

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 220**

BY SENATOR WELD

[Introduced February 9, 2017; referred  
to the Committee on 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 offenses and penalties under the Uniform Controlled  
 3 Substances Act; creating a new felony offense for a drug delivery that results in the death  
 4 of another person; and providing a felony criminal penalty.

*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. Drug delivery resulting in death.**

1 (a) For purposes of this section, the term “caused” means the alleged substance or  
 2 controlled substance acting as either the sole cause of the victim’s death or as part of a  
 3 combination of substances which caused the victim’s death.

4 (b) Any person who knowingly and intentionally administers, dispenses, delivers, gives,  
 5 prescribes, sells or distributes any controlled substance or counterfeit controlled substance, in  
 6 violation of section four hundred one of this article, that results in the death of another person  
 7 which is caused by their use of the substance or counterfeit substance is guilty of a felony and,  
 8 upon conviction thereof, shall be imprisoned in a state correctional facility for a term of not less  
 9 than ten nor more than forty years.

10 (c) Subsection (b) does not apply to a person convicted under section one, four or five,  
 11 article two, chapter sixty-one of this code when the conduct arises out of the same criminal act.

NOTE: The purpose of this bill is to create a new felony offense for a drug delivery that results in the death of another person and providing a felony criminal penalty.

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