

027424896

HOUSE BILL NO. 1227

Offered January 16, 2002

A BILL to amend and reenact § 18.2-52.1 of the Code of Virginia, relating to genuine and imitation infectious biological substances; penalty.

Patron—Purkey

Unanimous consent to introduce

Referred to Committee for Courts of Justice

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. Manufacture, possession, transmission of infectious biological substances and transmission of imitation infectious biological substances; penalty.

A. ~~Any person who possesses, with the intent thereby to injure another, an infectious biological substance capable of causing death, is guilty of a Class 5 felony.~~ *Definitions. As used in this section:*

1. *The term "infectious biological substance" means any bacteria, viruses, fungi, protozoa, or rickettsiae capable of causing death or serious bodily injury.*

2. *The term "imitation infectious biological substance" means a substance that is not an infectious biological substance but which by its overall appearance, including color, shape, size, marking and packaging or by representations or implications made, would cause a reasonable person to mistake it for an infectious biological substance.*

B. Any person who 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 ~~capable of causing death~~, with the intent to injure another by releasing the substance, is guilty of a Class 4 felony.

C. Any person who manufactures, sells, gives or distributes an infectious biological substance and who knows or has reason to know that the substance is intended to be used to injure, kill, threaten, harass or intimidate another, is guilty of a Class 3 felony.

D. Any person who uses an infectious biological substance in any manner with the intent to injure, kill, threaten, harass or intimidate another or who possesses an infectious biological substance with the intent to distribute the substance when he knows or has reason to know that the substance is intended to be used to injure, kill, threaten, harass or intimidate another, is guilty of a Class 3 felony.

E. Any person who uses an imitation infectious biological substance in any manner with the intent to threaten, harass, or intimidate another, is guilty of a Class 4 felony. It is not a defense to a violation of this subsection that the defendant believed the imitation infectious biological substance to be an infectious biological substance.

F. A prosecution pursuant to this section is proper in any jurisdiction where any portion of, or any act in furtherance of, the included offenses occur. Nothing in this section shall prohibit the authorized and otherwise lawful manufacture, transportation, distribution, use or possession of any infectious biological substance or imitation infectious biological substance.

An "infectious biological substance" includes any bacteria, virus, fungi, protozoa, or rickettsiae capable of causing death.

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.

INTRODUCED

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