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HOUSE BILL NO. 184**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice
on February 25, 2004)

(Patron Prior to Substitute—Delegate Oder)

A BILL to amend and reenact § 18.2-52.1 of the Code of Virginia, relating to malicious bodily injury; penalty.

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-52.1 of the Code of Virginia is amended and reenacted as follows:**

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

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

B. Any person who (i) 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 or radiological agent, with the intent to injure another by releasing the substance, or (ii) manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony.

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

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

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

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.