

2006 SESSION

INTRODUCED

063488204

HOUSE BILL NO. 42

Offered January 11, 2006

Prefiled December 8, 2005

A *BILL to amend and reenact § 18.2-36.1 of the Code of Virginia, relating to punishment for DUI manslaughter.*

Patrons—Albo, Callahan, Carrico, Cosgrove, Fralin, Frederick, Gear, Kilgore, Landes, Lingamfelter, McQuigg, O'Bannon, Rust, Suit, Tata and Welch

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-36.1 of the Code of Virginia is amended and reenacted as follows:

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

A. Any person who, as a result of driving under the influence in violation of clause (ii), (iii), or (iv) of § 18.2-266 or any local ordinance substantially similar thereto unintentionally causes the death of another person, shall be guilty of involuntary manslaughter *and shall be subject to a one-year mandatory minimum term of imprisonment.*

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 20 years, ~~one year~~ *five years* 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.

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 is \$314,265 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.

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