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## HOUSE BILL NO. 2399

Offered January 18, 2017

A *BILL to amend and reenact § 19.2-215.1 of the Code of Virginia, relating to multi-jurisdiction grand jury; hate crimes.*

Patrons—Bagby, Boysko, Dudenhefer, McQuinn, Plum, Rasoul and Simon; Senator: McClellan

Referred to Committee for Courts of Justice

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

**1. That § 19.2-215.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.**

The functions of a ~~multijurisdiction~~ *multi-jurisdiction* grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

a. Title 10.1 for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;

i. § 18.2-434, when violations occur before a ~~multijurisdiction~~ *multi-jurisdiction* grand jury;

j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;

k. § 18.2-460 for which punishment as a felony is authorized;

l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;

m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;

n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;

o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;

p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;

r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;

s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;

t. § 18.2-178 where the violation involves insurance fraud;

u. § 18.2-346 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;

v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;

w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;

x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;

z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;

cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and

dd. *Subsection A or B of § 18.2-57 where the victim was selected because of his race, religious conviction, color, or national origin;*

ee. *§ 18.2-121 for which punishment as a felony is authorized;*

ff. *Article 5 (§ 18.2-420 et seq.) of Chapter 9 of Title 18.2; and*

gg. Any other provision of law when such condition is discovered in the course of an investigation that a ~~multijurisdiction~~ *multi-jurisdiction* grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or

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59 investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be  
60 prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when  
61 appropriate, to the Attorney General.

62 3. To consider bills of indictment prepared by a special counsel to determine whether there is  
63 sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which  
64 allege an offense enumerated in subdivision 1 may be submitted to a ~~multijurisdiction~~ *multi-jurisdiction*  
65 grand jury.

66 4. The provisions of this section shall not abrogate the authority of an attorney for the  
67 Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.