

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 220

BY SENATOR WELD

[Originating in the Committee on the Judiciary;

reported on March 6, 2017]

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 generally to offenses and penalties under the Uniform
3 Controlled Substances Act; creating the felony offense of delivering or dispensing
4 controlled substances or counterfeit controlled substances, the use, ingestion or
5 consumption of which alone or in combination with another controlled substance or
6 counterfeit controlled substances results in the death of another person; creating the
7 felony offense of delivering or dispensing controlled substances or counterfeit controlled
8 substances without remuneration and without an intent to cause death or serious bodily
9 injury the use of which alone or in combination with another controlled substance or
10 counterfeit controlled substances causes death; and providing criminal 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. Drug delivery resulting in death.

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, and the use, ingestion or consumption of the controlled substance or counterfeit
4 controlled substance alone or in combination with one or more other controlled substances,
5 proximately causes the death of a person using, ingesting or consuming the controlled substance,
6 is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility
7 for a determinate sentence of not less than ten nor more than forty years.

8 (b) Notwithstanding the provisions of subsection (a) of this section, any person who
9 knowingly and willfully delivers, administers, dispenses, supplies or injects a controlled substance
10 or counterfeit substance in violation of the provisions of section four hundred one, article four of
11 this chapter without remuneration and without the intent to cause death or serious bodily injury,

12 and the use, ingestion or consumption of the controlled substance or counterfeit controlled
13 substance alone or in combination with one or more other controlled substances, proximately
14 causes the death of a person to whom the controlled substance or counterfeit controlled
15 substance was delivered, administered, supplied or injected is guilty of a felony and, upon
16 conviction thereof, shall be imprisoned for a determinate sentence of not less than three nor more
17 than fifteen years.