

LD7383146

**HOUSE BILL NO. 2292**

Offered January 23, 1995

*A BILL to amend and reenact § 18.2-31 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 18.2-58.2, relating to capital murder; larceny by force; penalty.*

Patrons—Cantor, Albo, Ball and Reid; Senators: Stosch and Trumbo

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-31 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-58.2 as follows:**

§ 18.2-31. Capital murder defined; punishment.

The following offenses shall constitute capital murder, punishable as a Class 1 felony:

1. The willful, deliberate, and premeditated killing of any person in the commission of abduction, as defined in § 18.2-48, when such abduction was committed with the intent to extort money or a pecuniary benefit;

2. The willful, deliberate, and premeditated killing of any person by another for hire;

3. The willful, deliberate, and premeditated killing of any person by a prisoner confined in a state or local correctional facility as defined in § 53.1-1, or while in the custody of an employee thereof;

4. The willful, deliberate, and premeditated killing of any person in the commission of robbery or attempted robbery while armed with a deadly weapon;

5. The willful, deliberate, and premeditated killing of any person in the commission of, or subsequent to, rape or attempted rape or forcible sodomy or attempted forcible sodomy;

6. The willful, deliberate, and premeditated killing of a law-enforcement officer as defined in § 9-169 (9) when such killing is for the purpose of interfering with the performance of his official duties;

7. The willful, deliberate, and premeditated killing of more than one person as a part of the same act or transaction;

8. The willful, deliberate, and premeditated killing of a child under the age of twelve years in the commission of abduction as defined in § 18.2-48 when such abduction was committed with the intent to extort money or a pecuniary benefit, or with the intent to defile the victim of such abduction; ~~and~~

9. The willful, deliberate, and premeditated killing of any person in the commission of or attempted commission of a violation of § 18.2-248, involving a Schedule I or II controlled substance, when such killing is for the purpose of furthering the commission or attempted commission of such violation ; *and*

10. *The willful, deliberate, and premeditated killing of any person in the commission of larceny by force.*

If any one or more subsections, sentences, or parts of this section shall be judged unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

§ 18.2-58.2. *Larceny by force.*

A. *Any person who commits larceny by force, as defined herein, is guilty of a felony punishable by imprisonment for life or for a term of not less than five years.*

B. *A person is guilty of "larceny by force" when he commits larceny or attempted larceny of property and, in the course of committing larceny or attempted larceny, and, with the intent to maintain control of the property or to escape, (i) intentionally or knowingly causes bodily injury or death to another; or (ii) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.*

C. *The provisions of this section shall not preclude the applicability of any other provision of the criminal law of this Commonwealth which may apply to any course of conduct which violates this section.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.00.**

INTRODUCED

HB2292