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**HOUSE BILL NO. 1791**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on February 8, 2017)

(Patron Prior to Substitute—Delegate Lingamfelter)

*A BILL to amend and reenact § 18.2-408 of the Code of Virginia, relating to conspiracy; incitement, etc., to riot; public safety personnel; penalty.*

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

**1. That § 18.2-408 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-408. Conspiracy; incitement, etc., to riot.**

Any person who conspires with others to cause or produce a riot, or directs, or incites, or solicits other persons who participate in a riot to acts of force or violence, ~~shall be~~ is guilty of a Class 5 felony. *However, any person who conspires with others to cause or produce a riot against, or directs or incites other persons who participate in a riot to acts of force or violence against, a law-enforcement officer as defined in § 9.1-101, firefighter as defined in § 65.2-102, volunteer firefighter who is employed by or is a member of a bona fide volunteer fire department, emergency medical services personnel as defined in § 32.1-111.1, or member of the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code is guilty of a Class 3 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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**SENATE SUBSTITUTE**

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