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**HOUSE BILL NO. 574**

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-370.02, relating to indecent liberties with certain children; penalties.*

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 Patron—Watts
 

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 Referred to Committee for Courts of Justice
 

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**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 18.2-370.02 as follows:**

*§ 18.2-370.02. Taking indecent liberties with certain children; penalties.*

*A. A person 18 years of age or over is guilty of taking indecent liberties with a child if he, with lascivious intent, knowingly and intentionally commits any of the following acts with any child:*

*1. Exposes his sexual or genital parts to any child to whom such person is not legally married or propose that any such child expose his sexual or genital parts to such person;*

*2. Proposes that any such child feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child;*

*3. Proposes to such child the performance of an act of sexual intercourse or any act constituting an offense under § 18.2-361;*

*4. Commits sexual abuse of the child as defined in subdivision 6 of § 18.2-67.10;*

*5. Proposes that any such child engage in sexual intercourse or sodomy or the fondling of sexual or genital parts with another person;*

*6. Receives money, property, or any other remuneration for allowing, encouraging, or enticing such child to perform in or be a subject of sexually explicit visual material as defined in § 18.2-374.1 or knowingly encourages such child to perform in or be a subject of sexually explicit material; or*

*7. Entices, allures, persuades, or invites any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this section.*

*B. Any person who commits a violation of subsection A (i) when the victim was less than 13 years of age or (ii) who is the parent, step-parent, grandparent, or step-grandparent of a victim who was less than 18 years of age at the time of the violation is guilty of a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 10 years and by a fine of not more than \$100,000. A parent, step-parent, grandparent, or step-grandparent of a victim who was less than 15 years of age at the time of the violation is guilty of a felony punishable by confinement in a state correctional facility for a term of not less than two nor more than 10 years and by a fine of not more than \$100,000.*

*C. Any person, who is not the parent, step-parent, grandparent, or step-grandparent of a victim and who (i) commits a violation of subdivisions A 1 through A 5 or subdivision A 7 when the victim was at least 13 but less than 15 years of age or (ii) commits a violation of subdivision A 6 when the victim was under 18 years of age is guilty of a Class 5 felony.*

*D. Any person who is not the parent, step-parent, grandparent, or step-grandparent of a victim and who commits a violation of subsection A when the victim was at least 15 years of age but less than 18 years of age and who maintained a custodial or supervisory relationship over such child and such child was not emancipated at the time of the violation is guilty of a Class 6 felony.*

*E. Any person who is convicted of an offense under this section and it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section or of any offense set forth in subsection B of § 18.2-67.5:2 when the offenses were not part of a common act, transaction, or scheme and the accused was at liberty as defined in § 53.1-151 between each such conviction, shall upon such conviction be sentenced to the maximum term authorized for the offense hereunder and shall not have all or any part of his sentence suspended.*

**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 is at least \$525,617 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.**

INTRODUCED

HB574