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HOUSE BILL NO. 359

House Amendments in [] — February 9, 1994

A *BILL to amend and reenact § 18.2-36.1 of the Code of Virginia, relating to conduct punishable as involuntary manslaughter; penalty.*

Patrons—Kilgore, Albo, Cox, Crouch, Griffith, Johnson, Katzen, Kidd, McDonnell, O'Brien, Orrock and Ruff; Senators: Bell, Potts, Stolle and Wampler

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 subdivision (ii), (iii), or (iv) of § 18.2-266, unintentionally causes the death of another person, shall be 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 shall be guilty of aggravated involuntary manslaughter, a felony punishable by a term of imprisonment of not less than one nor more than twenty 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. [*The sentence for any violation of this section shall include a mandatory, minimum term of imprisonment of one year.*] The driver's license of any person convicted under this section may be suspended for a period of up to five years. This section shall not preclude any other revocation or suspension required by law.

ENGROSSED

HB359E