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HOUSE BILL NO. 1954

Offered January 11, 2017

Prefiled January 10, 2017

A BILL to amend and reenact § 18.2-145.1 of the Code of Virginia, relating to damaging or destroying farm products.

Patron—Webert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-145.1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-145.1. Damaging or destroying farm products; penalty; restitution.**

A. Any person or entity that (i) maliciously damages or destroys any farm ~~product~~, products as defined in § 3.2-4709, including any crops grown, growing, or to be grown, and (ii) knows the ~~product~~ ~~is products~~ are grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility or, a university, or any federal, state, or local government agency is guilty of a Class 1 misdemeanor if the value of the farm ~~product~~ ~~was products~~ is less than \$200, or a Class 6 felony if the value of the farm ~~product~~ ~~was products~~ is \$200 or more.

B. Any person or entity that maliciously damages or destroys any farm products as defined in § 3.2-4709, including any crops grown, growing, or to be grown, is guilty of a Class 1 misdemeanor if the value of the farm products is less than \$400 or a Class 6 felony if the value of the farm products is \$400 or more.

C. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm ~~product~~ ~~prior to its products~~ prior to their damage or destruction and, in so doing, shall include the any cost of: (i) production, (ii) research, (iii) testing, (iv) replacement, and (v) product development directly related to the ~~product~~ products damaged or destroyed.

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 780 of the Acts of Assembly of 2016 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.

INTRODUCED

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