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HOUSE BILL NO. 1173**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice
on February 20, 2002)

(Patron Prior to Substitute—Delegate Sears)

A *BILL to amend and reenact § 18.2-423 of the Code of Virginia, relating to burning object on property of another or public place with intent to intimidate; penalty.*

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-423 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-423. Burning object on property of another or public place with intent to intimidate; penalty.

~~It shall be unlawful for any person or persons, to burn, or cause to be burned, a cross~~ *Any person who, with the intent of intimidating any person or group of persons, burns an object on the private property of another without permission, a highway or other public place. Any person who shall violate any provision of this section shall be* is guilty of a Class 6 felony.

~~Any such burning of a cross shall be prima facie evidence of an intent to intimidate a person or group of persons.~~

B. Any person who, with the intent of intimidating any person or group of persons, burns an object on a highway or other public place in a manner having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed, is guilty of a Class 6 felony.

C. The provisions of this section are severable, and if any provision is declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this section.

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 for periods of commitment to the custody of the Department of Juvenile Justice.

SENATE SUBSTITUTE

HB1173S1