

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### Senate Bill 254

FISCAL  
NOTE

BY SENATORS TRUMP AND RUCKER

[Introduced January 13, 2022; referred to  
the Committee on the Judiciary; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to clarifying the offense of vehicular homicide; changing negligent homicide to vehicular  
 3 homicide; and adding a misdemeanor offense for when a person dies within a year as a  
 4 proximate result of driving in a negligent manner.

*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 by the driving of any vehicle anywhere in this state in reckless and wanton disregard of  
 3 the safety of others, the person so operating such vehicle shall be guilty of ~~negligent~~ the felony  
 4 offense of reckless and wanton vehicular homicide.

5 (b) Any person convicted of ~~negligent~~ the felony offense of reckless and wanton vehicular  
 6 homicide shall be punished by imprisonment for an indeterminate term of not ~~more~~ less than one  
 7 year nor more than five years or by fine of not less than ~~\$100~~ \$2,000 nor more than ~~\$1,000~~ \$5,000,  
 8 or by both such fine and imprisonment.

9 (c) 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 negligent manner, but not in  
 11 reckless and wanton disregard of the safety of others, the person so operating the vehicle shall  
 12 be guilty of the misdemeanor offense of negligent vehicular homicide.

13 (d) Any person convicted of the misdemeanor offense of negligent vehicular homicide shall  
 14 be punished by confinement in jail for not more than six months, or by fine of not less than \$500  
 15 nor more than \$1,000, or by both such fine and imprisonment.

16 ~~(e)~~ (e) The commissioner shall revoke the license or permit to drive and any nonresident  
 17 operating privilege of any person convicted of vehicular homicide or negligent homicide.

NOTE: The purpose of this bill is to further define the offense of vehicular homicide. The bill changes negligent homicide to vehicular homicide. The bill adds a misdemeanor offense for when a person dies within a year as a proximate result of driving in a negligent manner.

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