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## SENATE BILL NO. 137

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 15, 2014)

(Patrons Prior to Substitute—Senators Marsden and Stuart [SB 286])

*A BILL to amend and reenact § 18.2-59 of the Code of Virginia, relating to extortion; placement of arrest photos on Internet; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-59 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-59. Extortion of money, property or pecuniary benefit.**

Any person who (i) threatens injury to the character, person, or property of another person, (ii) accuses him of any offense, (iii) threatens to report him as being illegally present in the United States, ~~or~~ (iv) knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, *or (v) places, publishes, or otherwise disseminates on the Internet a photograph of an individual taken by a law-enforcement agency pursuant to the arrest of the photographed individual*, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony.

For the purposes of this section, injury to property includes the sale, distribution, or release of identifying information defined in clauses (iii) through (xii) of subsection C of § 18.2-186.3, but does not include the distribution or release of such information by a person who does so with the intent to obtain money, property or a pecuniary benefit to which he reasonably believes he is lawfully entitled.

**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.**

SENATE SUBSTITUTE

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