

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 220**

SENATOR WELD, *original sponsor*

[Passed April 8, 2017; in effect 90 days from passage]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §60A-4-414, relating generally to offenses and penalties under the Uniform  
3 Controlled Substances Act; creating the felony offense of delivering controlled substances  
4 or counterfeit controlled substances for an illicit purpose resulting in the death of another  
5 person and providing criminal penalties therefor; creating the criminal offense of failing to  
6 seek necessary medical attention for another while jointly engaged in illegal use of  
7 controlled substances where death ensues; and providing criminal penalties therefor.

*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; failure to render aid.**

1 (a) Any person who knowingly and willfully delivers a controlled substance or counterfeit  
2 controlled substance in violation of the provisions of section four hundred one, article four of this  
3 chapter for an illicit purpose and the use, ingestion or consumption of the controlled substance or  
4 counterfeit controlled substance alone or in combination with one or more other controlled  
5 substances, proximately causes the death of a person using, ingesting or consuming the  
6 controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a  
7 state correctional facility for a determinate sentence of not less than three nor more than fifteen  
8 years.

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



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2017.

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*Governor*