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HOUSE BILL NO. 1603

Offered January 9, 2013
Prefiled January 6, 2013

A BILL to amend the Code of Virginia by adding a section numbered 18.2-504.2, relating to crimes against incapacitated adults; penalty.

Patrons—Minchew and Ramadan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-504.2 as follows:

§ 18.2-504.2. Crimes against incapacitated adults; penalty.

A. As used in this section:

"Incapacitated adult" means any adult who is impaired by reason of mental illness, mental retardation, physical illness or disability, dementia, advanced age, or other cause to the extent that he lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his own care or well-being.

"Responsible person" means a person who has responsibility for the care, custody, or control of an incapacitated adult by operation of law or who has assumed such responsibility voluntarily by contract, by employment, or in fact.

B. Any person who commits an offense set forth in Chapter 4 (§ 18.2-30 et seq.), 5 (§ 18.2-77 et seq.), or 6 (§ 18.2-168 et seq.) knowing or having reason to know that the victim of the offense is an incapacitated adult is guilty of a separate and distinct Class 1 misdemeanor.

C. However, if a responsible person violates subsection B, punishment under this section shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor and shall include a mandatory minimum term of confinement of six months if the underlying offense is a 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 is $0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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