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HOUSE BILL NO. 1431

Offered January 9, 2013

Prefiled December 20, 2012

A BILL to amend and reenact § 18.2-22 of the Code of Virginia, relating to conspiracy to commit murder; penalty.

Patrons—Albo and Villanueva

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-22 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-22. Conspiracy to commit felony.

(a) ~~If any person shall conspire, confederate or combine~~ Any person who conspires, confederates, or combines with another, either within or without this the Commonwealth, to commit a felony within this the Commonwealth, or if he shall so conspire, confederate or combine conspires, confederates, or combines with another within this the Commonwealth to commit a felony either within or without this the Commonwealth, he shall be is guilty of a felony which shall be punishable as follows:

(1) Every person who so conspires to commit an offense which is punishable by death shall be guilty of a Class 3 felony murder is guilty of a felony punishable by confinement in a state correctional facility for a term not less than five years nor more than 40 years;

(2) Every person who so conspires to commit an offense which is a noncapital a felony, shall be other than murder, for which the maximum punishment is confinement in a state correctional facility for a period of more than five years is guilty of a Class 5 felony; and

(3) Every person who so conspires to commit an offense the maximum punishment for which is confinement in a state correctional facility for a period of less than five years or less shall be confined in a state correctional facility for a period of one year, or, in the discretion of the jury or the court trying the case without a jury, may be confined in jail not exceeding twelve 12 months and fined not exceeding \$500, either or both.

(b) However, in no event shall the punishment for a conspiracy to commit an offense exceed the maximum punishment for the commission of the offense itself.

(c) ~~Jurisdiction~~ Venue for the trial of any person accused of a conspiracy under this section shall be in the county or city wherein any part of such conspiracy is planned occurs or in the county or city wherein any act is done toward the consummation of such plan or conspiracy, or, in the event the conspiracy occurs without the Commonwealth, in the court of proper jurisdiction in the City of Richmond.

(d) The penalty provisions of this section shall not apply to any person who conspires to commit any offense defined in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 or of Article 1 (§ 18.2-247 et seq.); of Chapter 7 of this title. The penalty for any such violation shall be as provided in § 18.2-256.

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 3 of the Acts of Assembly of 2012, Special Session I, 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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