WEST virginia legislature

2022 regular session

Introduced

Senate Bill 431

By Senator Weld

[Introduced January 19, 2022; referred  
to the Committee on the Judiciary]

A BILL to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to the Uniform Controlled Substances Act; offenses and penalties; drug delivery resulting in death; and defining and clarifying the phrase “engaged in the illegal use of a controlled substance”.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-416. Drug delivery resulting in death; failure to render aid.

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of ~~the provisions of~~ §60A-4-401 of this code for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than 15 years.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, who knowingly fails to seek medical assistance for such other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than five years.

(c) As used in this section the phrase “engaged in the illegal use of a controlled substance with another” means being in the physical presence of a person engaged in illegal drug use and participating in illegal drug use or facilitating the illegal drug abuse by the other person so engaged.

NOTE: The purpose of this bill is to define and clarify the phrase “engaged in the illegal use of a controlled substance.”

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