

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1816]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-248.02 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-248.02. Allowing a child to be present during manufacture or attempted manufacture of**
9 **methamphetamine prohibited; penalties.**

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

19 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
20 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
21 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
22 **3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing**
23 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated**
24 **amount of the necessary appropriation is \$0 for periods of commitment to the custody of the**
25 **Department of Juvenile Justice.**

26 **3. That the provisions of this act shall not become effective unless an appropriation of general**
27 **funds effectuating the purposes of this act is included in a general appropriation act passed by the**
28 **2013 Session of the General Assembly, which becomes law.**

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

ENROLLED

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