

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2492

FISCAL  
NOTE

BY DELEGATES EVANS, FLEISCHAUER, AND PAYNTER

[Introduced February 15, 2021; 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; 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 shall be punished by imprisonment for not  
 5 more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine  
 6 and imprisonment: Provided, That if a child is present in the vehicle at the time of the accident  
 7 and the driver was convicted of driving under the influence of alcohol, controlled substance or  
 8 drugs pursuant to §17C-5-2 of this code, the person convicted of negligent homicide shall be  
 9 punished by imprisonment for not more than two years and by a fine of not less than \$500 nor  
 10 more than \$5,000.

11 (c) The commissioner shall revoke the license or permit to drive and any nonresident  
 12 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.