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HOUSE BILL NO. 1816**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice
on February 13, 2013)

(Patron Prior to Substitute—Delegate Kilgore)

A BILL to amend and reenact § 18.2-248.02 of the Code of Virginia, relating to manufacture of methamphetamine in presence of a minor or incapacitated person.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-248.02 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-248.02. Allowing a child to be present during manufacture or attempted manufacture of methamphetamine prohibited; penalties.

Any person 18 years of age or older who maintains a custodial relationship over a child under the age of 18, including but not limited to a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such child, and who knowingly allows that child *or any child younger than 15 years of age or a mentally incapacitated or physically helpless person* to be present in the same dwelling, apartment as defined by § 55-79.2, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine as prohibited by subsection C1 of § 18.2-248 is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years. This penalty shall be in addition to and served consecutively with any other sentence.

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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.