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HOUSE BILL NO. 1601

Offered January 12, 2011

Prefiled January 6, 2011

A *BILL to amend and reenact § 18.2-36.1 of the Code of Virginia, relating to DUI manslaughter committed while an unlicensed driver; penalty.*

Patrons—Peace and Lingamfelter

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~~ *is* guilty of involuntary manslaughter.

~~B. If, in addition, the conduct of the defendant was~~ *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 (i) in a manner so gross, wanton and culpable as to show a reckless disregard for human life, he shall be or (ii) while operating a motor vehicle (a) in violation of § 46.2-300 or (b) when his license is suspended or revoked is 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 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 \$72,370 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.

INTRODUCED

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