WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2492

By Delegates Evans, Fleischauer, and Paynter

[Introduced February 15, 2021; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for DUI causing death when a child is present in the vehicle at 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.

(a) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle anywhere in this state in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

(b) Any person convicted of negligent homicide shall be punished by imprisonment for not more than one year or by fine of not less than $100 nor more than $1,000, or by both such fine and imprisonment: *Provided,* That if a child is present in the vehicle at the time of the accident and the driver was convicted of driving under the influence of alcohol, controlled substance or drugs pursuant to §17C-5-2 of this code, the person convicted of negligent homicide shall be punished by imprisonment for not more than two years and by a fine of not less than $500 nor more than $5,000.

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