

# 2012 SESSION

INTRODUCED

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## SENATE BILL NO. 23

Offered January 11, 2012

Prefiled December 28, 2011

*A BILL to amend and reenact § 18.2-366 of the Code of Virginia, relating to adultery or fornication by persons forbidden to marry; penalty.*

Patron—Stuart

Referred to Committee for Courts of Justice

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

#### **1. That § 18.2-366 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-366. Adultery and fornication by persons forbidden to marry; incest.

A. Any person who commits adultery or fornication with any person whom he or she is forbidden by law to marry shall be guilty of a Class 1 misdemeanor except as provided by subsection B.

B. Any person who commits adultery or fornication with his daughter or granddaughter, or with her son or grandson, or her father or his mother, shall be guilty of a Class 5 felony. However, if a parent or grandparent commits adultery or fornication with his or her child or grandchild, and such child or grandchild is at least ~~thirteen~~ years of age but less than eighteen years of age at the time of the offense, such parent or grandparent ~~shall be~~ *is* guilty of a Class 3 felony.

**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 890 of the Acts of Assembly of 2011 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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