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## HOUSE BILL NO. 415

Offered January 10, 2018

Prefiled January 5, 2018

A BILL to amend and reenact §§ 18.2-49, 18.2-368, 18.2-417, and 19.2-305 of the Code of Virginia, relating to certain gender-specific crimes; penalty.

Patron—Simon

Referred to Committee for Courts of Justice

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

**1. That §§ 18.2-49, 18.2-368, 18.2-417, and 19.2-305 of the Code of Virginia are amended and reenacted as follows:**

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

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

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

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

**§ 18.2-417. Slander and libel.**

Any person who shall falsely utter and speak, or falsely write and publish, of and concerning any female person of chaste character, any words derogatory of such female's person's character for virtue and chastity, or imputing to such female person acts not virtuous and chaste, or who shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace or shall use grossly insulting language to any female person of good character or reputation, shall be guilty of a Class 3 misdemeanor.

The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove malice, or lessen the criminality of the offense.

**§ 19.2-305. Requiring fines, costs, restitution for damages, support or community services from probationer.**

A. While on probation the defendant may be required to pay in one or several sums a fine or costs, or both such fine and costs, imposed at the time of being placed on probation as a condition of such probation, and the failure of the defendant to pay such fine or costs, or both such fine and costs, at the prescribed time or times may be deemed a breach of such probation. The provisions of this subsection shall also apply to any person ordered to pay costs pursuant to § 19.2-303.3.

B. A defendant placed on probation following conviction may be required to make at least partial restitution or reparation to the aggrieved party or parties for damages or loss caused by the offense for which conviction was had, or may be required to provide for the support of his wife spouse or others for whose support he may be legally responsible, or may be required to perform community services. The defendant may submit a proposal to the court for making restitution, for providing for support or for performing community services.

C. No defendant shall be kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs, provided that, following notice by the probation and parole officer to each court and attorney for the Commonwealth in whose jurisdiction any fines, fees, or costs are owed by the defendant, no such court or attorney for the Commonwealth objects to his removal from supervised probation.

**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 836 of the Acts of Assembly of 2017 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**

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**59 Department of Juvenile Justice.**