

## 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"; penalty.

4 [H 2358]

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; penalty.

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.

ENROLLED

HB2358ER