**South Carolina General Assembly**

124th Session, 2021-2022

**S. 135**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Massey

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Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Judiciary**

Summary: Felony reckless driving

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 186](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 186](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\135_20201209.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑2910 OF THE 1976 CODE, RELATING TO RECKLESS VEHICULAR HOMICIDE, TO PROVIDE PENALTIES FOR RECKLESS VEHICULAR HOMICIDE, AND TO PROVIDE THAT A PERSON MAY PETITION THE CIRCUIT COURT IN THE COUNTY OF THE PERSON’S CONVICTION FOR REINSTATEMENT OF HIS DRIVER’S LICENSE AFTER ONE YEAR FROM THE DATE OF REVOCATION OF HIS LICENSE; TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO RECKLESS HOMICIDE, RECKLESS DRIVING, AND DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56‑5‑2925, TO PROVIDE FOR THE OFFENSE OF FELONY RECKLESS DRIVING, TO PROVIDE PENALTIES, TO PROVIDE A PROCEDURE FOR DRIVER’S LICENSE REINSTATEMENT FOR A PERSON CONVICTED OF FELONY RECKLESS DRIVING, AND TO PROVIDE THAT A SUBSEQUENT MOVING VIOLATION REQUIRES THE AUTOMATIC CANCELLATION OF ANY REINSTATED DRIVER’S LICENSE AND IMPOSITION OF THE FULL PERIOD OF REVOCATION FOR THE FELONY RECKLESS DRIVING VIOLATION; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Section 56‑5‑2910 of the 1976 Code is amended to read:

“Section 56‑5‑2910. (A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than ~~one~~ five thousand dollars nor more than ~~five~~ fifteen thousand dollars or imprisoned not more than ~~ten~~ fifteen years, or both. The Department of Motor Vehicles shall revoke for five years the driver’s license of a person convicted of reckless vehicular homicide.

(B)(1) After one year from the date of revocation, the person may petition the circuit court in the county of the person’s ~~residence~~ conviction for reinstatement of the person’s driver’s license. The person shall serve a copy of the petition upon the solicitor of the county. The solicitor shall notify the representative of the victim of the reckless vehicular homicide, pursuant to Article 15, Chapter 3, Title 16, of the person’s intent to seek reinstatement of the person’s driver’s license. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

~~(1)~~(a) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the vehicular accident which resulted in the reckless homicide conviction or plea;

~~(2)~~(b) the petitioner has served the term of imprisonment or paid the fine, assessment, and restitution in full, or both; and

~~(3)~~(c) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

(2) The circuit court may order the reinstatement of the driver’s license before the completion of the full five‑year revocation period, or the judge may order the granting of a route restricted license for the remainder of the five‑year period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver’s license reinstatement. The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.

(C) If the person’s privilege to operate a motor vehicle is reinstated, then a subsequent violation of the motor vehicle laws for any moving violation requires the automatic cancellation of the person’s driver’s license and imposition of the full period of revocation for the reckless vehicular homicide violation.”

SECTION 2. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2925. (A) As used in this section, ‘great bodily injury’ means bodily injury that creates a substantial risk of death or that causes serious, permanent disfigurement or the protracted loss or impairment of the function of any bodily member or organ.

(B) A person is guilty of the offense of felony reckless driving if he causes great bodily injury to a person other than himself while driving a motor vehicle in reckless disregard of the safety of others. A person who is convicted of, pleads guilty to, or pleads nolo contendere to felony reckless driving must be fined not less than one thousand dollars and not more than ten thousand dollars, imprisoned not more than ten years, or both. The Department of Motor Vehicles shall revoke for three years the driver’s license of a person convicted of felony reckless driving.

(C)(1) After one year from the date of revocation, a person may petition the circuit court in the county of his conviction for reinstatement of his license. The person shall serve a copy of the petition upon the solicitor of the county. The solicitor shall notify the victim of the felony reckless driving offense, pursuant to Article 15, Chapter 3, Title 16, of the person’s intent to seek reinstatement of the person’s driver’s license. Within thirty days, the solicitor or his designee may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, then the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee if determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(a) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the vehicular accident that resulted in the felony reckless driving offense conviction or plea;

(b) the petitioner has served the term of imprisonment; paid the fine, assessment, and restitution in full; or both; and

(c) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

(2) An order of a judge must be transmitted to the Department of Motor Vehicles within ten days. A circuit court or judge may:

(a) order the reinstatement of a person’s driver’s license before the completion of the full three‑year revocation period;

(b) order the granting of a route-restricted license for the remainder of the three‑year period to allow the person to drive to and from employment or school; or

(c) place other restrictions on the driver’s license reinstatement.

(D) If a person’s privilege to operate a motor vehicle is reinstated, then a subsequent violation of the motor vehicle laws for any moving violation requires the automatic cancellation of the person’s driver’s license and imposition of the full period of revocation for the felony reckless driving violation.”

SECTION 3. This act takes effect upon approval by the Governor.

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