

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 816

*An Act to amend and reenact § 18.2-52.1 of the Code of Virginia, relating to possession of biological substances and radiological agents; penalties.*

[H 260]

Approved April 8, 2002

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

**1. That § 18.2-52.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-52.1. Possession of infectious biological substances or radiological agents; penalties.

A. Any person who possesses, with the intent thereby to injure another, an infectious biological substance *or radiological agent capable of causing death* is guilty of a Class 5 felony.

B. Any person who (i) destroys or damages, or attempts to destroy or damage, any facility, equipment or material involved in the sale, manufacturing, storage or distribution of an infectious biological substance *or radiological agent capable of causing death*, with the intent to injure another by releasing the substance, *or* (ii) *manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another* is guilty of a Class 4 felony.

An "infectious biological substance" includes any bacteria, ~~virus~~ viruses, fungi, protozoa, or rickettsiae capable of causing death *or serious bodily injury*.

A "radiological agent" includes any substance able to release radiation at levels that are capable of causing death *or serious bodily injury*.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**