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HOUSE BILL NO. 1893

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 18.2-47, 18.2-48, 18.2-49, and 18.2-356 of the Code of Virginia, relating to penalties for abduction.

Patrons—Watts, Abbott, Albo, Bulova, Cole, Comstock, Ebbin, Englin, Filler-Corn, Herring, Hugo, Keam, Kory, Plum, Rust and Sickles; Senators: Howell, Marsden and Puller

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-47, 18.2-48, 18.2-49, and 18.2-356 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-47. Abduction and kidnapping defined; punishment.

A. Any person who, by force, intimidation or deception, and without legal justification or excuse, recruits, entices, solicits, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

B. Any person who, by force, intimidation or deception, and without legal justification or excuse, recruits, entices, solicits, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony.

D. If an offense under subsection A is committed by the parent of the person abducted and punishable as contempt of court in any proceeding then pending, the offense shall be a Class 1 misdemeanor in addition to being punishable as contempt of court. However, such offense, if committed by the parent of the person abducted and punishable as contempt of court in any proceeding then pending and the person abducted is removed from the Commonwealth by the abducting parent, shall be a Class 6 felony in addition to being punishable as contempt of court.

§ 18.2-48. Abduction of another with intent to extort money or for immoral purpose; solicitation or recruitment for concubinage or prostitution; penalty.

A. Abduction (i) with the intent to extort money or pecuniary benefit, or (ii) of any person with intent to defile such person, is punishable as a Class 2 felony. ~~or (iii) of any~~

B. Any person who, without legal justification or excuse, recruits, entices, solicits, seizes, takes, transports, detains or secretes a child under sixteen 16 years of age for the purpose of concubinage or prostitution, shall be is guilty of a Class 2 felony.

C. Abduction of any person 16 years of age or older for the purpose of concubinage or prostitution is punishable as a Class 4 felony.

D. If the sentence imposed for a violation of ~~(ii) or (iii)~~ subsection A or B includes a term of confinement less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be suspended for the remainder of the defendant's life subject to revocation by the court.

§ 18.2-49. Threatening, attempting or assisting in abduction.

Any person who (1) ~~threatens, or attempts, assists or aids in, or threatens or attempts~~ to abduct any other person with intent to extort money, or pecuniary benefit, ~~or~~ (2) assists or aids in the abduction of, or threatens to abduct, any person with the intent to defile such person, ~~or~~ (3) assists or aids in the abduction of, or threatens to abduct, any female child under sixteen 16 years of age or older for the purpose of concubinage or prostitution, or (4) assists or aids in or threatens a violation of subsection B of § 18.2-48 shall be is guilty of a Class 5 felony.

§ 18.2-356. Receiving money for procuring person.

Any person who shall receive receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse or any act in violation of § 18.2-361, or (ii) causing any person to engage in forced labor or services in violation of subsection B of § 18.2-47 shall

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58 *be is* guilty of a Class 4 felony.

59 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
60 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
61 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
62 **874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to**
63 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
64 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
65 **Department of Juvenile Justice.**