COMMITTEE AMENDMENT ADOPTED

March 18, 2010

**S. 336**

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

S. Printed 3/18/10--S.

Read the first time January 28, 2009.

**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.

Amend Title To Conform

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

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.

‑‑‑‑XX‑‑‑‑