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SENATE BILL NO. 293

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-867.1, relating to reckless driving resulting in death or injury to certain persons; penalties.*

Patron—Puckett

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 46.2-867.1 as follows:****§ 46.2-867.1. Reckless driving resulting in death or injury to emergency medical services personnel, firefighter, highway worker, or law-enforcement officer; penalties.****A. As used in this section:****"Emergency medical services personnel" means the same as that term is defined in § 32.1-111.1.****"Firefighter" means the same as that term is defined in § 9.1-300 and includes any member of a volunteer fire department.****"Government employee or contractor" means (i) an employee of the Virginia Department of Transportation, (ii) a contractor or employee of a contractor while working under contract with the Virginia Department of Transportation, (iii) an employee of a county, city, or town, or (iv) a contractor or employee of a contractor while working under contract with a county, city, or town, who (a) performs maintenance, repair, or construction of interstate, state highway, or local street or road infrastructures and associated rights-of-way on interstate, highway, or local street or road work zones, (b) operates equipment on interstate, state highway, or local street or road infrastructures and associated rights-of-way on interstates, highways, or local street or road work zones, or (c) performs maintenance work on interstates, state highways, or local street or road work zones.****"Law-enforcement officer" means the same as that term is defined in § 9.1-101.****"Worker" means any emergency medical services personnel, firefighter, government employee or contractor, or law-enforcement officer as defined in this subsection.****B. Any person who is convicted of any misdemeanor provision of this article where such violation is the direct and proximate cause of the death or serious physical injury to a worker who was engaged in his official duties at the time of the violation is guilty of a Class 6 felony, and such person shall be ordered to pay a mandatory minimum fine of \$2,500.****C. For any person convicted under this section, the court shall suspend the privilege to operate a motor vehicle for one year. In addition, the court may impose a civil penalty of up to \$10,000 and the proceeds shall be deposited into the general fund.****2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**