

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 18.2-18 of the Code of Virginia, relating to redefinition of the
3 "triggerman rule."

4 [H 2348]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-18 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-18. How principals in second degree and accessories before the fact punished.

9 A. In the case of every felony *except a violation of § 18.2-31*, every principal in the second degree
10 and every accessory before the fact may be indicted, tried, convicted and punished in all respects as if a
11 principal in the first degree; ~~provided, however, that except in the case of a killing for hire under the~~
12 ~~provisions of subdivision 2 of § 18.2-31 or a killing pursuant to the direction or order of one who is~~
13 ~~engaged in a continuing criminal enterprise under the provisions of subdivision 10 of § 18.2-31 or a~~
14 ~~killing pursuant to the direction or order of one who is engaged in the commission of or attempted~~
15 ~~commission of an act of terrorism under the provisions of subdivision 13 of § 18.2-31, an accessory~~
16 ~~before the fact or principal in the second degree to a capital murder shall be indicted, tried, convicted~~
17 ~~and punished as though the offense were murder in the first degree.~~

18 B. *In the case of a capital murder for hire under the provisions of subdivision 2 of § 18.2-31, a*
19 *capital murder involving a continuing criminal enterprise under subdivision 10 of § 18.2-31, or a capital*
20 *murder involving an act of terrorism under subdivision 13 of § 18.2-31, a principal in the second degree*
21 *may be indicted, tried, convicted, and punished in all respects as if a principal in the first degree. In all*
22 *other offenses of capital murder, a principal in the second degree may be indicted, tried, convicted, and*
23 *punished as a principal in the first degree only if he had the same intent as the principal in the first*
24 *degree to commit a willful, deliberate and premeditated killing in violation of § 18.2-31; otherwise, he*
25 *shall be indicted, tried, convicted and punished as though the offense were murder in the first degree.*

26 C. *In the case of a capital murder for hire under the provisions of subdivision 2 of § 18.2-31, a*
27 *capital murder involving a continuing criminal enterprise under subdivision 10 of § 18.2-31, or a capital*
28 *murder involving an act of terrorism under subdivision 13 of § 18.2-31, an accessory before the fact*
29 *may be indicted, tried, convicted, and punished in all respects as if a principal in the first degree. In all*
30 *other offenses of capital murder, an accessory before the fact may be indicted, tried, convicted, and*
31 *punished as a principal in the first degree only if he ordered or directed the willful, deliberate, and*
32 *premeditated killing in violation of § 18.2-31; otherwise, he shall be indicted, tried, convicted, and*
33 *punished as though the offense were murder in the first degree.*

34 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
35 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0**
36 **for periods of imprisonment in state adult correctional facilities and is \$0 for periods of**
37 **commitment to the custody of the Department of Juvenile Justice.**