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SENATE BILL NO. 1399

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-371.1:1, relating to corporal punishment of a child with an object; penalty.*

Patron—Petersen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-371.1:1 as follows:

§ 18.2-371.1:1. Corporal punishment of a child with an object; penalty.

A. *For the purposes of this section, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a child as a means of discipline.*

B. *Any parent, guardian, or other person responsible for the care of a child under 18 years of age who uses an object to subject a child to corporal punishment is guilty of a Class 4 misdemeanor.*

This prohibition of corporal punishment shall not be deemed to prevent (i) the use of reasonable and necessary force to prevent a child from inflicting physical harm on himself, (ii) the use of reasonable and necessary force for self-defense or the defense of others, or (iii) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the child or within his control.

C. *When a person is charged with an offense under this section, and has not previously been convicted of such offense, the court may defer the proceedings against such person, without a finding of guilt, and order him to parenting classes or other appropriate treatment programs. Upon fulfillment of the terms and conditions specified in the court order, the court shall discharge the person and dismiss the proceedings against him.*

INTRODUCED

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