

080320432

HOUSE BILL NO. 1001

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact § 18.2-83 of the Code of Virginia, relating to payment for cost of response to bomb threat; penalty for bomb threat.

Patron—Bell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-83 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-83. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

A. Any person ~~(a)~~ (i) who makes and communicates to another by any means any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation, or ~~(b)~~ (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of transportation, shall be guilty of a Class 5 felony; provided, however, that if such person ~~be is~~ under ~~fifteen~~ 15 years of age, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the communication was made or in the jurisdiction where the communication was received.

C. Any person convicted of a violation of this section shall be liable for restitution to the locality, to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the locality for responding law-enforcement, firefighting, rescue, and emergency services, including by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to such violation. Restitution may be ordered by the court at the time of sentencing or may be recovered in a separate civil action. The court may order as restitution the reasonable expenses incurred by the locality for responding law-enforcement, firefighting, rescue, and emergency medical services. In lieu of ordering restitution under this section, the court may order that the person perform community service in an amount and manner appropriate to the circumstances of the case.

D. Personal liability to the locality, to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the locality for responding law-enforcement, firefighting, rescue, and emergency services, including by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to a violation under this section for reasonable expenses of an appropriate emergency response shall not exceed \$2,500 in the aggregate for a particular response.

As used in this section:

"Appropriate emergency response" includes all costs of providing law enforcement, fire-fighting, rescue, and emergency medical services; and

"Reasonable expenses" means a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred.

INTRODUCED

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