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HOUSE BILL NO. 954

Offered January 11, 2012
Prefiled January 11, 2012

A BILL to amend and reenact § 18.2-18 of the Code of Virginia, relating to redefinition of the "triggerman rule"; penalty.

Patrons—Bell, Robert B., Helsel, Hodges, Massie, Merricks, O'Quinn, Ramadan and Webert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-18 of the Code of Virginia is amended and reenacted as follows:

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

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

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

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

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 $0 for periods of imprisonment in state adult correctional facilities and is $0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED