

LD3519180

HOUSE BILL NO. 274

House Amendments in [] — February 15, 1994

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

Patrons—Croshaw, Abbitt, Albo, Almand, Baker, Ball, Barlow, Behm, Bennett, Bloxom, Brickley, Cantor, Christian, Clement, Cooper, Copeland, Councill, Cranwell, Crouch, Davies, Diamonstein, Dickinson, Dudley, Forbes, Grayson, Griffith, Hall, Hamilton, Harris, Heilig, Howell, Hull, Ingram, Jackson, Johnson, Keating, Kidd, Kilgore, Marshall, Martin, May, Mayer, McClure, McDonnell, Miller, Mims, Moore, Morgan, Moss, Newman, O'Brien, Orrock, Parrish, Phillips, Puller, Purkey, Putney, Reid, Reynolds, Rhodes, Robinson, Ruff, Shuler, Spruill, Stump, Thomas, Wagner, Way and Woodrum; Senator: Holland, C.A.

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 willful, deliberate, and premeditated killing of any person if the defendant has been previously convicted of two separate felony offenses of murder, [~~arson~~,] rape [as defined in § 18.2-61], forcible sodomy, object sexual penetration, robbery [while armed with a deadly weapon], or abduction [as defined in § 18.2-47] and such offenses were not part of a common act, transaction or scheme.*

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.

ENGROSSED

HB274E