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HOUSE BILL NO. 2586

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend the Code of Virginia by adding in Article 2 of Chapter 5 of Title 18.2 a section numbered 18.2-94.1, relating to looting; penalty.*

Patron—Janis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 5 of Title 18.2 a section numbered 18.2-94.1 as follows:

§ 18.2-94.1. Looting; penalty.

A. Looting is the entry by a person without authorization into any:

(i) structure or lands belonging to another and used in whole or in part as a home or place of abode by a person,

(ii) structure or lands belonging to another and used in whole or in part as a place of business, plant, or storage facility, or

(iii) vehicle, watercraft, or aircraft, movable or immovable, and the exertion of control over, damaging of, or movement of such structure, lands, vehicle, watercraft or aircraft or any property contained therein, when any such act is committed during the existence of a state of emergency declared pursuant to law by the Governor or any local governing body.

B. Any person who commits an act of looting is guilty of a Class 1 misdemeanor. Any person who commits a second or subsequent act of looting, when such acts were not a part of a common act, transaction or scheme, and who has been at liberty as defined in § 53.1-151 between each act of looting, is guilty of a Class 6 felony, provided it is admitted, or found by the jury or judge before whom the person is tried, that he has been previously convicted of looting. Prior convictions shall include juvenile findings of not innocent, adjudications or convictions.

C. It shall be an affirmative defense to any act of looting, that such act was done to immediately save life or limb during a situation of apparent extreme emergency.

D. Violation of this section shall constitute a separate and distinct offense. If the acts or activities that constitute a violation under this section also constitute a violation of another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB2586