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**HOUSE BILL NO. 1516****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice  
on February 21, 2018)

(Patron Prior to Substitute—Delegate Watts)

A *BILL to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-49, 18.2-347, 18.2-348, 18.2-349, 18.2-368, 18.2-513, and 19.2-215.1 of the Code of Virginia, relating to prostitution-related crimes; minors; penalties.*

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

**1. That §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-49, 18.2-347, 18.2-348, 18.2-349, 18.2-368, 18.2-513, and 19.2-215.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-902. Offenses requiring registration.**

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;

2. Criminal homicide;

3. Murder;

4. A sexually violent offense;

5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and

6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

6. *If the offense was committed on or after July 1, 2018, any felony violation of § 18.2-347, 18.2-348, or 18.2-349.*

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3,

60 former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the  
 61 perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of  
 62 § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214,  
 63 § 18.2-370.1, or § 18.2-374.1; or

64 2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where  
 65 the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,  
 66 subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361,  
 67 § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed  
 68 a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or  
 69 more such offenses, provided that person had been at liberty between such convictions or adjudications;

70 3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any  
 71 felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually  
 72 violent offense only if the person has been convicted or adjudicated delinquent of any two or more such  
 73 offenses, provided that the person had been at liberty between such convictions or adjudications; or

74 4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as  
 75 described in § 1591 of Title 18, U.S.C.).

76 F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as  
 77 defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar  
 78 offense under the laws of any foreign country or any political subdivision thereof, the United States or  
 79 any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes  
 80 against minors registry is required under the laws of the jurisdiction where the offender was convicted.

81 G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a  
 82 juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated  
 83 delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in  
 84 its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the  
 85 offense require offender registration. In making its determination, the court shall consider all of the  
 86 following factors that are relevant to the case: (i) the degree to which the delinquent act was committed  
 87 with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii)  
 88 the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the  
 89 offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the  
 90 offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the  
 91 case. The attorney for the Commonwealth may file such a motion at any time during which the offender  
 92 is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any  
 93 hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent  
 94 the offender unless an attorney has been retained and appears on behalf of the offender or counsel has  
 95 already been appointed.

96 H. Prior to entering judgment of conviction of an offense for which registration is required if the  
 97 victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment,  
 98 warrant, or information does not allege that the victim of the offense was a minor, physically helpless,  
 99 or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the  
 100 victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in  
 101 § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines  
 102 the victim to be a minor. When such a determination is required, the court shall advise the defendant of  
 103 its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo  
 104 contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of  
 105 guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise.  
 106 Failure to make such determination or so advise the defendant does not otherwise invalidate the  
 107 underlying conviction.

108 **§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.**

109 A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which  
 110 shall become effective on January 1, 1995. The initial recommended sentencing range for each felony  
 111 offense shall be determined first, by computing the actual time-served distribution for similarly situated  
 112 offenders, in terms of their conviction offense and prior criminal history, released from incarceration  
 113 during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by  
 114 eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended  
 115 sentencing range shall be the median time served for the middle two quartiles and subject to the  
 116 following additional enhancements:

117 1. The midpoint of the initial recommended sentencing range for first degree murder, second degree  
 118 murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual  
 119 battery, shall be further increased by (i) 125 percent in cases in which the defendant has no previous  
 120 conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously  
 121 been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years;

122 or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony  
123 offense punishable by a maximum punishment of 40 years or more, except that the recommended  
124 sentence for a defendant convicted of first degree murder who has previously been convicted of a  
125 violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be  
126 imprisonment for life;

127 2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery,  
128 aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory  
129 burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any  
130 statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100  
131 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300  
132 percent in cases in which the defendant has previously been convicted of a violent felony offense  
133 punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in  
134 which the defendant has previously been convicted of a violent felony offense punishable by a  
135 maximum term of imprisonment of 40 years or more;

136 3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving or  
137 distributing, or possessing with the intent to manufacture, sell, give or distribute a Schedule I or II  
138 controlled substance shall be increased by (i) 200 percent in cases in which the defendant has previously  
139 been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years  
140 or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony  
141 offense punishable by a maximum term of imprisonment of 40 years or more; and

142 4. The midpoint of the initial recommended sentencing range for felony offenses not specified in  
143 subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously  
144 been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years,  
145 and by 300 percent in cases in which the defendant has previously been convicted of a violent felony  
146 offense punishable by a maximum term of imprisonment of 40 years or more.

147 B. For purposes of this chapter, previous convictions shall include prior adult convictions and  
148 juvenile convictions and adjudications of delinquency based on an offense which would have been at the  
149 time of conviction a felony if committed by an adult under the laws of any state, the District of  
150 Columbia, the United States or its territories.

