

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to punishment for sexual*
3 *battery; penalty.*

4 [H 1338]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-67.4 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-67.4. Sexual battery.

9 A. An accused ~~shall be~~ *is* guilty of sexual battery if he ~~or she~~ sexually abuses, as defined in
10 § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat,
11 intimidation, or ruse, ~~or through the use of the complaining witness's mental incapacity or physical~~
12 ~~helplessness, or~~ (ii) an inmate who has been committed to jail or convicted and sentenced to
13 confinement in a state or local correctional facility or regional jail, and the accused is an employee or
14 contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in
15 a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state
16 or local correctional facility or regional jail, or (iii) a probationer, parolee, or a pretrial or posttrial
17 offender under the jurisdiction of the Department of Corrections, a local community-based probation
18 program, a pretrial services program, a local or regional jail for the purposes of imprisonment, a work
19 program or any other parole/probationary or pretrial services program and the accused is an employee or
20 contractual employee of, or a volunteer with, the Department of Corrections, a local community-based
21 probation program, a pretrial services program or a local or regional jail; is in a position of authority
22 over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections,
23 a local community-based probation program, a pretrial services program or a local or regional jail.

24 B. Sexual battery is a Class 1 misdemeanor.

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

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