

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 349

*An Act to amend and reenact § 46.2-868 of the Code of Virginia, relating to reckless driving; penalties.*

[H 250]

Approved April 8, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-868 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-868. Reckless driving; penalties.

A. Every person convicted of reckless driving under the provisions of this article shall be guilty of a Class 1 misdemeanor.

B. *Every person convicted of reckless driving under the provisions of this article who, when he committed the offense, (i) was driving without a valid operator's license due to a suspension or revocation for a moving violation and, (ii) as the sole and proximate result of his reckless driving, caused the death of another, is guilty of a Class 6 felony.*

**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 and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**