

# 2004 SESSION

INTRODUCED

040163104

## HOUSE BILL NO. 760

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 18.2 a section numbered 18.2-46.3:1 relating to criminal street gang crimes.*

Patrons—Hurt, Albo, Armstrong, Marshall, D.W. and O'Bannon; Senators: Hawkins and Reynolds

Referred to Committee for Courts of Justice

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

**1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 18.2 a section numbered 18.2-46.3:1 as follows:**

*§ 18.2-46.3:1. Third or subsequent conviction of criminal street gang crimes.*

*Upon a felony conviction of § 18.2-46.2 or § 18.2-46.3, where it is alleged in the warrant, information or indictment on which a person is convicted that (i) such person has been previously convicted twice under any combination of § 18.2-46.2 or § 18.2-46.3, or of similar offenses under the law of any other jurisdiction, within 10 years of the third or subsequent offense, and (ii) each such offense occurred on different dates, such person is guilty of a Class 3 felony. Upon conviction of an offense under this section, the sentence of such person shall include a mandatory, minimum term of imprisonment of 10 years, none of which may be suspended in whole or in part.*

**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.**

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