

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-52.1 of the Code of Virginia, relating to malicious bodily injury;*  
3 *penalty.*

4  
5 Approved

[H 184]

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

7 **1. That § 18.2-52.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-52.1. Possession of infectious biological substances or radiological agents; penalties.

9 A. Any person who possesses, with the intent thereby to injure another, an infectious biological  
10 substance or radiological agent is guilty of a Class 5 felony.

11 B. Any person who (i) destroys or damages, or attempts to destroy or damage, any facility,  
12 equipment or material involved in the sale, manufacturing, storage or distribution of an infectious  
13 biological substance or radiological agent, with the intent to injure another by releasing the substance, or  
14 (ii) manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent  
15 with the intent to injure another is guilty of a Class 4 felony.

16 C. *Any person who maliciously and intentionally causes any other person bodily injury by means of*  
17 *an infectious biological substance or radiological agent is guilty of a felony and shall be punished by*  
18 *confinement in a state correctional facility for a period of not less than five years nor more than 30*  
19 *years.*

20 An "infectious biological substance" includes any bacteria, viruses, fungi, protozoa, or rickettsiae  
21 capable of causing death or serious bodily injury. *This definition shall not include HIV as defined in*  
22 *§ 18.2-67.4:1, syphilis or hepatitis B.*

23 A "radiological agent" includes any substance able to release radiation at levels that are capable of  
24 causing death or serious bodily injury.

25 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
26 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
27 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**  
28 **periods of commitment to the custody of the Department of Juvenile Justice.**