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HOUSE BILL NO. 2223**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice)

(Patron Prior to Substitute—Delegate Deeds)

House Amendments in [] — February 5, 2001

A BILL to amend the Code of Virginia by adding a section numbered 18.2-145.1, relating to damaging or destroying research farm product; penalty.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-145.1 as follows:**

§ 18.2-145.1. Damaging or destroying research farm product; penalty.

A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in § 3.1-692 and (ii) knows the product is grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility or a university or any federal, state or local government agency is guilty of a Class 1 misdemeanor [if the value of the farm product was less than \$200, or a Class 6 felony if the value of the farm product was \$200 or more] .

B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm product prior to its damage or destruction and, in so doing, shall include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement and (v) product development directly related to the product damaged or destroyed.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.

ENGROSSED

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