

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to third offense of assault*
3 *and battery against a family or household member; penalty.*

4
5 Approved

[H 863]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 18.2-57.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-57.2. Assault and battery against a family or household member; penalty.

9 A. Any person who commits an assault and battery against a family or household member ~~shall be is~~
10 guilty of a Class 1 misdemeanor.

11 B. ~~On a third or subsequent~~ *Upon a conviction for assault and battery against a family or household*
12 *member, where it is alleged in the warrant, information, or indictment on which a person is convicted,*
13 *that (i) such person has been previously convicted twice of two offenses against a family or household*
14 *member of (i) assault and battery against a family or household member in violation of this section, (ii)*
15 *malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of*
16 *§ 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or of a*
17 *similar (v) an offense under the law of any other jurisdiction which has the same elements of any of the*
18 *above offenses, in any combination, all of which occurred within ten a period of 10 years of the third or*
19 *subsequent offense, and (ii) each such assault and battery of which occurred on a different dates date,*
20 *such person shall be is guilty of a Class 6 felony.*

21 C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an
22 emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an
23 emergency protective order shall not be required.

24 D. The definition of "family or household member" in § 16.1-228 applies to this section.

25 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
26 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
27 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
28 **periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

HB863ER