility for not less than two nor more than ten years and
6 shall be fined not less than \$1,500 nor more than \$3,000 ~~shall be punished by imprisonment for~~
7 ~~not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such~~
8 ~~fine and imprisonment.~~

9 (b) When 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 reckless disregard of the safety of
11 others, and a child is present in the vehicle at the time of the accident, the person so operating
12 such vehicle shall be guilty of a felony, and shall be punished by imprisonment for not less than
13 three nor more than fifteen years and by a fine of not less than \$2,000 nor more than \$5,000.

14 (c) The commissioner shall revoke the license or permit to drive and any nonresident
15 operating privilege of any person convicted of negligent homicide.

NOTE: The purpose of this bill is to increase the criminal penalty for DUI causing death when a child was present in the car when the accident occurred.

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