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HOUSE BILL NO. 1512

Offered January 12, 2011

Prefiled December 17, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-504.2, relating to crimes against incapacitated adults; penalty.*

Patron—Scott, J.M.

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 18.2-504.2 as follows:

§ 18.2-504.2. Crimes against incapacitated adults; penalty.

A. For purposes of this section:

"Incapacitated adult" means any adult who is impaired by reason of mental illness, mental retardation, physical illness or disability, dementia, advanced age or other cause and who lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his own care or well-being.

"Responsible person" means a person who has responsibility for the care, custody, or control of an incapacitated adult by operation of law, or who has assumed such responsibility voluntarily by contract, by employment, or in fact.

B. Any person who commits an offense set forth in Chapter 4 (§ 18.2-30 et seq.), 5 (§ 18.2-77 et seq.), or 6 (§ 18.2-168 et seq.), knowing or having reason to know that the victim of the offense is an incapacitated adult is guilty of a separate and distinct Class 1 misdemeanor.

C. However, if a responsible person violates subsection B, punishment under this section shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor, and shall include a mandatory minimum term of confinement of six months if the underlying offense is a felony.

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