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SENATE BILL NO. 738

Senate Amendments in [] — January 17, 1997

A *BILL to amend and reenact §§ 18.2-77 and 18.2-79 of the Code of Virginia, relating to arson of a church or church property; penalty.*

Patrons—Schrock, Bolling, Hanger, Hawkins, Lambert, Martin, Newman, Stolle, Stosch and Wampler

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-77 and 18.2-79 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-77. Burning or destroying dwelling house, etc.

A. If any person maliciously (i) burns, or by use of any explosive device or substance destroys, in whole or in part, or causes to be burned or destroyed, or (ii) aids, counsels or procures the burning or destruction of any dwelling house or manufactured home whether belonging to himself or another, or any occupied hotel, hospital, mental health facility, or other house in which persons usually dwell or lodge, any occupied railroad car, boat, vessel, or river craft in which persons usually dwell or lodge, or any occupied jail or prison, *or any occupied church or church property*, he shall be guilty of a felony, punishable by imprisonment for life or for any period not less than five years and, subject to subdivision g of § 18.2-10, a fine of not more than \$100,000. Any person who maliciously sets fire to anything, or aids, counsels or procures the setting fire to anything, by the burning whereof such occupied dwelling house, manufactured home, hotel, hospital, mental health facility or other house, or railroad car, boat, vessel, or river craft, jail or prison, *church or church property*, is burned shall be guilty of a violation of this subsection.

B. Any such burning or destruction when the building or other place mentioned in subsection A is unoccupied, shall be punishable as a Class 4 felony.

C. *For purposes of this section, "church" or "church property" shall be defined as in § 18.2-127.*

§ 18.2-79. Burning or destroying meeting house, etc.

If any person maliciously burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel, or procure the burning or destroying, of any meeting house, courthouse, townhouse, college, academy, schoolhouse, or other building erected for public use, except an asylum, hotel, jail [~~or~~ ,] prison, *church or church property as defined in § 18.2-127*, [~~or~~] any banking house, warehouse, storehouse, manufactory, mill, or other house, whether the property of himself or of another person, not usually occupied by persons lodging therein at night, at a time when any person is therein, or if he maliciously set fire to anything, or cause to be set on fire, or aid, counsel, or procure the setting on fire of anything, by the burning whereof any building mentioned in this section shall be burned, at a time when any person is therein, he shall be guilty of a Class 3 felony. If such offense be committed when no person is in such building mentioned in this section, the offender shall be guilty of a Class 4 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 \$ 62,500.

ENGROSSED

SB738E