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**HOUSE BILL NO. 936**

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-146.1, relating to the unlawful presence within or entry of a motor vehicle; penalty.*

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Patron—Bell, Robert B.

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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 a section numbered 18.2-146.1 as follows:****§ 18.2-146.1. Unlawful entry or presence within a motor vehicle; penalties.**

A. *It shall be unlawful for any person to enter or remain within a motor vehicle knowing that the person:*

1. *Does not have permission of an owner, a lessee, or an authorized operator of the motor vehicle to enter the motor vehicle; or*

2. *Does not have a contractual interest in the motor vehicle.*

A person who violates this section is guilty of a Class 1 misdemeanor. A third or subsequent conviction under this section is a Class 5 felony.

B. *This section does not apply to the following:*

1. *A law-enforcement officer, as defined in § 9.1-101, or a state-authorized motor carrier inspector acting within the scope of the officer's or inspector's duties.*

2. *A motor vehicle that shall be moved because it is abandoned, inoperable, or improperly parked.*

3. *An employee or agent of an entity that possesses a valid lien on a motor vehicle who is expressly authorized by the lien holder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.*

C. *As used in this section:*

"Authorized operator" means a person who is authorized to operate a motor vehicle by an owner or lessee of the motor vehicle.

"Motor vehicle" means every vehicle that is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle, and includes every device in, upon, or by which any person or property is or can be transported or drawn upon a highway, except devices moved by human or animal power and devices used exclusively upon stationary rails or tracks.

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; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

HB936