

2003 SESSION

HOUSE SUBSTITUTE

030369838

HOUSE BILL NO. 1683

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on January 27, 2003)

(Patrons Prior to Substitute—Delegates McDougle and Hargrove [HB1555])

A BILL to amend and reenact § 19.2-294 of the Code of Virginia, relating to offense against two or more statutes or ordinances.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-294 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-294. Offense against two or more statutes or ordinances.

If the same act be a violation of two or more statutes, or of two or more ordinances, or of one or more statutes and also one or more ordinances, conviction under one of such statutes or ordinances shall be a bar to a prosecution or proceeding under the other or others. Furthermore, if the same act be a violation of both a state and a federal statute, a ~~prosecution~~ *conviction or a finding of not guilty* under the federal statute shall be a bar to a prosecution under the state statute. The provisions of this section shall not apply to any offense involving an act of terrorism as defined in § 18.2-46.4.

~~For purposes of this section, a prosecution under a federal statute shall be deemed to be commenced with the return of an indictment by a grand jury or the filing of an information by a United States attorney.~~

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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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HB1683H1