

1 HOUSE BILL NO. 108
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee for Courts of Justice
4 on _____)
5 (Patron Prior to Substitute--Delegate McGuire)

6 A BILL to amend and reenact § 18.2-33 of the Code of Virginia, relating to felony homicide; certain drug
7 offenses; penalties.

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

9 **1. That § 18.2-33 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 18.2-33. Felony homicide defined; punishment.**

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

15 B. A person is guilty of felony homicide under subsection A if the felonious act that resulted in
16 the killing of one accidentally, contrary to the intention of the parties, involved the manufacture, sale, gift,
17 or distribution of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-
18 3400 et seq.) to another person in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 and such other
19 person's use of the controlled substance results in his death, regardless of the time or place death occurred
20 in relation to the commission of the underlying felony. It is not a defense to a prosecution under this
21 subsection that the decedent contributed to his own death by his knowing or voluntary use of the controlled
22 substance. Venue for a prosecution under this subsection shall lie in the locality where the felony violation
23 of Article 1 of Chapter 7 occurred, where the use of the controlled substance occurred, or where death
24 occurred.

