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SENATE BILL NO. 367

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 18.2-33, 18.2-248, and 32.1-283 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9, relating to manufacturing, selling, giving, distributing, etc., of fentanyl, heroin, or related controlled substances; Task Force on Fentanyl and Heroin Enforcement established; penalties.

Patrons—DeSteph, Craig, Diggs, Durant, French, Hackworth, Head, Jordan, McDougle, McGuire, Obenshain, Peake, Pillion, Reeves, Stanley, Stuart, Sturtevant and Subramanyam

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-33, 18.2-248, and 32.1-283 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9 as follows:

§ 9.1-116.9. Establishment of Task Force on Fentanyl and Heroin Enforcement.

A. There is hereby created the Task Force on Fentanyl and Heroin Enforcement (the Task Force), which shall consist of (i) two members of the House of Delegates appointed by the Speaker of the House of Delegates; (ii) one member of the Senate appointed by the Senate Committee on Rules; (iii) the Attorney General, or his designee; (iv) the Secretary of Public Safety and Homeland Security, or his designee; (v) the Director of the Department, or his designee; (vi) the Superintendent of State Police, or his designee; (vii) a representative of the Virginia Association of Chiefs of Police; (viii) a representative of the Virginia Sheriffs' Association; and (ix) an attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys. The Task Force shall annually elect a chairman from among its members.

B. The purpose of the Task Force is to study ways to enhance the ability of law-enforcement officers throughout the Commonwealth to combat the illegal manufacturing, importation, and distribution of fentanyl, heroin, and other similar controlled substances.

C. The Task Force shall meet at least annually and upon call of the chairman and shall report to the Governor and the General Assembly by December 1 of each year regarding its activities and any recommendations.

§ 18.2-33. Felony homicide defined; punishment.

A. The killing of one accidentally, contrary to the intention of the parties, while in the prosecution of some felonious act other than those specified in §§ 18.2-31 and 18.2-32, is murder of the second degree and is punishable by confinement in a state correctional facility for not less than five years nor more than ~~forty~~ 40 years.

B. A person is guilty of felony homicide under subsection A if the felonious act that resulted in the killing of one accidentally, contrary to the intention of the parties, involved the manufacture, sale, gift, or distribution of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to another person in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 and (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 regardless of the time or place death occurred in relation to the commission of the underlying felony. It is not a defense to a prosecution under this subsection that the decedent contributed to his own death by his knowing or voluntary use of the controlled substance. Venue for a prosecution under this subsection shall lie in the locality where the felony violation of Article 1 of Chapter 7 occurred, where the use of the controlled substance occurred, or where death occurred.

C. However, if a person proves that he gave or distributed a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility as defined in § 53.1-1, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.

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58 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it shall be unlawful for any
59 person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute
60 a controlled substance or an imitation controlled substance.

61 B. In determining whether any person intends to manufacture, sell, give or distribute an imitation
62 controlled substance, the court may consider, in addition to all other relevant evidence, whether any
63 distribution or attempted distribution of such pill, capsule, tablet or substance in any other form
64 whatsoever included an exchange of or a demand for money or other property as consideration, and, if
65 so, whether the amount of such consideration was substantially greater than the reasonable value of such
66 pill, capsule, tablet or substance in any other form whatsoever, considering the actual chemical
67 composition of such pill, capsule, tablet or substance in any other form whatsoever and, where
68 applicable, the price at which over-the-counter substances of like chemical composition sell.

69 C. Except as provided in subsection C1, any person who violates this section with respect to a
70 controlled substance classified in Schedule I or II shall upon conviction be imprisoned for not less than
71 five nor more than 40 years and fined not more than \$500,000. Upon a second conviction of such a
72 violation, and it is alleged in the warrant, indictment, or information that the person has been before
73 convicted of such an offense or of a substantially similar offense in any other jurisdiction, which offense
74 would be a felony if committed in the Commonwealth, and such prior conviction occurred before the
75 date of the offense alleged in the warrant, indictment, or information, any such person may, in the
76 discretion of the court or jury imposing the sentence, be sentenced to imprisonment for life or for any
77 period not less than five years, three years of which shall be a mandatory minimum term of
78 imprisonment to be served consecutively with any other sentence, and he shall be fined not more than
79 \$500,000.

