

2006 SESSION

INTRODUCED

063550376

HOUSE BILL NO. 921

Offered January 11, 2006

Prefiled January 10, 2006

A *BILL to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to what constitutes sexual battery.*

Patrons—Landes, Athey, Cosgrove, Gear and O'Bannon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.4. Sexual battery; penalty.

A. An accused shall be guilty of sexual battery if he or she sexually abuses, as defined in § 18.2-67.10,:

(i) the complaining witness against the will of the complaining witness, ~~by force, threat, intimidation or force~~, or through the use of the complaining witness's mental incapacity or physical helplessness, or

(ii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail, or

(iii) a probationer, parolee, or a pretrial or posttrial offender under the jurisdiction of the Department of Corrections, a local community-based probation program, a pretrial services program, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services program and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation program, a pretrial services program or a local or regional jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation program, a pretrial services program or a local or regional jail.

B. Sexual battery is a Class 1 misdemeanor.

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.

INTRODUCED

HB921