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**HOUSE BILL NO. 105**

Offered January 10, 1996

*A BILL to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery against family or household members; penalty.*

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Patron—Kilgore

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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 and battery against a family or household member shall be guilty of a Class 1 misdemeanor. *Upon a second conviction for a violation of this section or a similar law of any other jurisdiction, where the offense was committed within two years of the first offense, a mandatory, minimum term of confinement of thirty days shall be imposed which shall not be subject to suspension, and the defendant shall be placed on twelve months of supervised probation. As a condition of probation, the person shall be required to attend and complete counseling as directed by the court.*

B. On a third or subsequent conviction for 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 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 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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