

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia, relating to possession with intent to*
3 *distribute tax-paid, contraband cigarettes; penalties.*

4 [S 1017]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 58.1-1017.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalty.**

9 Any person other than an authorized holder who possesses, with intent to distribute, more than 5,000
10 (25 cartons) *but fewer than 100,000 (500 cartons)* tax-paid cigarettes is guilty of a Class 2 1
11 misdemeanor for a first offense and is guilty of a Class 4 ~~misdemeanor~~ 6 felony for any second or
12 subsequent offense. *Any person other than an authorized holder who possesses, with intent to distribute,*
13 *100,000 (500 cartons) or more tax-paid cigarettes is guilty of a Class 6 felony for a first offense and is*
14 *guilty of a Class 5 felony for a second or subsequent offense.* Additionally, any person who violates the
15 provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no more than
16 \$5,000, for a first offense; (ii) \$5 per pack, but no more than \$10,000, for a second such offense
17 committed within a 36-month period; and (iii) \$10 per pack, but no more than \$50,000, for a third or
18 subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and
19 collected by the Department as other taxes are collected.

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

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