**A** **BILL**

TO AMEND SECTION 56‑5‑2920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF RECKLESS DRIVING AND PENALTIES, SO AS TO CREATE A MISDEMEANOR OFFENSE AND A FELONY OFFENSE WITH ASSOCIATED PENALTIES, AND TO DEFINE THE TERM “SERIOUS BODILY INJURY”.

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

SECTION 1. Section 56‑5‑2920 of the 1976 Code is amended to read:

“Section 56‑5‑2920. (A) Any person who drives any vehicle in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. The Department of Motor Vehicles, upon receiving satisfactory evidence of the conviction, of the entry of a plea of guilty or the forfeiture of bail of any person charged with a second and subsequent offense for the violation of this section shall forthwith suspend the driver’s license of any such person for a period of three months. Only those offenses which occurred within a period of five years including and immediately preceding the date of the last offense shall constitute prior offenses within the meaning of this section. Any person violating the provisions of this section ~~shall~~, upon conviction, entry of a plea of guilty, or forfeiture of bail~~, be~~ ~~punished by a fine of not less than twenty‑five dollars nor more than two hundred dollars or by imprisonment for not more than thirty days~~ is:

(1) guilty of a misdemeanor if no serious bodily injury results and must be imprisoned not more than ninety days, or fined not more than five hundred dollars; or

(2) guilty of a felony if great bodily injury results and must be imprisoned not more than five years, or fined at least one thousand dollars or not more than five thousand dollars.

(B) As contained in this section, ‘serious bodily injury’ means bodily injury that creates a substantial risk of death or that causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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