

# VIRGINIA ACTS OF ASSEMBLY -- 2013 RECONVENED SESSION

## CHAPTER 743

*An Act to amend and reenact § 18.2-248.02 of the Code of Virginia, relating to manufacture of methamphetamine in presence of a minor or incapacitated person; penalty.*

[H 1816]

Approved April 3, 2013

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

**1. That § 18.2-248.02 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-248.02. Allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine prohibited; penalties.**

Any person 18 years of age or older who *knowingly allows* (i) a minor under the age of 15, (ii) a minor 15 years of age or older with whom he maintains a custodial relationship ~~over a child under the age of 18~~, including but not limited to as a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such ~~child~~ minor, ~~and who knowingly allows that child or~~ (iii) a *mentally incapacitated or physically helpless person of any age*, to be present in the same dwelling, apartment as defined by § 55-79.2, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine as prohibited by subsection C1 of § 18.2-248 is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years. This penalty shall be in addition to and served consecutively with any other sentence.

**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; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

**3. That the provisions of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in a general appropriation act passed by the 2013 Session of the General Assembly, which becomes law.**

**4. That the General Assembly determines that the requirements of the third enactment of this act have been met.**