

SENATE BILL NO. 367

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Senator DeSteph)

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.

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.

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

30 **§ 18.2-33. Felony homicide defined; punishment.**

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

35 B. A person is guilty of felony homicide under subsection A if the felonious act that resulted in
36 the killing of one accidentally, contrary to the intention of the parties, involved the manufacture, sale, gift,
37 or distribution of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-
38 3400 et seq.) to another person in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 and (i) such other
39 person's death results from his use of the controlled substance and (ii) such controlled substance is the
40 proximate cause of the death of such other person regardless of the time or place death occurred in relation
41 to the commission of the underlying felony. It is not a defense to a prosecution under this subsection that
42 the decedent contributed to his own death by his knowing or voluntary use of the controlled substance.
43 Venue for a prosecution under this subsection shall lie in the locality where the felony violation of Article
44 1 of Chapter 7 occurred, where the use of the controlled substance occurred, or where death occurred.

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

52 **§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to**
53 **manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance**
54 **prohibited; penalties.**

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

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

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

76 When a person is convicted of a third or subsequent offense under this subsection and it is alleged
77 in the warrant, indictment or information that he has been before convicted of two or more such offenses
78 or of substantially similar offenses in any other jurisdiction which offenses would be felonies if committed

79 in the Commonwealth and such prior convictions occurred before the date of the offense alleged in the
80 warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a period of not
81 less than 10 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served
82 consecutively with any other sentence, and he shall be fined not more than \$500,000.

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

- 87 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 88 2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - 89 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
90 derivatives of ecgonine or their salts have been removed;
 - 91 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 92 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 93 d. Any compound, mixture, or preparation that contains any quantity of any of the substances
94 referred to in subdivisions 2a through 2c;
- 95 3. 250 grams or more of a mixture or substance described in subdivisions 2a through 2d that contain
96 cocaine base; or
- 97 4. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or
98 more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or
99 salts of its isomers.

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

- 102 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;
- 103 b. The person did not use violence or credible threats of violence or possess a firearm or other
104 dangerous weapon in connection with the offense or induce another participant in the offense to do so;
- 105 c. The offense did not result in death or serious bodily injury to any person;

106 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and
107 was not engaged in a continuing criminal enterprise as defined in subsection I; and

108 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the
109 Commonwealth all information and evidence the person has concerning the offense or offenses that were
110 part of the same course of conduct or of a common scheme or plan, but the fact that the person has no
111 relevant or useful other information to provide or that the Commonwealth already is aware of the
112 information shall not preclude a determination by the court that the defendant has complied with this
113 requirement.

114 C1. Any person who violates this section with respect to the manufacturing of methamphetamine,
115 its salts, isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a
116 detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction,
117 be imprisoned for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a
118 second conviction of such a violation, any such person may, in the discretion of the court or jury imposing
119 the sentence, be sentenced to imprisonment for life or for any period not less than 10 years, and be fined
120 not more than \$500,000. When a person is convicted of a third or subsequent offense under this subsection
121 and it is alleged in the warrant, indictment, or information that he has been previously convicted of two
122 or more such offenses or of substantially similar offenses in any other jurisdiction, which offenses would
123 be felonies if committed in the Commonwealth and such prior convictions occurred before the date of the
124 offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life
125 or for a period not less than 10 years, three years of which shall be a mandatory minimum term of
126 imprisonment to be served consecutively with any other sentence and he shall be fined not more than
127 \$500,000.

128 Upon conviction, in addition to any other punishment, a person found guilty of this offense shall
129 be ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner
130 whose property is damaged, destroyed, or otherwise rendered unusable as a result of such
131 methamphetamine production. This restitution shall include the person's or his estate's estimated or actual
132 expenses associated with cleanup, removal, or repair of the affected property. If the property that is

133 damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production is
134 property owned in whole or in part by the person convicted, the court shall order the person to pay to the
135 Methamphetamine Cleanup Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses
136 associated with cleanup, removal, or repair of the affected property or, if actual or estimated expenses
137 cannot be determined, the sum of \$10,000. The convicted person shall also pay the cost of certifying that
138 any building that is cleaned up or repaired pursuant to this section is safe for human occupancy according
139 to the guidelines established pursuant to § 32.1-11.7.

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

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

155 E1. Any person who violates this section with respect to a controlled substance classified in
156 Schedule III except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-
157 248.5, shall be guilty of a Class 5 felony.

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

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

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

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

175 H. Any person who manufactures, sells, gives, distributes or possesses with the intent to
176 manufacture, sell, give or distribute the following:

- 177 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;
- 178 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:
 - 179 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
180 derivatives of ecgonine or their salts have been removed;
 - 181 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - 182 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - 183 d. Any compound, mixture, or preparation which contains any quantity of any of the substances
184 referred to in subdivisions a through c;
- 185 3. 2.5 kilograms or more of a mixture or substance described in subdivision 2 which contains
186 cocaine base;

187 4. 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana;
188 or

189 5. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams
190 or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,
191 or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million and
192 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such
193 mandatory minimum sentence shall not be applicable if the court finds that (i) the person does not have a
194 prior conviction for an offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or
195 credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense
196 or induce another participant in the offense to do so; (iii) the offense did not result in death or serious
197 bodily injury to any person; (iv) the person was not an organizer, leader, manager, or supervisor of others
198 in the offense, and was not engaged in a continuing criminal enterprise as defined in subsection I of this
199 section; and (v) not later than the time of the sentencing hearing, the person has truthfully provided to the
200 Commonwealth all information and evidence the person has concerning the offense or offenses that were
201 part of the same course of conduct or of a common scheme or plan, but the fact that the person has no
202 relevant or useful other information to provide or that the Commonwealth already is aware of the
203 information shall not preclude a determination by the court that the defendant has complied with this
204 requirement.