151 C. For purposes of this chapter, violent felony offenses shall include any felony violation of  
152 § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32,  
153 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of  
154 § 18.2-40 or 18.2-41; any violation of clause (c)(i) or (ii) of subsection B of § 18.2-46.3; any violation  
155 of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation  
156 of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3,  
157 18.2-51.4, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any  
158 violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or  
159 18.2-58.1; any felony violation of § 18.2-60.1, 18.2-60.3, or 18.2-60.4; any violation of § 18.2-61,  
160 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a  
161 third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in  
162 violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of  
163 subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation  
164 of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85, 18.2-89, 18.2-90,  
165 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of  
166 § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any  
167 felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony  
168 violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of  
169 subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1,  
170 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of  
171 subsection C of § 18.2-308.1 or 18.2-308.2; any violation of § 18.2-308.2:1 or subsection M or N of  
172 § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any felony violation of § 18.2-347, 18.2-348,  
173 or 18.2-349; any violation of subdivision (2) or (3) of § 18.2-355; any violation of § 18.2-357.1; any  
174 violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection  
175 B of § 18.2-366; any violation of § 18.2-368, 18.2-370, or 18.2-370.1; any violation of subsection A of  
176 § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any  
177 violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any violation of § 18.2-374.3 or  
178 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of  
179 § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01,  
180 18.2-423.1, 18.2-423.2, or 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1, or 18.2-477.1; any  
181 violation of § 18.2-477, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; any violation of § 37.2-917; any  
182 violation of § 52-48; any violation of § 53.1-203; or any conspiracy or attempt to commit any offense

183 specified in this subsection, and any substantially similar offense under the laws of any state, the District  
184 of Columbia, the United States or its territories.

185 **§ 18.2-46.1. Definitions.**

186 As used in this article unless the context requires otherwise or it is otherwise provided:

187 "Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

188 "Criminal street gang" means any ongoing organization, association, or group of three or more  
189 persons, whether formal or informal, (i) which has as one of its primary objectives or activities the  
190 commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or  
191 symbol; and (iii) whose members individually or collectively have engaged in the commission of,  
192 attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least  
193 one of which is an act of violence, provided such acts were not part of a common act or transaction.

194 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42,  
195 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1,  
196 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121,  
197 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255,  
198 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2,  
199 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; (iii) a felony violation of  
200 § 18.2-60.3, *18.2-347, 18.2-348, or 18.2-349*; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a  
201 conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local  
202 ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under the laws of  
203 another state or territory of the United States, the District of Columbia, or the United States.

204 **§ 18.2-49. Threatening, attempting or assisting in such abduction.**

205 Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money,  
206 or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any person with  
207 the intent to defile such person, or (3) assists or aids in the abduction of, or threatens to abduct, any  
208 ~~female child~~ *child* under ~~sixteen~~ *16* years of age for the purpose of concubinage or prostitution, ~~shall be~~ *is*  
209 guilty of a Class 5 felony.

210 **§ 18.2-347. Keeping, residing in or frequenting a bawdy place; "bawdy place" defined.**

211 It ~~shall be~~ *is* unlawful for any person to keep any bawdy place, or to reside in or at or visit, for  
212 immoral purposes, any such bawdy place. Each and every day such bawdy place shall be kept, resided  
213 in or visited, shall constitute a separate offense. In a prosecution under this section the general  
214 reputation of the place may be proved. *Notwithstanding the provisions of § 18.2-350, any person who*  
215 *intentionally violates this section where he knows that the bawdy place is used or to be used for*  
216 *lewdness, assignation, or prostitution with a person under the age of 18 is guilty of a Class 6 felony.*

217 As used in this Code, "bawdy place" shall mean any place within or without any building or  
218 structure which is used or is to be used for lewdness, assignation or prostitution.

219 **§ 18.2-348. Aiding prostitution or illicit sexual intercourse, etc.**

220 It is unlawful for any person or any officer, employee, or agent of any firm, association, or  
221 corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or  
222 transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any  
223 person to a place, whether within or without any building or structure, used or to be used for the  
224 purpose of lewdness, assignation, or prostitution within the Commonwealth, or to procure or assist in  
225 procuring for the purpose of illicit sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus  
226 or any act violative of § 18.2-361, or to give any information or direction to any person with intent to  
227 enable such person to commit an act of prostitution. *Notwithstanding the provisions of § 18.2-350, any*  
228 *person who violates this section with a person under the age of 18 is guilty of a Class 6 felony.*

229 **§ 18.2-349. Using vehicles to promote prostitution or unlawful sexual intercourse.**

230 It ~~shall be~~ *is* unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to  
231 believe the same is to be used for such purpose, to use the same or to allow the same to be used for the  
232 purpose of prostitution or unlawful sexual intercourse, or to aid or promote such prostitution or unlawful  
233 sexual intercourse by the use of any such vehicle. *Notwithstanding the provisions of § 18.2-350, any*  
234 *person who violates this section by using a vehicle or allowing a vehicle to be used for or to aid or*  
235 *promote prostitution or unlawful sexual intercourse with a person under the age of 18 is guilty of a*  
236 *Class 6 felony.*

237 **§ 18.2-368. Placing or leaving spouse for prostitution; penalty.**

238 Any person who, by force, fraud, intimidation, or threats, places or leaves or procures any other  
239 person to place or leave his ~~wife~~ *spouse* in a bawdy place for the purpose of prostitution or unlawful  
240 sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus is guilty of pandering, punishable  
241 as a Class 4 felony.

