

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3401

FISCAL
NOTE

By Delegates Espinosa, Ridenour, Hardy, and Hornby

[Introduced February 13, 2023; 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 clarifying the offense of vehicular homicide by adding two categories; adding the
 3 termination of a pregnancy as an offense of simple negligent homicide; and increasing the
 4 penalty for gross negligent homicide.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent Simple and gross negligent homicide; penalties.

1 (a) When the death of any person ensues within one year, or termination of another's
 2 pregnancy, as a proximate result of an injury received by the driving of any vehicle anywhere in this
 3 state in reckless disregard of through an act or omission that constitutes simple negligence to the
 4 safety of others, the person so operating such vehicle shall be guilty of simple negligent homicide.

5 (b) When the death of any person ensues within one year, or termination of another's
 6 pregnancy, as a proximate result of an injury received by the driving of any vehicle anywhere in this
 7 state (in reckless disregard) through an act or omission that constitutes gross negligence to the
 8 safety of others, the person so operating such vehicle shall be guilty of gross negligent homicide

9 ~~(b)~~ (c) Any person convicted of simple negligent homicide shall be punished by
 10 imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or
 11 by both such fine and imprisonment.

12 (d) Any person convicted of gross negligent homicide shall be punished by imprisonment in
 13 a state correctional facility for not less than three nor more than 15 years, and shall be fined of not
 14 less than \$1,000 nor more than \$3,000, or by both such fine and imprisonment.

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

NOTE: The purpose of this bill is to clarify the offense of vehicular homicide by adding two categories. The bill adds the termination of a pregnancy as an offense of simple negligent homicide. Finally, the bill increases the penalty for gross negligent homicide.

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