

20102229D

HOUSE BILL NO. 251

Offered January 8, 2020

Prefiled December 30, 2019

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

Patrons—Watts and Lopez

Referred to Committee for Courts of Justice

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, 18.2-368, 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 or 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, 2019, 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

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59 incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63
60 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2,
61 § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4
62 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A
63 and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214,
64 § 18.2-370.1, or § 18.2-374.1;

65 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
66 the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,
67 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,
68 § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed
69 a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or
70 more such offenses, provided that person had been at liberty between such convictions or adjudications;

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

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

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

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

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

109 **§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.**

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

118 1. The midpoint of the initial recommended sentencing range for first degree murder, second degree
119 murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual
120 battery shall be further increased by (i) 125 percent in cases in which the defendant has no previous

conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

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

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

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

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

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 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 § 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 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 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, 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 violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 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, 18.2-64.1, 18.2-67.1, *or* 18.2-67.2, former § 18.2-67.2:1, *or* § 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation 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, 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1, 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of 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 § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any felony violation of § 18.2-346, 18.2-347, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection 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 § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 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, 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

182 18.2-477.1; any violation of § 18.2-477, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; any violation of §
 183 37.2-917; any violation of § 52-48; any violation of § 53.1-203; any conspiracy or attempt to commit
 184 any offense specified in this subsection, or any substantially similar offense under the laws of any state,
 185 the District of Columbia, or the United States or its territories.

186 **§ 18.2-46.1. Definitions.**

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

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

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

195 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42,
 196 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,
 197 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,
 198 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,
 199 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,
 200 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
 201 § 18.2-60.3, 18.2-346, 18.2-347, 18.2-348, or 18.2-349; (iv) a felony violation of § 18.2-248 or of
 202 18.2-248.1 or a conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation
 203 of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under
 204 the laws of another state or territory of the United States, the District of Columbia, or the United States.

205 **§ 18.2-49. Threatening, attempting, or assisting in such abduction; penalty.**

206 Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money,
 207 or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any person with
 208 the intent to defile such person, or (3) assists or aids in the abduction of, or threatens to abduct, any
 209 female person under sixteen years of the age of 18 for the purpose of concubinage or prostitution, shall
 210 be is guilty of a Class 5 felony.

211 **§ 18.2-347. Keeping, residing in, or frequenting a bawdy place; "bawdy place" defined;
 212 penalties.**

213 It is unlawful for any person to keep any bawdy place, or to reside in or at or visit for immoral
 214 purposes any such bawdy place. Each day such bawdy place is kept, resided in, or visited shall
 215 constitute a separate offense. In a prosecution under this section, the general reputation of the bawdy
 216 place may be proved. A violation of this section is a Class 1 misdemeanor. *However, any adult who*
 217 *violates this section where he knows that the bawdy place is used or to be used for lewdness,*
 218 *assignation, or prostitution with a person under the age of 18 is guilty of a Class 6 felony.*

219 As used in this Code, "bawdy place" means any place within or outside any building or structure that
 220 is used or is to be used for lewdness, assignation, or prostitution.

221 **§ 18.2-368. Placing or leaving spouse for prostitution; penalty.**

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

226 **§ 18.2-513. Definitions.**

227 As used in this chapter:

228 "Criminal street gang" means the same as that term is defined in § 18.2-46.1.

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

232 "Proceeds" means the same as that term is defined in § 18.2-246.2.

233 "Racketeering activity" means to commit, attempt to commit, or conspire to commit or to solicit,
 234 coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1 (§
 235 18.2-46.1 et seq.) of Chapter 4, § 18.2-460; a felony offense of § 3.2-4212, 3.2-4219, 10.1-1455,
 236 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, or 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4,
 237 § 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, 18.2-58, 18.2-59,
 238 18.2-77, 18.2-79, 18.2-80, 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-95, Article 4 (§ 18.2-111
 239 et seq.) of Chapter 5, Article 1 (§ 18.2-168 et seq.) of Chapter 6, § 18.2-178 or 18.2-186, Article 6
 240 (§ 18.2-191 et seq.) of Chapter 6, Article 9 (§ 18.2-246.1 et seq.) of Chapter 6, § 18.2-246.13, Article 1
 241 (§ 18.2-247 et seq.) of Chapter 7, § 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1,
 242 18.2-328, 18.2-346, 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1,
 243 18.2-368, 18.2-369, or 18.2-374.1, Article 8 (§ 18.2-433.1 et seq.) of Chapter 9, Article 1 (§ 18.2-434 et

seq.) of Chapter 10, Article 2 (§ 18.2-438 et seq.) of Chapter 10, Article 3 (§ 18.2-446 et seq.) of Chapter 10, Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12, § 3.2-6571, 18.2-516, 32.1-314, 58.1-1008.2, 58.1-1017, or 58.1-1017.1; or any substantially similar offenses under the laws of any other state, the District of Columbia, or the United States or its territories.

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

The functions of a 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 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, 18.2-347, 18.2-348, or 18.2-349 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;
 - ab. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;
 - ac. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and
 - ad. Any other provision of law when such condition is discovered in the course of an investigation that a 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 investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.
 3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multi-jurisdiction grand jury.
 4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.
- 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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to**

305 § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be
306 determined for periods of commitment to the custody of the Department of Juvenile Justice.