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HOUSE BILL NO. 202

Offered January 15, 1998

A *BILL to amend and reenact §§ 18.2-29 and 18.2-370 of the Code of Virginia, relating to taking indecent liberties with and solicitation of children by computer; penalty.*

Patrons—Marshall, Albo and May

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-29 and 18.2-370 of the Code of Virginia are amended and reenacted as follows:**

§ 18.2-29. Criminal solicitation; penalty.

Any person who commands, entreats, or otherwise attempts to persuade another person to commit a felony, shall be guilty of a Class 6 felony. Any person age eighteen or older who commands, entreats, or otherwise attempts to persuade another person under age eighteen to commit a felony, shall be guilty of a Class 5 felony. *Any person age eighteen or older who commits such solicitation of a person under age eighteen by use of a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means shall be guilty of a Class 4 felony.*

§ 18.2-370. Taking indecent liberties with children.

A. Any person eighteen years of age or over, who, with lascivious intent, shall knowingly and intentionally:

(1) Expose his or her sexual or genital parts to any child under the age of fourteen years to whom such person is not legally married or propose that any such child expose his or her sexual or genital parts to such person; or

(2) [Repealed.]

(3) Propose that any such child feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child; or

(4) Propose to such child the performance of an act of sexual intercourse or any act constituting an offense under § 18.2-361; or

(5) Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this section; or

(6) Receive money, property, or any other remuneration for allowing, encouraging, or enticing any person under the age of eighteen years to perform in or be a subject of sexually explicit visual material as defined in § 18.2-374.1 or who knowingly encourages such person to perform in or be a subject of sexually explicit material; shall be guilty of a Class 6 felony.

B. *A person who commits any offense set forth in subsection A by use of a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means shall be guilty of a Class 5 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 \$125,000.

INTRODUCED

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