

15104277D

SENATE BILL NO. 1035

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 26, 2015)

(Patron Prior to Substitute—Senator Wexton)

A BILL to amend and reenact § 18.2-33 of the Code of Virginia, relating to felony homicide; certain drug offenses; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-33 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-33. Felony homicide defined; punishment.

A. The killing of one accidentally, contrary to the intention of the parties, while in the prosecution of some felonious act other than those specified in §§ 18.2-31 and 18.2-32, is murder of the second degree and is punishable by confinement in a state correctional facility for not less than five years nor more than ~~forty~~ 40 years.

B. Any person who distributes to another individual a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) in violation of § 18.2-248 is guilty of second degree murder punishable by confinement in a state correctional facility for not less than five years nor more than 40 years if the person to whom it is distributed dies within 48 hours of the distribution as the direct, proximate, and unintended result of ingesting such substance, unless the controlled substance was provided as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any consideration received or expected nor to induce the decedent to use or become addicted to or dependent upon such controlled substance.

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; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.