COMMITTEE REPORT

March 17, 2010

**S. 336**

Introduced by Senators Grooms, Bright, L. Martin, S. Martin, Fair, Verdin and Thomas

S. Printed 3/17/10--S.

Read the first time January 28, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 336) to amend Article 23, Chapter 5, Title 56 of the 1976 Code, relating to regulating traffic on highways, by adding Section 56‑5‑3010 to establish, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 5, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56-1-1105. (A) For purposes of this section:

(1) ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) ‘Habitual offender’ has the same meaning as in Section 56-1-1020.

(B) An habitual offender who drives a motor vehicle on any public highway of this State when the offender’s license to drive has been canceled, suspended, or revoked, and when driving does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to a person other than himself, is guilty of a felony, and, upon conviction, guilty plea, or nolo contendere plea must be punished:

(1) by a fine of not more than five thousand dollars and imprisonment for not more than ten years when great bodily injury results; or

(2) by a fine of not less than five thousand dollars nor more than ten thousand dollars and imprisonment for not more than twenty years when death results.

(C) The Department of Motor Vehicles must suspend the driver’s license of an habitual offender who is convicted, pleads guilty, or pleads nolo contendere pursuant to this section for a period to include incarceration plus two years when great bodily injury results and three years when death results. The period of incarceration must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident shall run concurrently.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Judicial Department

The department indicates this bill will have a minimal impact on the General Fund of the State, which can be absorbed by the agency at the current level of funding.

Other Agencies

The Department of Public Safety and the Department of Corrections state that this bill would have no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO REGULATING TRAFFIC ON HIGHWAYS, BY ADDING SECTION 56‑5‑3010 TO ESTABLISH THE CRIME OF CAUSING DEATH BY VEHICLE WHILE DRIVING ILLEGALLY; AND BY ADDING SECTION 56‑5‑3020 TO ESTABLISH THE CRIME OF CAUSING GREAT BODILY HARM BY VEHICLE WHILE DRIVING ILLEGALLY AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3010. (A) For the purposes of this section, ‘habitual offender’ has the same meaning as in Section 56‑1‑1020.

(B) A person is guilty of causing death by vehicle while driving illegally if the person is an habitual offender that, while driving a vehicle, does any act forbidden by law or neglects any duty imposed by law related to driving a vehicle, and the act or neglect proximately causes the death of a person.

(C) A person who is convicted of, pleads guilty to, or pleads nolo contendere to illegal driving with death is guilty of a felony and must be imprisoned for not more than twenty years, and fined not less than five thousand dollars or not more than ten thousand dollars when death results, and must have his ability to obtain a driver’s license suspended for three years beyond any period of imprisonment.

Section 56‑5‑3020. (A) For the purposes of this section:

(1) ‘Habitual offender’ has the same meaning as in Section 56‑1‑1020.

(2) ‘Great bodily injury’ means bodily injury, which creates a substantial risk of death or which, causes permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(B) A person is guilty of great bodily injury by vehicle while driving illegally if the person is an habitual offender that, while driving a vehicle, does any act forbidden by law or neglects any duty imposed by law related to driving a vehicle, and the act or neglect proximately causes great bodily injury to another person.

(C) A person who is convicted of, pleads guilty to, or pleads nolo contendere to vehicular homicide with great bodily injury is guilty of a felony and must be imprisoned not more than ten years, and fined not more than five thousand dollars when great bodily injury results, and must have his ability to obtain a driver’s license suspended for two years beyond any period of imprisonment.”

SECTION 2. This act takes effect upon approval by the Governor.

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