

Aggravated/Capital Murder Defined

The following table identifies offenses that are statutorily defined to constitute aggravated or capital murder under federal law and Virginia and Utah state law, where, if convicted, the authorized punishment is death.



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VIRGINIA ¹	UTAH ²	FEDERAL ³
<p><i>The following offenses shall constitute capital murder, punishable as a Class 1 felony. The willful deliberate, and premeditated killing of:</i></p> <p>Any person by a prisoner confined in a state or local correctional facility, or while in the custody of an employee thereof</p> <hr/> <p>Any person in the commission of, or subsequent to, rape or attempted rape, forcible sodomy or attempted forcible sodomy or object sexual penetration</p> <p>Any person in the commission of robbery or attempted robbery</p> <p>Any person in the commission of abduction, when such abduction was committed with the intent to extort money or a pecuniary benefit or with the intent to defile the victim of such abduction</p> <hr/> <p>More than one person as a part of the same act or transaction</p> <hr/>	<p><i>Criminal homicide constitutes aggravated murder if the actor intentionally or knowingly causes the death of another under any of the following circumstances:</i></p> <p>The homicide was committed by a person who is confined in a jail or other correctional institution</p> <hr/> <p>The homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, child abuse, or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or child kidnapping</p> <hr/> <p>The homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed, or during which the actor attempted to kill one or more persons in addition to the victim who was killed</p> <hr/>	<p><i>Federal laws providing for the death penalty.</i></p> <p>Murder by an escaped Federal prisoner already sentenced to life imprisonment</p> <p>Murder by a Federal prisoner</p> <hr/> <p>Murder related to rape or child molestation</p> <p>Murder related to sexual exploitation of children</p> <p>Murder during a kidnapping</p> <p>Murder during a hostage taking</p> <p>Bank-robbery-related murder or kidnapping</p> <hr/> <p>No match</p>

Any person by another for hire	Homicide was committed for pecuniary gain	_____
_____	_____	Murder for hire
No matches	The actor knowingly created a great risk of death to a person other than the victim and the actor	_____
	The homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which the actor committed the crime of abuse or desecration of a dead human body	No matches
	The homicide was committed for the purpose of avoiding or preventing an arrest of the defendant or another by a peace officer acting under color of legal authority or for the purpose of effecting the defendant's or another's escape from lawful custody	
	The defendant committed, or engaged or employed another person to commit the homicide pursuant to an agreement or contract for remuneration or the promise of remuneration for commission of the homicide	
	The actor previously committed or was convicted of aggravated murder, attempted aggravated murder, murder, attempted murder	
	An offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this subsection	
_____	The actor was previously convicted of: aggravated assault, mayhem, kidnapping, child kidnapping, aggravated kidnapping, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy on a child, aggravated sexual abuse of a child, aggravated sexual assault, aggravated arson,	
Any witness in a criminal case after a subpoena has been issued for such witness by the court, the clerk, or an attorney, when the killing is for the purpose of interfering with the person's duties in such case		

