

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-357.1, relating to commercial sex trafficking; penalties.

[S 1188]

Approved

Be it enacted by the General Assembly of Virginia:
1. That §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-357.1 as follows:

- § 9.1-902. Offenses requiring registration.**
- A. For purposes of this chapter:
 "Offense for which registration is required" includes:
1. Any offense listed in subsection B;
 2. Criminal homicide;
 3. Murder;
 4. A sexually violent offense;
 5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
 6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.
- B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:
1. § 18.2-63; unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; *any violation of subsection C of § 18.2-357.1*; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; ~~or~~ subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.
- If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.
2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.
 3. § 18.2-370.6.
- C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.
- D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.
- E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:
1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, ~~or~~ § 18.2-370.1, or § 18.2-374.1; or

57 2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where
 58 the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,
 59 subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361,
 60 § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed
 61 a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or
 62 more such offenses, provided that person had been at liberty between such convictions or adjudications;

63 3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any
 64 felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually
 65 violent offense only if the person has been convicted or adjudicated delinquent of any two or more such
 66 offenses, provided that the person had been at liberty between such convictions or adjudications; or

67 4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as
 68 described in § 1591 of Title 18, U.S.C.).

69 F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as
 70 defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar
 71 offense under the laws of any foreign country or any political subdivision thereof, the United States or
 72 any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes
 73 against minors registry is required under the laws of the jurisdiction where the offender was convicted.

74 G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a
 75 juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated
 76 delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in
 77 its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the
 78 offense require offender registration. In making its determination, the court shall consider all of the
 79 following factors that are relevant to the case: (i) the degree to which the delinquent act was committed
 80 with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii)
 81 the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the
 82 offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the
 83 offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the
 84 case. The attorney for the Commonwealth may file such a motion at any time during which the offender
 85 is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any
 86 hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent
 87 the offender unless an attorney has been retained and appears on behalf of the offender or counsel has
 88 already been appointed.

89 H. Prior to entering judgment of conviction of an offense for which registration is required if the
 90 victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment,
 91 warrant, or information does not allege that the victim of the offense was a minor, physically helpless,
 92 or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the
 93 victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in
 94 § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines
 95 the victim to be a minor. When such a determination is required, the court shall advise the defendant of
 96 its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo
 97 contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of
 98 guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise.
 99 Failure to make such determination or so advise the defendant does not otherwise invalidate the
 100 underlying conviction.

101 **§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.**

102 A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which
 103 shall become effective on January 1, 1995. The initial recommended sentencing range for each felony
 104 offense shall be determined first, by computing the actual time-served distribution for similarly situated
 105 offenders, in terms of their conviction offense and prior criminal history, released from incarceration
 106 during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by
 107 eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended
 108 sentencing range shall be the median time served for the middle two quartiles and subject to the
 109 following additional enhancements:

110 1. The midpoint of the initial recommended sentencing range for first degree murder, second degree
 111 murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual
 112 battery, shall be further increased by (i) 125 percent in cases in which the defendant has no previous
 113 conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously
 114 been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years;
 115 or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony
 116 offense punishable by a maximum punishment of 40 years or more, except that the recommended
 117 sentence for a defendant convicted of first degree murder who has previously been convicted of a

118 violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be
119 imprisonment for life;

120 2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery,
121 aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory
122 burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any
123 statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100
124 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300
125 percent in cases in which the defendant has previously been convicted of a violent felony offense
126 punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in
127 which the defendant has previously been convicted of a violent felony offense punishable by a
128 maximum term of imprisonment of 40 years or more;

129 3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving or
130 distributing, or possessing with the intent to manufacture, sell, give or distribute a Schedule I or II
131 controlled substance shall be increased by (i) 200 percent in cases in which the defendant has previously
132 been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years
133 or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony
134 offense punishable by a maximum term of imprisonment of 40 years or more; and

135 4. The midpoint of the initial recommended sentencing range for felony offenses not specified in
136 subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously
137 been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years,
138 and by 300 percent in cases in which the defendant has previously been convicted of a violent felony
139 offense punishable by a maximum term of imprisonment of 40 years or more.

140 B. For purposes of this chapter, previous convictions shall include prior adult convictions and
141 juvenile convictions and adjudications of delinquency based on an offense which would have been at the
142 time of conviction a felony if committed by an adult under the laws of any state, the District of
143 Columbia, the United States or its territories.

