## 2006 SESSION

<ul> <li>HOUSE BILL NO. 921 </li> <li>Offered January 11, 2006 Prefiled January 10, 2006 </li> <li>A BILL to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to what constitutes battery. </li> <li>Patrons—Landes, Athey, Cosgrove, Gear and O'Bannon </li> <li>Referred to Committee for Courts of Justice </li> <li>Be it enacted by the General Assembly of Virginia: <ol> <li>That § 18.2-67.4 of the Code of Virginia is amended and reenacted as follows:</li> <li>§ 18.2-67.4. Sexual battery; penalty.</li> <li>A. An accused shall be guilty of sexual battery if he or she sexually abuses, as defin</li> <li>§ 18.2-67.10;: </li></ol> </li> <li>(i) the complaining witness against the will of the complaining witness, by force, threat, intimited of ruse, or through the use of the complaining witness's mental incapacity or physical helplessness,</li> </ul>	
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(ii) an inmate who has been committed to jail or convicted and sentenced to confinement in	
18 or local correctional facility or regional jail, and the accused is an employee or contractual employ	
19 or a volunteer with, the state or local correctional facility or regional jail; is in a position of au	
20 over the inmate; and knows that the inmate is under the jurisdiction of the state or local correct	ional
21 facility or regional jail, or	
(iii) a probationer, parolee, or a pretrial or posttrial offender under the jurisdiction of the Depa	
23 of Corrections, a local community-based probation program, a pretrial services program, a lo	
24 regional jail for the purposes of imprisonment, a work program or any other parole/probation	
25 pretrial services program and the accused is an employee or contractual employee of, or a vol	
with, the Department of Corrections, a local community-based probation program, a pretrial se	
program or a local or regional jail; is in a position of authority over an offender; and knows the	
offender is under the jurisdiction of the Department of Corrections, a local community-based pro	
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B. Sexual battery is a Class 1 misdemeanor.

30 31 32 33 34 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. HB921