

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2643

**FISCAL
NOTE**

BY DELEGATES MILLER, R., ELDRIDGE, MAYNARD,

SOBONYA AND ISNER

[Introduced February 21, 2017; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §60A-4-414, relating to creating a felony murder offense in the second degree
 3 for delivery of a controlled substance that causes death.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §60A-4-414, to read as follows:

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Drug delivery causing death.

1 Any person, who knowingly or intentionally commits any part of a series of acts that cause
 2 the delivery of a controlled substance that results in the death of a person consuming the
 3 controlled substance, is guilty of a felony murder in the second degree and, upon conviction
 4 thereof, shall be sentenced pursuant to section three, article two, chapter sixty-one of this code.

NOTE: The purpose of this bill is to create a new offense relating to the distribution of controlled substances. The bill provides that if any person delivers a controlled substance that causes a death then that person is guilty of second degree murder and shall be sentenced according to Code, §61-2-3.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.