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**HOUSE BILL NO. 993**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact §§ 18.2-36.1, 46.2-865, and 46.2-867 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-865.1, relating to certain racing conduct punishable as involuntary manslaughter.*

Patrons—Hugo, Albo, Bell, Cosgrove and Janis

Referred to Committee for Courts of Justice

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

**1. That §§ 18.2-36.1, 46.2-865, and 46.2-867 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 46.2-865.1 as follows:**

§ 18.2-36.1. Certain conduct punishable as involuntary manslaughter.

A. Any person who, as a result of (i) driving under the influence in violation of clause (ii), (iii), or (iv) of § 18.2-266 or any local ordinance substantially similar thereto *or (ii) engaging in a race, as defined in § 46.2-865*, unintentionally causes the death of another person, ~~shall be~~ *is* guilty of involuntary manslaughter.

B. If, in addition, the conduct of the defendant was so gross, wanton and culpable as to show a reckless disregard for human life, he shall be guilty of aggravated involuntary manslaughter, a felony punishable by a term of imprisonment of not less than one nor more than ~~twenty~~ 20 years, one year of which shall be a mandatory, minimum term of imprisonment.

C. The provisions of this section shall not preclude prosecution under any other homicide statute. This section shall not preclude any other revocation or suspension required by law. The driver's license of any person convicted under this section shall be revoked pursuant to subsection B of § 46.2-391.

§ 46.2-865. Racing; penalty.

Any person who engages in a race *or any other type of competition, organized or not*, between two or more motor vehicles on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth shall be guilty of reckless driving, unless authorized by the owner of the property or his agent. When any person is convicted of reckless driving under this section, in addition to any other penalties provided by law the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398.

§ 46.2-865.1. *Injuring persons while engaging in a race; penalties.*

*Any person engaging in a race as defined in § 46.2-865 who causes bodily injury to another person due to an accident resulting from such race is guilty of a Class 6 felony. Upon conviction, the court shall suspend the driver's license of such person for a period of not less than six months nor more than two years and shall order the surrender of the license to be disposed of in accordance with the provisions of § 46.2-398.*

§ 46.2-867. Racing; seizure of motor vehicle.

If the owner of a motor vehicle (i) is convicted of racing such vehicle in a prearranged, organized, and planned speed competition in violation of § 46.2-865, ~~or~~ (ii) is present in the vehicle which is being operated by another in violation of § 46.2-865, and knowingly consents to the racing, *or (iii) is convicted of a violation of § 46.2-865.1*, the vehicle shall be seized and disposed of in the manner provided in §§ 4.1-339 through 4.1-348 for seizure and forfeiture of conveyances or vehicles used in the illegal transportation of alcoholic beverages. Such sections shall apply mutatis mutandis.

The penalties imposed by these sections are in addition to any other penalty imposed by law.

**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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

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