

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery against*
3 *a family or household member.*

4 [H 708]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-57.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-57.2. Assault and battery against a family or household member; penalty.**9 A. Any person who commits an assault and battery against a family or household member is guilty
10 of a Class 1 misdemeanor.11 B. Upon a conviction for assault and battery against a family or household member, where it is
12 alleged in the warrant, petition, information, or indictment on which a person is convicted, that such
13 person has been previously convicted of two offenses against a family or household member of (i)
14 assault and battery against a family or household member in violation of this section, (ii) malicious
15 wounding *or unlawful wounding* in violation of § 18.2-51, (iii) aggravated malicious wounding in
16 violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52,
17 ~~or~~ (v) *strangulation in violation of § 18.2-51.6, or* (vi) an offense under the law of any other jurisdiction
18 which has the same elements of any of the above offenses, in any combination, all of which occurred
19 within a period of 20 years, and each of which occurred on a different date, such person is guilty of a
20 Class 6 felony.21 C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an
22 emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an
23 emergency protective order shall not be required.

24 D. The definition of "family or household member" in § 16.1-228 applies to this section.

25 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
26 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
27 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
28 **806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to**
29 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
30 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
31 **Department of Juvenile Justice.**

ENROLLED

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