80 When a person is convicted of a third or subsequent offense under this subsection and it is alleged in
81 the warrant, indictment or information that he has been before convicted of two or more such offenses
82 or of substantially similar offenses in any other jurisdiction which offenses would be felonies if
83 committed in the Commonwealth and such prior convictions occurred before the date of the offense
84 alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a
85 period of not less than 10 years, 10 years of which shall be a mandatory minimum term of
86 imprisonment to be served consecutively with any other sentence, and he shall be fined not more than
87 \$500,000.

88 Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture,
89 sell, give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1
90 million and imprisonment for five years to life, five years of which shall be a mandatory minimum term
91 of imprisonment to be served consecutively with any other sentence:

- 92 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 93 2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - 94 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
95 derivatives of ecgonine or their salts have been removed;
 - 96 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 97 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 98 d. Any compound, mixture, or preparation that contains any quantity of any of the substances
99 referred to in subdivisions 2a through 2c;
- 100 3. 250 grams or more of a mixture or substance described in subdivisions 2a through 2d that contain
101 cocaine base; or
- 102 4. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or
103 more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,
104 or salts of its isomers.

105 The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall
106 not be applicable if the court finds that:

- 107 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;
- 108 b. The person did not use violence or credible threats of violence or possess a firearm or other
109 dangerous weapon in connection with the offense or induce another participant in the offense to do so;
- 110 c. The offense did not result in death or serious bodily injury to any person;
- 111 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was
112 not engaged in a continuing criminal enterprise as defined in subsection I; and
- 113 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the
114 Commonwealth all information and evidence the person has concerning the offense or offenses that were
115 part of the same course of conduct or of a common scheme or plan, but the fact that the person has no
116 relevant or useful other information to provide or that the Commonwealth already is aware of the
117 information shall not preclude a determination by the court that the defendant has complied with this
118 requirement.

119 C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its

salts, isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the warrant, indictment, or information that he has been previously convicted of two or more such offenses or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production. This restitution shall include the person's or his estate's estimated or actual expenses associated with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup, removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant to § 32.1-11.7.

D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall be guilty of a Class 5 felony.

E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription of a person authorized under this article to issue the same, which prescription has not been received in writing by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the pharmacist within one week of the time of filling the same, or if such violation consists of a request by such authorized person for the filling by a pharmacist of a prescription which has not been received in writing by the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

E1. Any person who violates this section with respect to a controlled substance classified in Schedule III except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, shall be guilty of a Class 5 felony.

E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV shall be guilty of a Class 6 felony.

E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1 misdemeanor.

F. Any person who violates this section with respect to a controlled substance classified in Schedule V or Schedule VI or an imitation controlled substance which imitates a controlled substance classified in Schedule V or Schedule VI, shall be guilty of a Class 1 misdemeanor.

G. Any person who violates this section with respect to an imitation controlled substance which imitates a controlled substance classified in Schedule I, II, III, or IV shall be guilty of a Class 6 felony. In any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the defendant believed the imitation controlled substance to actually be a controlled substance.

H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture,

181 sell, give or distribute the following:

182 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;

183 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:

184 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
185 derivatives of ecgonine or their salts have been removed;

186 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

187 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

188 d. Any compound, mixture, or preparation which contains any quantity of any of the substances
189 referred to in subdivisions a through c;

190 3. 2.5 kilograms or more of a mixture or substance described in subdivision 2 which contains
191 cocaine base;

