

## 2007 SESSION

### HOUSE SUBSTITUTE

060036436

#### HOUSE BILL NO. 429

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

Proposed by the House Committee for Courts of Justice  
on February 6, 2006)

(Patron Prior to Substitute— Delegate Nutter)

*A BILL to amend and reenact § 18.2-77 of the Code of Virginia, relating to arson of an unoccupied school or church; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-77 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-77. Burning or destroying dwelling house, etc.; penalty.

A. If any person maliciously (i) burns, or by use of any explosive device or substance destroys, in whole or in part, or causes to be burned or destroyed, or (ii) aids, counsels or procures the burning or destruction of any dwelling house or manufactured home whether belonging to himself or another, or any occupied hotel, hospital, mental health facility, or other house in which persons usually dwell or lodge, any occupied railroad car, boat, vessel, or river craft in which persons usually dwell or lodge, or any occupied jail or prison, or any occupied church or occupied building owned or leased by a church that is immediately adjacent to a church, he shall be guilty of a felony, punishable by imprisonment for life or for any period not less than five years and, subject to subdivision g of § 18.2-10, a fine of not more than \$100,000. Any person who maliciously sets fire to anything, or aids, counsels or procures the setting fire to anything, by the burning whereof such occupied dwelling house, manufactured home, hotel, hospital, mental health facility or other house, or railroad car, boat, vessel, or river craft, jail or prison, church or building owned or leased by a church that is immediately adjacent to a church, is burned shall be guilty of a violation of this subsection.

B. Any such burning or destruction ~~when the~~ *of an unoccupied church is a Class 3 felony and any such burning or destruction of any other unoccupied building or other place mentioned in subsection A is unoccupied, shall be punishable as is a Class 4 felony.*

C. For purposes of this section, "church" shall be defined as in § 18.2-127.

**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.**

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