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HOUSE BILL NO. 510

Offered January 10, 2018

Prefiled January 8, 2018

A BILL to amend the Code of Virginia by adding sections numbered 18.2-36.3 and 18.2-51.8, relating to driving while using handheld personal communications device; penalty.

Patron—Mullin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 18.2-36.3 and 18.2-51.8 as follows:

§ 18.2-36.3. Involuntary manslaughter; driving while using handheld personal communications device; penalty.

A. Any person who, as a result of driving while in violation of § 46.2-1078.1 or any substantially similar local ordinance, unintentionally causes the death of another person is guilty of involuntary manslaughter.

B. If, in addition, the conduct of the defendant was so gross, wanton, and culpable as to show a reckless disregard for human life, he 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.

§ 18.2-51.8. Maiming, etc., of another; driving while using handheld personal communications device; penalty.

Any person who, as a result of driving while in violation of § 46.2-1078.1 or any substantially similar local ordinance in a manner so gross, wanton, and culpable as to show a reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment 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; therefore, Chapter 836 of the Acts of Assembly of 2017 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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