041118200

1   **HOUSE BILL NO. 640**
2   Offered January 14, 2004
3   Prefiled January 13, 2004
4   *A BILL to amend and reenact § 18.2-51.1 of the Code of Virginia, relating to malicious bodily injury*
5   *to law-enforcement officers; penalty.*
6   ———————

Patrons—Abbitt and Wright
7   ———————
8   Referred to Committee for Courts of Justice
9   ———————

10   **Be it enacted by the General Assembly of Virginia:**
11   **1. That § 18.2-51.1 of the Code of Virginia is amended and reenacted as follows:**
12   § 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue
13   personnel, or emergency medical service providers; penalty; lesser included offense.
14   If any person maliciously causes bodily injury to another by any means including the means set out
15   in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that
16   such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in
17   § 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel,
18   as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer,
19   firefighter, search and rescue personnel, or emergency medical services personnel, such person shall be
20   guilty of a felony punishable by imprisonment for a period of not less than five years nor more than
21   thirty years and, subject to subdivision (g) of § 18.2-10, a fine of not more than $100,000. Upon
22   conviction, the sentence of such person shall include a mandatory, minimum term of imprisonment of
23   two years.
24   If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to
25   another by any means, knowing or having reason to know such other person is a law-enforcement
26   officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services
27   personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter,
28   search and rescue personnel, or emergency medical services personnel, he shall be guilty of a Class 6
29   felony, and upon conviction, the sentence of such person shall include a mandatory, minimum term of
30   imprisonment of one year.
31   Nothing in this section shall be construed to affect the right of any person charged with a violation
32   of this section from asserting and presenting evidence in support of any defenses to the charge that may
33   be available under common law.
34   As used in this section the term "mandatory, minimum" means that the sentence it describes shall be
35   served with no suspension of sentence in whole or in part.
36   As used in this section "law-enforcement officer" means any full-time or part-time employee of a
37   police department or sheriff's office which is part of or administered by the Commonwealth or any
38   political subdivision thereof, who is responsible for the prevention or detection of crime and the
39   enforcement of the penal, traffic or highway laws of this Commonwealth; any conservation officer of the
40   Department of Conservation and Recreation commissioned pursuant to § 10.1-115; *any game warden*
41   *appointed pursuant to § 29.1-200* and auxiliary police officers appointed or provided for pursuant to
42   §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to § 15.2-1603.
43   As used in this section, "search and rescue personnel" means any employee or member of a search
44   and rescue organization that is authorized by a resolution or ordinance duly adopted by the governing
45   body of any county, city or town of the Commonwealth.
46   The provisions of § 18.2-51 shall be deemed to provide a lesser included offense hereof.
47   **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
48   **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
49   **be determined for periods of imprisonment in state adult correctional facilities and is $0 for**
50   **periods of commitment to the custody of the Department of Juvenile Justice.**