

1995 SESSION

INTRODUCED

LD4795128

HOUSE BILL NO. 2470

Offered January 23, 1995

A *BILL to amend and reenact § 18.2-128 of the Code of Virginia, relating to trespass on school property; penalty.*

Patrons—Crouch, Behm, Bennett and Reynolds; Senator: Hawkins

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-128 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-128. Trespass upon church or school property.

A. It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property.

B. It shall be unlawful for any person, whether or not a student, to enter upon or remain upon any school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the posted premises or after such direction that person refuses to vacate school property, it shall constitute a separate offense.

C. Any person violating the provisions of (i) subsection A shall be guilty of a Class 3 misdemeanor and (ii) subsection B shall be guilty of a Class 1 misdemeanor, *except that any person violating the provisions of subsection B while in possession of (i) any dangerous weapon as specified in § 18.2-308 and (ii) sexually explicit visual material as defined in § 18.2-474.1 having as a subject a person who is depicted as or presents the appearance of being less than eighteen years of age, shall be guilty of a Class 6 felony.*

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.

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