

024200522

SENATE BILL NO. 421

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact §§ 18.2-52.1, 18.2-54.1, 18.2-54.2, and 18.2-144 of the Code of Virginia, relating to bioterrorism; penalties.

Patrons—Rerras and Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-52.1, 18.2-54.1, 18.2-54.2, and 18.2-144 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-52.1. Pathogens; intent to injure or cause death, etc.

A. Any person who possesses, with the intent thereby to injure another, ~~an infectious biological substance~~ *any pathogen* capable of causing death, is guilty of a Class 5 3 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~~ *any pathogen* capable of causing death, with the intent to injure, *infect or cause death to* another by releasing the ~~substance~~ *pathogen*, is guilty of a Class 4 3 felony.

C. *Any person who manufactures or stores or releases, through the mail or by any other distribution or transmission method, any pathogen capable of infecting another and causing disease and death with the intent to infect, injure or kill through the spread of infection caused by such pathogen is guilty of a Class 3 felony.*

An "infectious biological substance "Pathogen" includes any bacteria, virus, *spirochete*, fungi, protozoa, ~~or rickettsiae~~, yeast, *or other living body or viable particle or other microorganism not perceptible to the naked eye that is* capable of causing death.

§ 18.2-54.1. Attempts to poison or infect.

If any person administers or attempts to administer any poison or destructive substance *or pathogen* in food, drink, prescription or over-the-counter medicine, or otherwise, or poisons *or infects* any spring, well, or ~~reservoir~~ *source* of water, food, drink, prescription drugs, or over-the-counter medicines with intent to kill or injure *or infect* another person, he shall be guilty of a Class 3 felony.

§ 18.2-54.2. Adulteration of food, drink, drugs, cosmetics, etc.; penalty.

Any person who adulterates or causes to be adulterated any food, drink, prescription or over-the-counter medicine, cosmetic or other substance with the intent to *cause infection*, kill or injure any individual who ingests, inhales or uses such substance shall be guilty of a Class 3 felony.

§ 18.2-144. Maiming, killing or poisoning animals, fowl, etc.

Except as otherwise provided for by law, if any person maliciously shoot, stab, wound or otherwise cause bodily injury to *any livestock of another person*, or ~~administer~~ *administers* poison *or pathogens* to or ~~expose~~ *exposes* such animal to any poison or pathogen with intent that it be taken by, any ~~horse, mule, pony, cattle, swine or other~~ livestock of another, or with intent to maim, disfigure, disable or kill *or infect or spread infection through the same animal*, or if he ~~do~~ *does* any of the foregoing acts to any animal of his own with intent to defraud any insurer thereof *or to infect or spread infection through the animal*, he shall be guilty of a Class 5 felony. If any person ~~do~~ *does* any of the foregoing acts to any fowl or to any companion animal with any of the aforesaid intents, he shall be guilty of a Class 1 misdemeanor, except that any second or subsequent offense shall be a Class 6 felony if the current offense or any previous offense resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this section.

"Livestock" includes any horse, mule, pony, cattle, swine or any other animal raised primarily for riding or carrying burdens or for agricultural or farming purposes.

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.

INTRODUCED

SB421