

1996 SESSION

INTRODUCED

965849843

HOUSE BILL NO. 126

Offered January 10, 1996

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 4 of Title 18.2 sections numbered 18.2-57.3 and 18.2-57.4, relating to certain assaults by juveniles on correctional officers and teachers; penalty.*

Patrons—Reid, Bryant, Cantor, Cox, Davies, Diamonstein, Dillard, Fisher, Forbes, Hamilton, Kilgore, Mims, Rollison, Tata, Wardrup, Watkins, Way and Wilkins; Senators: Benedetti and Martin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia by adding in Article 4 of Chapter 4 of Title 18.2 sections numbered 18.2-57.3 and 18.2-57.4 as follows:

§ 18.2-57.3. Assault and battery against school personnel.

Any person who commits assault or assault and battery against another, knowing or having reason to know that such other person is a full- or part-time employee or volunteer of any public or private elementary, secondary or post-secondary school engaged in the performance of his duties as such, shall be guilty of a Class 1 misdemeanor and, upon conviction, be sentenced to a minimum, mandatory term of confinement of ten days, which shall not be suspended, in whole or in part. However, if the offense is committed by use of any firearm, the minimum, mandatory term of confinement shall be six months. Upon conviction, the court shall also order that the defendant make full restitution to the victim.

Nothing in this section shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

§ 18.2-57.4. Assaults and battery by juveniles in certain facilities and those on probation and parole.

Any person confined in accordance with § 16.1-249 or in any other facility operated by or under contract with the Department of Youth and Family Services, or while in the custody of any employee of such facility or any probationer, parolee or person under court supervision, who commits an assault or assault and battery on (i) any person who is an employee of, volunteer at or otherwise lawfully admitted to the facility, except another person confined in the facility, (ii) any person who is supervising or working with the confined person or (iii) a probation officer or staff of a court services unit or other employee of a law-enforcement agency or court, shall be guilty of a Class 1 misdemeanor and shall upon conviction be sentenced to a minimum mandatory term of confinement of six months which shall not be suspended, in whole or in part.

INTRODUCED

HB126