

024752844

**HOUSE BILL NO. 260**

**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 McQuigg)

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

**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, *manufactures, sells, gives, distributes or uses*, with the intent thereby to injure another, an infectious biological substance *or radiological agent*, capable of causing death *or serious bodily injury*, is guilty of a Class 5 felony.

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 *or radiological agent*, capable of causing death, with the intent to injure another by releasing the substance, 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 is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities and \_\_\_\_\_ for periods of commitment to the custody of the Department of Juvenile Justice.**

SENATE SUBSTITUTE

HB260S1