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SENATE BILL NO. 183

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on March 8, 1994)

(Patron Prior to Substitute—Senator Potts)

A BILL to amend and reenact § 18.2-36.1 of the Code of Virginia, relating to involuntary manslaughter resulting from driving under the influence; penalty.

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 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.