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HOUSE BILL NO. 542

Offered January 8, 2014

Prefiled January 6, 2014

A BILL to amend and reenact § 18.2-422 of the Code of Virginia, relating to wearing masks during commission of crime; penalty.

Patron—McQuinn

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-422 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-422. Wearing of masks during commission of felony or Class 1 misdemeanor; penalty.**

It shall be unlawful for any person over sixteen years of age while wearing any to wear a mask, hood, or other device whereby that hides or covers a substantial portion of the face is hidden or covered so as with the intent to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing while committing or attempting to commit a felony or a Class 1 misdemeanor. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in response to a public health emergency where the emergency declaration expressly waives this section, defines the mask appropriate for the emergency, and provides for the duration of the waiver. The violation of any Any person violating the provisions of this section shall constitute (i) while committing or attempting to commit a felony is guilty of a Class 6 felony or (ii) while committing or attempting to commit a Class 1 misdemeanor is guilty of a Class 2 misdemeanor.

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 806 of the Acts of Assembly of 2013 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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