

2015 SESSION

INTRODUCED

15100485D

HOUSE BILL NO. 1427

Offered January 14, 2015

Prefiled December 23, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-33.1, relating to death caused by controlled substance; penalty.*

Patrons—Lingamfelter and Miller

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-33.2 as follows:

18.2-33.1. Death caused by controlled substance; penalty.

A. Any person who sells, gives, or distributes to another person a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 is guilty of murder of the second degree if (i) such other person's death results from his use of the controlled substance and (ii) such controlled substance is the proximate cause of the death of such other person.

B. It is not a defense to a prosecution under this section that the decedent contributed to his own death by his knowing or voluntary use of the controlled substance.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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