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HOUSE BILL NO. 760

House Amendments in [] — February 16, 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.

Patron Prior to Engrossment—Delegate Hurt

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.

ENGROSSED

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