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## SENATE BILL NO. 14

Offered January 8, 2014

Prefiled December 4, 2013

*A BILL to amend and reenact § 18.2-361 of the Code of Virginia, relating to crimes against nature.*

Patron—Garrett

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-361 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-361. Crimes against nature; penalty.**

A. If ~~any~~ Any person *who* (i) carnally knows in any manner any brute animal; or (ii) carnally knows any male or female person by the anus or by or with the mouth, or voluntarily submits to such carnal knowledge, ~~he or she shall be~~ is guilty of a Class 6 felony, except as provided in subsection B. *The provisions of clause (ii) shall not apply where all persons are consenting adults who are not in a public place and who are not committing, attempting to commit, conspiring to commit, aiding, or abetting any act in furtherance of prostitution.*

B. Any person who performs or causes to be performed cunnilingus, fellatio, anilingus, or anal intercourse upon or by his daughter or granddaughter, son or grandson, brother or sister, or father or mother is guilty of a Class 5 felony. However, if a parent or grandparent commits any such act with his child or grandchild and such child or grandchild is at least 13 but less than 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony.

C. For the purposes of this section, parent includes step-parent, grandparent includes step-grandparent, child includes step-child, and grandchild includes step-grandchild.

**2. That the provisions of this act are declarative of existing law.****3. That an emergency exists and this act is in force from its passage.**

**4. 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 806 of the Acts of Assembly of 2013 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.**

INTRODUCED

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