

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 843

*An Act to amend and reenact § 18.2-67.3 of the Code of Virginia, relating to aggravated sexual battery.*

[H 660]

Approved April 14, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-67.3 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-67.3. Aggravated sexual battery.

A. An accused shall be guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and

1. The complaining witness is less than ~~thirteen~~ 13 years of age, or

2. The act is accomplished ~~against the will of the complaining witness, by force, threat or intimidation, or~~ through the use of the complaining witness's mental incapacity ~~or physical helplessness, and or~~

3. *The act is accomplished against the will of the complaining witness by force, threat or intimidation or through the use of the complaining witness's physical helplessness, and*

a. The complaining witness is at least ~~thirteen~~ 13 but less than ~~fifteen~~ 15 years of age, or

b. The accused causes serious bodily or mental injury to the complaining witness, or

c. The accused uses or threatens to use a dangerous weapon.

B. Aggravated sexual battery is a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than ~~twenty~~ 20 years and by a fine of not more than \$100,000.

**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.**