

2020 SPECIAL SESSION I

SENATE SUBSTITUTE

20200898D

SENATE BILL NO. 5053

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on August 20, 2020)

(Patron Prior to Substitute—Senator Reeves [SBs 5054 and 5055])

A BILL to amend and reenact §§ 18.2-423, 18.2-423.1, and 18.2-423.2 of the Code of Virginia, relating to certain objects placed or displayed on property of another or public place with intent to intimidate; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-423, 18.2-423.1, and 18.2-423.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-423. Burning cross on property of another or public place with intent to intimidate; penalty; prima facie evidence of intent.

It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway, or other public place. Any person who shall violate any provision of this section shall be guilty of a ~~Class 6~~ *Class 4* felony.

Any such burning of a cross shall be prima facie evidence of an intent to intimidate a person or group of persons.

§ 18.2-423.1. Placing swastika on certain property with intent to intimidate; penalty; prima facie evidence of intent.

It shall be unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a swastika on any church, synagogue, or other building or place used for religious worship, or on ~~any school, educational facility or community center owned or operated by a church or religious body~~ *the property of another, a highway, or other public place.*

A violation of this section shall be punishable as a ~~Class 6~~ *Class 4* felony.

For the purposes of this section, any such placing of a swastika shall be prima facie evidence of an intent to intimidate another person or group of persons.

§ 18.2-423.2. Displaying noose on property of another or a highway or other public place with intent to intimidate; penalty.

A. Any person who, with the intent of intimidating any person or group of persons, displays a noose on the private property of another without permission is guilty of a ~~Class 6~~ *Class 4* felony.

B. Any person who, with the intent of intimidating any person or group of persons, displays a noose on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury is guilty of a ~~Class 6~~ *Class 4* felony.

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 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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