

LD8566322

HOUSE BILL NO. 1617

Offered January 12, 1995

A *BILL to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery of a family member.*

Patrons—Kilgore and Phillips

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-57.2 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-57.2. Assault and battery against a family or household member.

A. Any person who commits an assault *or an assault* and battery against a family or household member shall be guilty of a Class 1 misdemeanor.

B. On a third or subsequent conviction for assault *or assault* and battery against a family or household member, where it is alleged in the warrant, information, or indictment on which a person is convicted, that (i) such person has been previously convicted twice of assault *or assault* and battery against a family or household member, or of a similar offense under the law of any other jurisdiction, within ten years of the third or subsequent offense, and that (ii) each such assault *or assault* and battery occurred on different dates, such person shall be guilty of a Class 6 felony.

C. As used in this section, "family or household member" means (i) the defendant's spouse, whether or not he or she resides in the same home with the defendant, (ii) the defendant's former spouse, whether or not he or she resides in the same home with the defendant, (iii) the defendant's parents, stepparents, children, stepchildren, brothers and sisters, grandparents and grandchildren who reside in the same home with the defendant, (iv) the defendant's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the defendant, (v) any person who has a child in common with the defendant, whether or not the defendant and that person have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve months, cohabited with the defendant, and any children of either of them then residing in the same home with the defendant.

INTRODUCED

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