

2002 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 111

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 16, 2002)

(Patrons Prior to Substitute — Senators Miller, Rerras [SB 410], Marye [SB 461])

A BILL to amend and reenact § 18.2-423 of the Code of Virginia, relating to burning an object on property of another or on a public place; 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 A. Any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross who trespasses on the private property of another; a highway or other public place. Any person who shall violate any provision of this section shall be and burns an object on such property 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 burns an object on a highway or other public place in a manner likely to incite an immediate breach of the peace 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 be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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