

2008 SESSION

HOUSE SUBSTITUTE

080354272

SENATE BILL NO. 221

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 15, 2008)

(Patron Prior to Substitute—Senator McDougle)

A BILL to amend and reenact § 46.2-868 of the Code of Virginia, relating to felony offense of reckless driving; penalty.

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~~ is 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.

C. *Every person convicted of reckless driving under the provisions of this article who operates a motor vehicle in a manner so gross, wanton, and culpable as to show a reckless disregard for human life and thereby unintentionally causes serious bodily injury to another person resulting in permanent and significant physical impairment 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.

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