20200749D

SENATE BILL NO. 5073

Offered August 18, 2020

Prefiled August 17, 2020

A BILL to amend and reenact §§ 18.2-405 and 18.2-406 of the Code of Virginia, relating to riots and unlawful assemblies; dangerous weapons; penalty.

Patron—DeSteph

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-405 and 18.2-406 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-405. What constitutes a riot; punishment.

Any unlawful use, by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or order is riot.

Every person convicted of participating in any riot shall be guilty of a Class 1 misdemeanor.

If such person carried, at the time of such riot, any firearm or other deadly or dangerous weapon, *including (i) a projectile of any kind; (ii) a laser, a laser gun sight, or any device that simulates a laser; (iii) a blunt instrument; or (iv) a shield,* he ~~shall be~~ *is* guilty of a Class 5 felony.

§ 18.2-406. What constitutes an unlawful assembly; punishment.

Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly. Every person who participates in any unlawful assembly shall be guilty of a Class 1 misdemeanor. If any such person carried, at the time of his participation in an unlawful assembly, any firearm or other deadly or dangerous weapon, *including (i) a projectile of any kind; (ii) a laser, a laser gun sight, or any device that simulates a laser; (iii) a blunt instrument; or (iv) a shield,* he ~~shall be~~ *is* guilty of a Class 5 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.

INTRODUCED

SB5073