

2008 SESSION

HOUSE SUBSTITUTE REPRINT

080339564

HOUSE BILL NO. 34

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 1, 2008)

(Patron Prior to Substitute—Delegate Ingram)

A BILL to amend and reenact § 18.2-67.3 of the Code of Virginia, relating to aggravated sexual battery of a child under 13 years of age; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.3. Aggravated sexual battery; penalty.

A. An accused shall be guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and

1. The complaining witness is less than 13 years of age, or

2. The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness, or

3. The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age, or

4. The act is accomplished against the will of the complaining witness by force, threat or intimidation, and

a. The complaining witness is at least 13 but less than 15 years of age, or

b. The accused causes serious bodily or mental injury to the complaining witness, or

c. The accused uses or threatens to use a dangerous weapon.

B. ~~Aggravated~~ Except as provided in subsection C, aggravated sexual battery is a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than \$100,000.

C. Any person 18 years of age or older who with lascivious intent, knowingly and intentionally kisses a child under the age of 13 on the mouth while penetrating the mouth of such child with his tongue is guilty of a Class 6 felony.

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.

HOUSE
SUBSTITUTE

HB34H1