205 H1. Any person who was the principal or one of several principal administrators, organizers or
206 leaders of a continuing criminal enterprise shall be guilty of a felony if (i) the enterprise received at least
207 \$100,000 but less than \$250,000 in gross receipts during any 12-month period of its existence from the
208 manufacture, importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the
209 derivatives, salts, isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the
210 enterprise to manufacture, sell, give, distribute or possess with the intent to manufacture, sell, give or
211 distribute the following during any 12-month period of its existence:

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

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

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

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

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

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

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

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

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

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

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

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

239 2. At least 10 kilograms of a mixture or substance containing a detectable amount of:

- 240 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and
241 derivatives of ecgonine or their salts have been removed;
- 242 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 243 c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
- 244 d. Any compound, mixture, or preparation which contains any quantity of any of the substances
245 referred to in subdivisions a through c;
- 246 3. At least 5.0 kilograms of a mixture or substance described in subdivision 2 which contains
247 cocaine base;
- 248 4. At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana;
249 or
- 250 5. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0
251 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts,
252 isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million
253 and imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment
254 shall be made to run consecutively with any other sentence. However, the court may impose a mandatory
255 minimum sentence of 40 years if the court finds that the defendant substantially cooperated with law-
256 enforcement authorities.
- 257 I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he
258 violates any provision of this section, the punishment for which is a felony and either (ii) such violation
259 is a part of a continuing series of violations of this section which are undertaken by such person in concert
260 with five or more other persons with respect to whom such person occupies a position of organizer, a
261 supervisory position, or any other position of management, and from which such person obtains
262 substantial income or resources or (iii) such violation is committed, with respect to methamphetamine or
263 other controlled substance classified in Schedule I or II, for the benefit of, at the direction of, or in
264 association with any criminal street gang as defined in § 18.2-46.1.
- 265 J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses
266 any two or more different substances listed below with the intent to manufacture methamphetamine,

267 methcathinone, or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate,
268 ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture
269 of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium,
270 sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium
271 permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane,
272 or 2-propanone.

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

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

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

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

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

285 **§ 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.; fees.**

286 A. Upon the death of any person from trauma, injury, violence, poisoning, accident, suicide, or
287 homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison,
288 or other correctional institution, or in police custody, or who was at the time of his death, or immediately
289 prior to admission to another hospital, an individual receiving services in a state hospital or training center
290 operated by the Department of Behavioral Health and Developmental Services whether the death of such
291 individual was expected or unexpected, or suddenly as an apparent result of fire, or in any suspicious,
292 unusual, or unnatural manner, or the sudden death of any infant, or in any case where the attorney for the
293 Commonwealth or the investigating law-enforcement agency has probable cause to believe that the death

294 resulted from a violation of subsection B or C of § 18.2-33, the Office of the Chief Medical Examiner
295 shall be notified by the physician in attendance, hospital, law-enforcement officer, funeral director, or any
296 other person having knowledge of such death. Good faith efforts shall be made by any person or institution
297 having initial custody of the dead body to identify and to notify the next of kin of the decedent. Notification
298 shall include informing the person presumed to be the next of kin that he has a right to have identification
299 of the decedent confirmed without due delay and without being held financially responsible for any
300 procedures performed for the purpose of the identification. Identity of the next of kin, if determined, shall
301 be provided to the Office of the Chief Medical Examiner upon transfer of the dead body.

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

317 C. A copy of each report pursuant to this section shall be delivered to the appropriate attorney for
318 the Commonwealth and to the appropriate law-enforcement agency investigating the death. A copy of any
319 such report regarding the death of a victim of a traffic accident shall be furnished upon request to the State
320 Police and the Highway Safety Commission. In addition, a copy of any report concerning an individual

321 who was receiving services, or who immediately prior to admission to another hospital received services,
322 in a state hospital or training center operated by the Department of Behavioral Health and Developmental
323 Services shall be delivered to the Commissioner of Behavioral Health and Developmental Services and to
324 the State Inspector General. A copy of any autopsy report concerning a prisoner committed to the custody
325 of the Director of the Department of Corrections shall, upon request of the Director of the Department of
326 Corrections, be delivered to the Director of the Department of Corrections. A copy of any autopsy report
327 concerning a prisoner committed to any local correctional facility shall be delivered to the local sheriff or
328 superintendent. Upon request, the Office of the Chief Medical Examiner shall release such autopsy report
329 to the decedent's attending physician and to the personal representative or executor of the decedent. At the
330 discretion of the Chief Medical Examiner, an autopsy report may be released to the following persons in
331 the following order of priority: (i) the spouse of the decedent, (ii) an adult son or daughter of the decedent,
332 (iii) either parent of the decedent, (iv) an adult sibling of the decedent, (v) any other adult relative of the
333 decedent in order of blood relationship, or (vi) any appropriate health facility quality assurance program.

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

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

344 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
345 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
346 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
347 **therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia**

348 Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-
349 19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for
350 periods of commitment to the custody of the Department of Juvenile Justice.

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