

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2645

FISCAL
NOTE

BY DELEGATES MILLER, R., ELDRIDGE, MAYNARD,

SOBONYA AND FLEISCHAUER

[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 for failure to render aid by a culpable
 3 person in presence of a drug overdose; and providing penalties.

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:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Failure to render aid when present during ingestion.

1 Any person who is present and culpable during the ingestion of a controlled substance by
 2 another person who manifests an adverse physical reaction to the controlled substance, and the
 3 person fails to render or seek medical assistance for the other person in a timely manner and the
 4 other person ingesting the controlled substance subsequently dies due to that ingestion, is guilty
 5 of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less
 6 than three years nor more than fifteen years.

NOTE: The purpose of this bill is to create a new offense relating to the culpability of persons present during the ingestion of controlled substances; providing that a person present when a controlled substance is ingested and manifests an adverse physical reaction that results in that person's death, is guilty of a felony.

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