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SENATE BILL NO. 813

Offered January 12, 2011

Prefiled January 5, 2011

A *BILL to amend and reenact § 18.2-60 of the Code of Virginia, relating to threats of death or bodily injury; penalty.*

Patron—Martin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-60 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-60. Threats of death or bodily injury; threats to commit serious bodily harm to persons on school property; penalty.

A. ~~Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such or class of persons, regardless of whether the person or a member of the class of persons who is the object of the threat actually receives the threat, and the threat would place the person or a member of the class of persons who is the object of the threat in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 (i) intimidate the civilian population at large or (ii) influence the conduct or activities of the government of the United States, a state, or locality, or any judicial proceeding through intimidation is guilty of a Class 5 felony.~~

2. Any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm; (i) on the grounds or premises of any elementary, middle or secondary school property; (ii) at any elementary, middle or secondary school-sponsored event or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm; is guilty of a Class 6 felony.

B. Any person who orally makes a threat to any employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, to kill or to do bodily injury to such person, is guilty of a Class 1 misdemeanor.

A prosecution pursuant to this section may be either in the county, city or town in which the communication was made or received.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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