192 4. 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or

193 5. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or
194 more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,
195 or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million and
196 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such
197 mandatory minimum sentence shall not be applicable if the court finds that (i) the person does not have
198 a prior conviction for an offense listed in subsection C of § 17.1-805; (ii) the person did not use
199 violence or credible threats of violence or possess a firearm or other dangerous weapon in connection
200 with the offense or induce another participant in the offense to do so; (iii) the offense did not result in
201 death or serious bodily injury to any person; (iv) the person was not an organizer, leader, manager, or
202 supervisor of others in the offense, and was not engaged in a continuing criminal enterprise as defined
203 in subsection I of this section; and (v) not later than the time of the sentencing hearing, the person has
204 truthfully provided to the Commonwealth all information and evidence the person has concerning the
205 offense or offenses that were part of the same course of conduct or of a common scheme or plan, but
206 the fact that the person has no relevant or useful other information to provide or that the Commonwealth
207 already is aware of the information shall not preclude a determination by the court that the defendant
208 has complied with this requirement.

209 H1. Any person who was the principal or one of several principal administrators, organizers or
210 leaders of a continuing criminal enterprise shall be guilty of a felony if (i) the enterprise received at
211 least \$100,000 but less than \$250,000 in gross receipts during any 12-month period of its existence from
212 the manufacture, importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or
213 the derivatives, salts, isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the
214 enterprise to manufacture, sell, give, distribute or possess with the intent to manufacture, sell, give or
215 distribute the following during any 12-month period of its existence:

216 1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a
217 detectable amount of heroin;

218 2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable
219 amount of:

220 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
221 derivatives of ecgonine or their salts have been removed;

222 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

223 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

224 d. Any compound, mixture, or preparation which contains any quantity of any of the substances
225 referred to in subdivisions a through c;

226 3. At least 2.5 kilograms but less than 5.0 kilograms of a mixture or substance described in
227 subdivision 2 which contains cocaine base;

228 4. At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a
229 detectable amount of marijuana; or

230 5. At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its
231 isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a
232 detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

233 A conviction under this section shall be punishable by a fine of not more than \$1 million and
234 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

235 H2. Any person who was the principal or one of several principal administrators, organizers or
236 leaders of a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross
237 receipts during any 12-month period of its existence from the manufacture, importation, or distribution
238 of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of
239 isomers thereof or marijuana or (ii) the person engaged in the enterprise to manufacture, sell, give,
240 distribute or possess with the intent to manufacture, sell, give or distribute the following during any
241 12-month period of its existence:

242 1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

2. At least 10 kilograms of a mixture or substance containing a detectable amount of:
 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

d. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through c;

3. At least 5.0 kilograms of a mixture or substance described in subdivision 2 which contains cocaine base;

4. At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or

5. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be made to run consecutively with any other sentence. However, the court may impose a mandatory minimum sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement authorities.

I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a continuing series of violations of this section which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and from which such person obtains substantial income or resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street gang as defined in § 18.2-46.1.

J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two or more different substances listed below with the intent to manufacture methamphetamine, methcathinone, or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

K. *In addition to any other penalties provided in this section, the penalty for any person who violates this section with respect to a mixture or substance containing detectable amounts of heroin, fentanyl, or carfentanil or the derivatives, salts, isomers, or salts of isomers thereof shall include a mandatory minimum fine as follows:*

1. *A mandatory minimum fine of \$500,000 for four grams or more but less than 14 grams of such mixture or substance;*

2. *A mandatory minimum fine of \$750,000 for 14 grams or more but less than 28 grams of such mixture or substance; and*

3. *A mandatory minimum fine of \$1 million for 28 grams or more of such mixture or substance.*

L. The term "methamphetamine precursor drug," when used in this article, means a drug or product containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers.

§ 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.; fees.

A. Upon the death of any person from trauma, injury, violence, poisoning, accident, suicide, or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, or other correctional institution, or in police custody, or who was at the time of his death, or immediately prior to admission to another hospital, an individual receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services whether the death of such individual was expected or unexpected, or suddenly as an apparent result of fire, or in any suspicious, unusual, or unnatural manner, or the sudden death of any infant, *or in any case where the attorney for the Commonwealth or the investigating law-enforcement agency has probable cause to believe that the death resulted from a violation of subsection B or C of § 18.2-33*, the Office of the Chief Medical Examiner shall be notified by the physician in attendance, hospital, law-enforcement officer, funeral director, or any other person having knowledge of such death. Good faith efforts shall be made by any person or institution having initial custody of the dead body to identify and to notify the next of kin of the decedent. Notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification.

