

# 1996 SESSION

INTRODUCED

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## SENATE BILL NO. 26

Offered January 10, 1996

A *BILL* to amend the Code of Virginia by adding a section numbered 18.2-258.02, relating to maintaining fortified drug houses; penalty.

Patrons—Stolle; Delegate: Wardrup

Referred to the Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-258.02 as follows:**

**§ 18.2-258. Maintaining a fortified drug house; penalty.**

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment or building or structure of any kind which is (i) modified from its original status by means of reinforcement with the intent to impede, deter or delay lawful entry into such structure, (ii) used for the purpose of illegally obtaining possession of, manufacturing or distributing controlled substances or marijuana, and (iii) the object of a lawful search warrant, shall be considered a fortified drug house. Any person who uses, maintains or operates a fortified drug house and any owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant of the building or structure who knows or has reason to know that it is being used, maintained or operated as a fortified drug house is guilty of a Class 5 felony. However, no owner, lessor, agent, manager, officer, operator or tenant of the building or structure shall be liable under this section unless it is proved that he had the right, because of such unlawful use, to enter and repossess the property.

**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 \$250,000.**

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