

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to sexual battery by touching*
3 *a person's intimate parts; penalty.*

4 [H 567]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-67.4 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-67.4. Sexual battery.**

9 A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the
10 complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse,
11 (ii) *within a two-year period, more than one complaining witness or one complaining witness on more*
12 *than one occasion intentionally and without the consent of the complaining witness,* (iii) an inmate who
13 has been committed to jail or convicted and sentenced to confinement in a state or local correctional
14 facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with,
15 the state or local correctional facility or regional jail; is in a position of authority over the inmate; and
16 knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail,
17 or ~~(iii)~~ (iv) a probationer, parolee, or a pretrial defendant or posttrial offender under the jurisdiction of
18 the Department of Corrections, a local community-based probation services agency, a pretrial services
19 agency, a local or regional jail for the purposes of imprisonment, a work program or any other
20 parole/probationary or pretrial services or agency and the accused is an employee or contractual
21 employee of, or a volunteer with, the Department of Corrections, a local community-based probation
22 services agency, a pretrial services agency or a local or regional jail; is in a position of authority over
23 an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a
24 local community-based probation services agency, a pretrial services agency or a local or regional jail.

25 B. Sexual battery is a Class 1 misdemeanor.

26 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
27 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
28 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
29 **806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to**
30 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
31 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
32 **Department of Juvenile Justice.**

ENROLLED

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