304 Identity of the next of kin, if determined, shall be provided to the Office of the Chief Medical Examiner
305 upon transfer of the dead body.

306 B. Upon being notified of a death as provided in subsection A, the Office of the Chief Medical
307 Examiner shall take charge of the dead body and the Chief Medical Examiner shall cause an
308 investigation into the cause and manner of death to be made and a full report, which shall include
309 written findings, to be prepared. In order to facilitate the investigation, the Office of the Chief Medical
310 Examiner is authorized to inspect and copy the pertinent medical records of the decedent whose death is
311 the subject of the investigation. Full directions as to the nature, character, and extent of the investigation
312 to be made in such cases shall be furnished each medical examiner appointed pursuant to § 32.1-282 by
313 the Office of the Chief Medical Examiner, together with appropriate forms for the required reports and
314 instructions for their use. The facilities and personnel of the Office of the Chief Medical Examiner shall
315 be made available to any medical examiner investigating a death in accordance with this section.
316 Reports and findings of the Office of the Chief Medical Examiner shall be confidential and shall not
317 under any circumstance be disclosed or made available for discovery pursuant to a court subpoena or
318 otherwise, except as provided in this chapter. Nothing in this subsection shall prohibit the Office of the
319 Chief Medical Examiner from releasing the cause or manner of death or prohibit disclosure of reports or
320 findings to the parties in a criminal case.

321 C. A copy of each report pursuant to this section shall be delivered to the appropriate attorney for
322 the Commonwealth and to the appropriate law-enforcement agency investigating the death. A copy of
323 any such report regarding the death of a victim of a traffic accident shall be furnished upon request to
324 the State Police and the Highway Safety Commission. In addition, a copy of any report concerning an
325 individual who was receiving services, or who immediately prior to admission to another hospital
326 received services, in a state hospital or training center operated by the Department of Behavioral Health
327 and Developmental Services shall be delivered to the Commissioner of Behavioral Health and
328 Developmental Services and to the State Inspector General. A copy of any autopsy report concerning a
329 prisoner committed to the custody of the Director of the Department of Corrections shall, upon request
330 of the Director of the Department of Corrections, be delivered to the Director of the Department of
331 Corrections. A copy of any autopsy report concerning a prisoner committed to any local correctional
332 facility shall be delivered to the local sheriff or superintendent. Upon request, the Office of the Chief
333 Medical Examiner shall release such autopsy report to the decedent's attending physician and to the
334 personal representative or executor of the decedent. At the discretion of the Chief Medical Examiner, an
335 autopsy report may be released to the following persons in the following order of priority: (i) the spouse
336 of the decedent, (ii) an adult son or daughter of the decedent, (iii) either parent of the decedent, (iv) an
337 adult sibling of the decedent, (v) any other adult relative of the decedent in order of blood relationship,
338 or (vi) any appropriate health facility quality assurance program.

339 D. For each investigation under this article, including the making of the required reports, the medical
340 examiner appointed pursuant to § 32.1-282 shall receive a fee established by the Board within the
341 limitations of appropriations for the purpose. Such fee shall be paid by the Commonwealth if the
342 deceased is not a legal resident of the county or city in which his death occurred. In the event the
343 deceased is a legal resident of the county or city in which his death occurred, such county or city shall
344 be responsible for the fee up to \$20. If the deceased is an individual who receives services in a state
345 hospital or training center operated by the Department of Behavioral Health and Developmental
346 Services, the fee shall be paid by the Department of Behavioral Health and Developmental Services.

347 E. Nothing herein shall be construed to interfere with the autopsy procedure or with the routine
348 obtaining of consent for removal of organs as conducted by surgical teams or others.

349 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
350 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
351 **necessary appropriation is at least \$325,892 for periods of imprisonment in state adult correctional**
352 **facilities and cannot be determined for periods of commitment to the custody of the Department of**
353 **Juvenile Justice.**