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SENATE BILL NO. 805

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on February 3, 2020)

(Patron Prior to Substitute—Senator Morrissey)

*A BILL to amend and reenact § 18.2-58 of the Code of Virginia, relating to robbery; penalty.***Be it enacted by the General Assembly of Virginia:****1. That § 18.2-58 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-58. Robbery defined; penalty.**

A. If any person ~~commit~~ *commits* robbery by partial strangulation, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever, as defined herein, he shall be is guilty of a felony and shall be punished by confinement in a state correctional facility for life or any term not less than five years as follows:

1. If any person commits robbery by causing serious bodily injury to the victim, such person is guilty of robbery in the first degree, which is punishable by confinement in a state correctional facility for a maximum term of life.

2. If any person commits robbery by displaying a firearm in a threatening manner, such person is guilty of robbery in the second degree, which is punishable by confinement in a state correctional facility for a maximum term of 20 years.

3. If any person commits robbery by using physical force not resulting in serious bodily injury, or by displaying a deadly weapon other than a firearm in a threatening manner, such person is guilty of robbery in the third degree, which is punishable as a Class 5 felony.

4. If any person commits robbery by any other means, such person is guilty of robbery in the fourth degree, which is punishable as a Class 6 felony.

B. As used in this section, "robbery" means the taking, with the intent to steal, of the personal property of another, from his person or his presence, against his will, by violence or intimidation.

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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.