

2007 SESSION

INTRODUCED

078350204

HOUSE BILL NO. 1896

Offered January 10, 2007

Prefiled January 4, 2007

A *BILL to amend and reenact § 18.2-137 of the Code of Virginia, relating to damage to property by gangs.*

Patrons—Albo, Athey, Cole, Cosgrove, Crockett-Stark, Frederick, Iaquinto, Landes, Miller, J.H., Rust, Sherwood and Welch

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-137 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-137. Injuring, etc., any property, monument, etc.

A. If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, any monument or memorial for war veterans described in § 15.2-1812, any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

B. If any person intentionally causes such injury, he shall be guilty of (i) a Class 1 misdemeanor if the value of or damage to the property, memorial or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property, memorial or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage or removal of such property, memorial or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

C. *Punishment for any person who commits any of the acts described herein at the direction of, for the benefit of, or in clear association with any criminal street gang, as defined in § 18.2-46.1, shall include a mandatory minimum term of incarceration of 10 days.*

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