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SENATE BILL NO. 409

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 27, 2016)

(Patron Prior to Substitute—Senator Barker)

A BILL to amend and reenact § 18.2-152.7:1 of the Code of Virginia, relating to harassment by computer; impersonating another; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-152.7:1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-152.7:1. Harassment by computer; penalty.

A. If any person, with the intent to coerce, intimidate, or harass any person, shall use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act, he shall be is guilty of a Class 1 misdemeanor.

B. Any person who violates subsection A while having knowingly and intentionally assumed the identity of another living individual where a reasonable person would believe that the offender is in fact the individual whose identity is assumed is guilty of a Class 6 felony.

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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