

1997 SESSION

INTRODUCED

973441843

SENATE BILL NO. 1167

Offered January 20, 1997

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

Patrons—Benedetti, Earley, Newman, Norment, Quayle, Stolle and Williams

Referred to the 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 a section numbered 18.2-57.3 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.

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