<p>_____</p> <p>A justice of the Supreme Court, a judge of the Court of Appeals, a judge of a circuit court or district court, a retired judge sitting by designation or under temporary recall, or a substitute judge when the killing is for the purpose of interfering with his official duties as a judge</p> <p>A law-enforcement officer, a fire marshal or a deputy or an assistant fire marshal, an auxiliary police officer, an auxiliary deputy sheriff, or any law-enforcement officer of another state or the United States having the power to arrest for a felony under the laws of such state or the United States, when such killing is for the purpose of interfering with the performance of his official duties</p> <p>_____</p> <p>Any person by another in the commission of or attempted commission of an act of terrorism</p> <p>_____</p> <p>No match</p>	<p>aggravated burglary, aggravated robbery, felony discharge of a firearm, an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this subsection</p> <p>_____</p> <p>The homicide was committed for the purpose of:</p> <ul style="list-style-type: none"> • preventing a witness from testifying • preventing a person from providing evidence or participating in any legal proceedings or official investigation • retaliating against a person for testifying, providing evidence, or participating in any legal proceedings or official investigation • disrupting or hindering any lawful governmental function or enforcement of laws <p>_____</p> <p>The victim is or has been a local, state, or federal public official, or a candidate for public office, and the homicide is based on, is caused by, or is related to that official position, act, capacity, or candidacy</p> <p>The victim is or has been a peace officer, law enforcement officer, executive officer, prosecuting officer, jailer, prison official, firefighter, judge or other court official, juror, probation officer, or parole officer, and the victim is either on duty or the homicide is based on, is caused by, or is related to that official position, and the actor knew, or reasonably should have known, that the victim holds or has held that official position</p>	<p>_____</p> <p>Murder with the intent of preventing testimony by a witness, victim, or informant</p> <p>Retaliatory murder of a witness, victim, or informant</p> <p>_____</p> <p>Assassination or kidnapping resulting in the death of the President or Vice President</p> <p>Murder of a member of Congress, an important executive official, or a Supreme Court Justice</p> <p>Murder of a Federal judge or law enforcement official</p> <p>Murder of a foreign official</p> <p>Murder of a State or local law enforcement official or other person aiding in a Federal investigation; murder of a State correctional officer</p> <p>Murder related to a continuing</p>
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<p>_____</p> <p>In the commission of or attempted commission of a violation of §18.2-248, involving a Schedule I or II controlled substance, when such killing is for the purpose of furthering the commission or attempted commission of such violation</p> <p>_____</p> <p>A person under the age of fourteen by a person age twenty-one or older</p> <p>_____</p> <p>NO MATCHES:</p> <p>More than one person within a three-year period</p> <p>Any person by another pursuant to the direction or order of one who is engaged in a continuing criminal enterprise</p> <p>A pregnant woman by one who knows that the woman is pregnant and has the intent to cause the involuntary termination of the woman's pregnancy without a live birth</p>	<p>_____</p> <p>The homicide was committed:</p> <ul style="list-style-type: none"> • by means of a destructive device, bomb, explosive, incendiary device, or similar device which was planted, hidden, or concealed in any place, area, dwelling, building, or structure, or was mailed or delivered • by means of any weapon of mass destruction <p>_____</p> <p>The homicide was committed during the act of unlawfully assuming control of any aircraft, train, or other public conveyance by use of threats or force with intent to obtain any valuable consideration for the release of the public conveyance or any passenger, crew member, or any other person aboard, or to direct the route or movement of the public conveyance or otherwise exert control over the public conveyance</p> <p>_____</p> <p>The homicide was committed by means of the administration of a poison or of any lethal substance or of any substance administered in a lethal amount, dosage, or quantity</p> <p>_____</p> <p>The victim, at the time of the death of the victim was younger than 14 years of age and was not an unborn child</p> <p>_____</p>	<p>criminal enterprise or related murder of a Federal, State, or local law enforcement officer</p> <p>Murder of a court officer or juror</p> <p>Retaliatory murder of a member of the immediate family of law enforcement officials</p> <p>_____</p> <p>Mailing of injurious articles with intent to kill or resulting in death</p> <p>Murder by the use of a weapon of mass destruction</p> <p>_____</p> <p>Destruction of aircraft, motor vehicles, or related facilities resulting in death</p> <p>Murder committed at an airport serving international civil aviation</p> <p>Death resulting from aircraft hijacking</p> <p>Willful wrecking of a train resulting in death</p> <p>_____</p> <p>No match</p> <p>_____</p> <p>No match</p> <p>_____</p>
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	<p>NO MATCHES:</p> <p>The victim was a person held or otherwise detained as a shield, hostage, or for ransom</p> <p>The homicide was committed in an especially heinous, atrocious, cruel, or exceptionally depraved manner, any of which must be demonstrated by physical torture, serious physical abuse, or serious bodily injury of the victim before death</p> <p>The actor dismembers, mutilates, or disfigures the victim's body, whether before or after death, in a manner demonstrating the actor's depravity of mind</p> <p>Criminal homicide constitutes aggravated murder if the actor, with reckless indifference to human life, causes the death of another incident to an act, scheme, course of conduct, or criminal episode during which the actor is a major participant in the commission or attempted commission of:</p> <ul style="list-style-type: none"> • child abuse • child kidnapping • rape of a child • object rape of a child • sodomy on a child • sexual abuse or aggravated sexual abuse of a child 	<p>NO MATCHES:</p> <p>Civil rights offenses resulting in death</p> <p>Death resulting from offenses involving transportation of explosives, destruction of government property, or destruction of property related to foreign or interstate commerce</p> <p>Espionage</p> <p>First-degree murder</p> <p>Genocide</p> <p>Murder committed by the use of a firearm during a crime of violence or a drug-trafficking crime</p> <p>Murder committed during a drug-related drive-by shooting</p> <p>Murder committed during an offense against a maritime fixed platform</p> <p>Murder committed in a federal government facility</p> <p>Murder involving torture</p> <p>Murder involved in a racketeering offense</p> <p>Murder of a U.S. national in a foreign country</p> <p>Murder related to a carjacking</p> <p>Murder related to smuggling of aliens</p> <p>Terrorist murder of a U.S. national in another country</p> <p>Treason</p>
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¹ Va. Code Ann. § 18.2.31.

² Utah Code Ann. § 76-5-202.

³ Snell, Tracy L., U.S. Department of Justice, Capital Punishment, 2012 - Statistical Tables (revised 2014).