

LD7743488

## HOUSE BILL NO. 2372

Offered January 23, 1995

A *BILL to amend and reenact § 18.2-31 of the Code of Virginia, relating to definition of capital murder.*

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Patrons—Wilkins and Nixon

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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 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 intentional killing or counseling, commanding, inducing, procuring or causing the intentional killing of any person by a person engaged in or working in furtherance of a continuing criminal enterprise or by a person engaged in an offense under § 18.2-248 involving a controlled substance which is a narcotic as classified in Schedule I or II; and*

11. *The intentional killing or counseling, commanding, inducing, procuring or causing the intentional killing of any federal, state or local law-enforcement officer while engaged in or on account of the performance of his duties by a person during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or incarceration for a felony violation of Article 1 of Chapter 7 ( § 18.2-247 et seq.) of Title 18.2.*

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.

**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.**

INTRODUCED

HB2372