

2008 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 221

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 23, 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 by willfully operating his motor vehicle in a manner demonstrating a malicious disregard for the likelihood of death or serious bodily harm to another person causing permanent and significant physical impairment to 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.

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