242 **§ 18.2-513. Definitions.**

243 As used in this chapter, the term:

244 "Criminal street gang" shall be as defined in § 18.2-46.1.

245 "Enterprise" includes any of the following: sole proprietorship, partnership, corporation, business  
 246 trust, criminal street gang; or other group of three or more individuals associated for the purpose of  
 247 criminal activity.

248 "Proceeds" shall be as defined in § 18.2-246.2.

249 "Racketeering activity" means to commit, attempt to commit, conspire to commit, or to solicit,  
 250 coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1  
 251 (§ 18.2-46.1 et seq.) of Chapter 4 of this title, § 18.2-460; a felony offense of §§ 3.2-4212, 3.2-4219,  
 252 10.1-1455, 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4  
 253 of this title, §§ 18.2-47, 18.2-48, 18.2-48.1, 18.2-49, 18.2-51, 18.2-51.2, 18.2-52, 18.2-53, 18.2-55,  
 254 18.2-58, 18.2-59, 18.2-77, 18.2-79, 18.2-80, 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, 18.2-95, Article  
 255 4 (§ 18.2-111 et seq.) of Chapter 5 of this title, Article 1 (§ 18.2-168 et seq.) of Chapter 6 of this title,  
 256 §§ 18.2-178, 18.2-186, Article 6 (§ 18.2-191 et seq.) of Chapter 6 of this title, Article 9 (§ 18.2-246.1 et  
 257 seq.) of Chapter 6 of this title, § 18.2-246.13, Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title,  
 258 §§ 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1, 18.2-328, 18.2-347, 18.2-348,  
 259 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 18.2-368, 18.2-369, 18.2-374.1, Article 8  
 260 (§ 18.2-433.1 et seq.) of Chapter 9 of this title, Article 1 (§ 18.2-434 et seq.) of Chapter 10 of this title,  
 261 Article 2 (§ 18.2-438 et seq.) of Chapter 10 of this title, Article 3 (§ 18.2-446 et seq.) of Chapter 10 of  
 262 this title, Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of this title, § 3.2-6571, 18.2-516, 32.1-314,  
 263 58.1-1008.2, 58.1-1017, or 58.1-1017.1; or any substantially similar offenses under the laws of any other  
 264 state, the District of Columbia, the United States or its territories.

265 **§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.**

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

- 267 1. To investigate any condition that involves or tends to promote criminal violations of:
  - 268 a. Title 10.1 for which punishment as a felony is authorized;
  - 269 b. § 13.1-520;
  - 270 c. §§ 18.2-47 and 18.2-48;
  - 271 d. §§ 18.2-111 and 18.2-112;
  - 272 e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
  - 273 f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
  - 274 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;
  - 275 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,
  - 276 Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or  
 277 otherwise affecting gaming or gambling activity;
    - 278 i. § 18.2-434, when violations occur before a ~~multi-jurisdiction~~ *multi-jurisdiction* grand jury;
    - 279 j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
    - 280 k. § 18.2-460 for which punishment as a felony is authorized;
    - 281 l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
    - 282 m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
    - 283 n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
    - 284 o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
    - 285 p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
    - 286 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;
    - 287 r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
    - 288 s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
    - 289 t. § 18.2-178 where the violation involves insurance fraud;
    - 290 u. § 18.2-346, 18.2-347, 18.2-348, or 18.2-349 for which punishment as a felony is authorized or  
 291 § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;
    - 292 v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
    - 293 w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
    - 294 x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of  
 295 Chapter 4 of Title 18.2;
    - 296 y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
    - 297 z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
    - 298 aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony  
 299 violation of § 18.2-79;
    - 300 bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;
    - 301 cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and
    - 302 dd. Any other provision of law when such condition is discovered in the course of an investigation  
 303 that a ~~multi-jurisdiction~~ *multi-jurisdiction* grand jury is otherwise authorized to undertake and to  
 304 investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to  
 305 violate the laws enumerated in this section.

306 2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court  
307 reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the  
308 Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or  
309 investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be  
310 prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when  
311 appropriate, to the Attorney General.

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

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

318 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
319 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
320 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**  
321 **836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to**  
322 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**  
323 **necessary appropriation cannot be determined for periods of commitment to the custody of the**  
324 **Department of Juvenile Justice.**