

# 2011 SESSION

INTRODUCED

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## HOUSE BILL NO. 1766

Offered January 12, 2011

Prefiled January 11, 2011

A *BILL to amend and reenact § 18.2-248.02 of the Code of Virginia, relating to proximity of methamphetamine labs to certain people; penalty.*

Patron—Crockett-Stark

Referred to Committee for Courts of Justice

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 18.2-248.02 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-248.02. Allowing a child or other designated person to be present where components of manufacture or attempted manufacture of methamphetamine are found prohibited; penalties.

Any person 18 years of age or older who maintains a custodial relationship over a child under the age of 18, including but not limited to a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such child, and adult who knowingly allows that a child or a mentally incapacitated or physically helpless person to be present in the same dwelling, apartment as defined by § 55-79.2, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle during the where the components of manufacture or attempted manufacture of methamphetamine as prohibited by including the substances described in subsection C4 J of § 18.2-248 are present is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years, five years of which shall be a mandatory minimum term of imprisonment. This penalty shall be in addition to and served consecutively with any other sentence.

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 874 of the Acts of Assembly of 2010 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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