

2001 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2631

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2001)

(Patron Prior to Substitute—Delegate O'Brien)

A BILL to amend and reenact § 18.2-64.2 of the Code of Virginia, relating to carnal knowledge of an inmate, parolee, probationer, probationer, detainee, or pretrial or posttrial offender etc.

Be it enacted by the General Assembly of Virginia:

1. That §18.2-64.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender; penalty.

An accused shall be guilty of carnal knowledge of an inmate, parolee, probationer, *detainee*, or pretrial or posttrial offender if he or she is an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, *the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235*, a local community-based probation program or a pretrial services program; is in a position of authority over the inmate, probationer, parolee, *detainee*, or a pretrial or posttrial offender; knows that the inmate, probationer, parolee, *detainee*, or pretrial or posttrial offender is under the jurisdiction of the state or local correctional facility, a regional jail, the Department of Corrections, *the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235*, a local community-based probation program, or a pretrial services program; and carnally knows, without the use of force, threat or intimidation (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a probationer, parolee, *detainee*, or a pretrial or posttrial offender under the jurisdiction of the Department of Corrections, *the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235*, a local community-based probation program, a pretrial services program, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services program. Such offense is a Class 6 felony.

For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anallungus, anal intercourse and animate or inanimate object sexual penetration.

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