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HOUSE BILL NO. 1317

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 22, 2016)

(Patron Prior to Substitute—Delegate Cline)

A *BILL to amend and reenact § 18.2-67.3 of the Code of Virginia, relating to aggravated sexual battery; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.3. Aggravated sexual battery; penalty.

A. An accused ~~shall be~~ *is* guilty of aggravated sexual battery if he or she sexually abuses the complaining witness; and

1. The complaining witness is less than 13 years of age; or

2. The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness; or

3. The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age; or

4. The act is accomplished against the will of the complaining witness by force, threat or intimidation, *or ruse*; and

a. The complaining witness is at least 13 but less than 15 years of age; or

b. The accused causes serious bodily or mental injury to the complaining witness; or

c. The accused uses or threatens to use a dangerous weapon.

B. Aggravated sexual battery is a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than \$100,000.

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 665 of the Acts of Assembly of 2015 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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