

2004 SESSION

INTRODUCED

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HOUSE BILL NO. 371

Offered January 14, 2004

Prefiled January 12, 2004

A BILL to amend and reenact § 18.2-388 of the Code of Virginia, relating to profane swearing and intoxication in public; penalty.

Patrons—Rust, Athey, Callahan and Dillard; Senators: Howell and Mims

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-388 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-388. Profane swearing and intoxication in public; penalty; transportation of public inebriates to detoxification center.

A. If any person profanely curses or swears or is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be ~~deemed~~ guilty of a Class 4 misdemeanor. *A locality may provide by ordinance that any person found guilty in that locality of a second or subsequent offense of being intoxicated as prohibited in this section shall be guilty of a Class 2 misdemeanor.*

B. In any area in which there is located a court-approved detoxification center a law-enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

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