

2010 SESSION

INTRODUCED

10100529D

1 **HOUSE BILL NO. 502**

2 Offered January 13, 2010

3 Prefiled January 12, 2010

4 A *BILL to amend and reenact § 18.2-18 of the Code of Virginia, relating to redefinition of the*
5 *"triggerman rule"; penalty.*

6 Patrons—Gilbert, Athey, Bell, Robert B., Carrico, Cox, J.A., Iaquinto, Lingamfelter, Lohr and Pogge

7
8 Referred to Committee for Courts of Justice
9

10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That § 18.2-18 of the Code of Virginia is amended and reenacted as follows:**

12 § 18.2-18. How principals in second degree and accessories before the fact punished.

13 A. In the case of every felony *except a violation of § 18.2-31*, every principal in the second degree
14 and every accessory before the fact may be indicted, tried, convicted and punished in all respects as if a
15 principal in the first degree; *provided, however, that except in the case of a killing for hire under the*
16 *provisions of subdivision 2 of § 18.2-31 or a killing pursuant to the direction or order of one who is*
17 *engaged in a continuing criminal enterprise under the provisions of subdivision 10 of § 18.2-31 or a*
18 *killing pursuant to the direction or order of one who is engaged in the commission of or attempted*
19 *commission of an act of terrorism under the provisions of subdivision 13 of § 18.2-31, an accessory*
20 *before the fact or principal in the second degree to a capital murder shall be indicted, tried, convicted*
21 *and punished as though the offense were murder in the first degree.*

22 B. *In the case of a capital murder for hire under the provisions of subdivision 2 of § 18.2-31, a*
23 *capital murder involving a continuing criminal enterprise under subdivision 10 of § 18.2-31, or a capital*
24 *murder involving an act of terrorism under subdivision 13 of § 18.2-31, a principal in the second degree*
25 *may be indicted, tried, convicted, and punished in all respects as if a principal in the first degree. In all*
26 *other offenses of capital murder, a principal in the second degree may be indicted, tried, convicted, and*
27 *punished as a principal in the first degree only if he had the same intent as the principal in the first*
28 *degree to commit a willful, deliberate, and premeditated killing in violation of § 18.2-31; otherwise, he*
29 *shall be indicted, tried, convicted, and punished as though the offense were murder in the first degree.*

30 C. *In the case of a capital murder for hire under the provisions of subdivision 2 of § 18.2-31, a*
31 *capital murder involving a continuing criminal enterprise under subdivision 10 of § 18.2-31, or a capital*
32 *murder involving an act of terrorism under subdivision 13 of § 18.2-31, an accessory before the fact*
33 *may be indicted, tried, convicted, and punished in all respects as if a principal in the first degree. In all*
34 *other offenses of capital murder, an accessory before the fact may be indicted, tried, convicted, and*
35 *punished as a principal in the first degree only if he ordered or directed the willful, deliberate, and*
36 *premeditated killing in violation of § 18.2-31; otherwise, he shall be indicted, tried, convicted, and*
37 *punished as though the offense were murder in the first degree.*

38 2.-That the provisions of this act may result in a net increase in periods of imprisonment or
39 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0
40 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of
41 commitment to the custody of the Department of Juvenile Justice.

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