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HOUSE BILL NO. 2657

Offered January 15, 2025

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-36.3, relating to involuntary manslaughter; certain drug offenses.*

Patron—Thomas

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-36.3 as follows:

§ 18.2-36.3. Involuntary manslaughter; certain drug offenses.

Any person who feloniously, as a result of manufacturing, selling, or distributing with the intent to manufacture, sell, or distribute a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7, and unintentionally causes the death of another person is guilty of involuntary manslaughter if (i) such death results from the use of the controlled substance and (ii) such controlled substance is the proximate cause of the death regardless of the time or place death occurred in relation to the commission of the underlying manufacturing, selling, or distributing with the intent to manufacture, sell, or distribute a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers.

It is not a defense to a prosecution under this section that the decedent contributed to his own death by his knowing or voluntary use of the controlled substance. Venue for a prosecution under this subsection shall lie in the locality where the manufacturing, selling, or distributing with the intent to manufacture, sell, or distribute a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers occurred, where the use of the controlled substance occurred, or where death occurred.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is at least \$64,996 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB2657