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SENATE BILL NO. 183

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice)

on January 26, 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. *Any person convicted of a violation of this subsection shall also have his driver's license permanently revoked, and the motor vehicle of such person used in the commission of the offense shall be seized and forfeited to the Commonwealth. Any such seizure and forfeiture shall be governed by the procedures set forth in Chapter 22 (§ 19.2-369 et seq.) of Title 19.2, mutatis mutandis.*

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~~ subsection A may be suspended for a period of up to five years. This ~~section~~ subsection shall not preclude any other revocation or suspension required by law.