

2005 SESSION

SENATE SUBSTITUTE

053873792

SENATE BILL NO. 940

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee  
on February 25, 2005)

(Patron Prior to Substitute—Senator Puckett)

A BILL to amend the Code of Virginia by adding in Article 6 of Chapter 9 of Title 18.2 a section numbered 18.2-431.1, relating to illegal conveyance or possession of cellular telephone by prisoner; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 9 of Title 18.2 a section numbered 18.2-431.1 as follows:

§ 18.2-431.1. *Illegal conveyance or possession of cellular telephone by prisoner; penalty.*

A. *It shall be unlawful for any person without authorization to provide or cause to be provided a cellular telephone to an incarcerated prisoner.*

B. *It shall be unlawful for an incarcerated prisoner without authorization to possess a cellular telephone during the period of his incarceration.*

C. *Any violation of this section shall be a Class 6 felony.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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