144 C. For purposes of this chapter, violent felony offenses shall include any felony violation of
145 § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32,
146 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of
147 § 18.2-40 or 18.2-41; any violation of clause (c)(i) or (ii) of subsection B of § 18.2-46.3; any violation
148 of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation
149 of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3,
150 18.2-51.4, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any
151 violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or
152 18.2-58.1; any felony violation of § 18.2-60.1, 18.2-60.3, or 18.2-60.4; any violation of § 18.2-61,
153 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a
154 third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in
155 violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of
156 subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation
157 of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85, 18.2-89, 18.2-90,
158 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of
159 § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any
160 felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony
161 violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of
162 subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1,
163 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of
164 subsection C of § 18.2-308.1 or 18.2-308.2; any violation of § 18.2-308.2:1 or subsection M or N of
165 § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any violation of subdivision (2) or (3) of
166 § 18.2-355; any violation of § 18.2-357.1; any violation of former § 18.2-358; any violation of
167 subsection B of § 18.2-361; any violation of subsection B of § 18.2-366; any violation of § 18.2-368,
168 18.2-370, or 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of
169 § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony
170 violation of § 18.2-374.1:1; any violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent
171 offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation
172 of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; any
173 felony violation of § 18.2-460, 18.2-474.1, or 18.2-477.1; any violation of § 18.2-477, 18.2-478,
174 18.2-480, 18.2-481, or 18.2-485; any violation of § 37.2-917; any violation of § 52-48; any violation of
175 § 53.1-203; or any conspiracy or attempt to commit any offense specified in this subsection, and any
176 substantially similar offense under the laws of any state, the District of Columbia, the United States or
177 its territories.

178 **§ 18.2-46.1. Definitions.**

179 As used in this article unless the context requires otherwise or it is otherwise provided:

180 "Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

181 "Criminal street gang" means any ongoing organization, association, or group of three or more
182 persons, whether formal or informal, (i) which has as one of its primary objectives or activities the
183 commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or
184 symbol; and (iii) whose members individually or collectively have engaged in the commission of,
185 attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least
186 one of which is an act of violence, provided such acts were not part of a common act or transaction.

187 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42,
188 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1,
189 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121,
190 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255,
191 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2,
192 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, ~~or~~ 18.2-357, *or 18.2-357.1*; (iii) a felony violation of
193 § 18.2-60.3; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony
194 violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to
195 § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the
196 United States, the District of Columbia, or the United States.

197 Article 3.

198 *Sexual Offenses, Commercial Sex Trafficking, Prostitution, etc.*

199 **§ 18.2-356. Receiving money for procuring person; penalties.**

200 Any person who receives any money or other valuable thing for or on account of (i) procuring for or
201 placing in a house of prostitution or elsewhere any person for the purpose of causing such person to
202 engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in
203 violation of § 18.2-361 or (ii) causing any person to engage in forced labor or services, concubinage,
204 prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4
205 felony. *Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class*
206 *3 felony.*

207 **§ 18.2-357. Receiving money from earnings of male or female prostitute; penalties.**

208 Any person who shall knowingly receive any money or other valuable thing from the earnings of any
209 male or female engaged in prostitution, except for a consideration deemed good and valuable in law,
210 shall be guilty of pandering, punishable as a Class 4 felony. *Any person who violates this section by*
211 *receiving money or other valuable thing from a person under the age of 18 is guilty of a Class 3 felony.*

212 **§ 18.2-357.1. Commercial sex trafficking; penalties.**

213 *A. Any person who, with the intent to receive money or other valuable thing or to assist another in*
214 *receiving money or other valuable thing from the earnings of a person from prostitution or unlawful*
215 *sexual intercourse in violation of subsection A of § 18.2-346, solicits, invites, recruits, encourages, or*
216 *otherwise causes or attempts to cause a person to violate subsection A of § 18.2-346 is guilty of a Class*
217 *5 felony.*

218 *B. Any person who violates subsection A through the use of force, intimidation, or deception is guilty*
219 *of a Class 4 felony.*

220 *C. Any adult who violates subsection A with a person under the age of 18 is guilty of a Class 3*
221 *felony.*

222 **§ 18.2-513. Definitions.**

223 As used in this chapter, the term:

224 "Criminal street gang" shall be as defined in § 18.2-46.1.

225 "Enterprise" includes any of the following: sole proprietorship, partnership, corporation, business
226 trust, criminal street gang; or other group of three or more individuals associated for the purpose of
227 criminal activity.

228 "Proceeds" shall be as defined in § 18.2-246.2.

229 "Racketeering activity" means to commit, attempt to commit, conspire to commit, or to solicit,
230 coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1
231 (§ 18.2-46.1 et seq.) of Chapter 4 of this title, § 18.2-460; a felony offense of §§ 3.2-4212, 3.2-4219,
232 10.1-1455, 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4
233 of this title, §§ 18.2-47, 18.2-48, 18.2-48.1, 18.2-49, 18.2-51, 18.2-51.2, 18.2-52, 18.2-53, 18.2-55,
234 18.2-58, 18.2-59, 18.2-77, 18.2-79, 18.2-80, 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, 18.2-95, Article
235 4 (§ 18.2-111 et seq.) of Chapter 5 of this title, Article 1 (§ 18.2-168 et seq.) of Chapter 6 of this title,
236 §§ 18.2-178, 18.2-186, Article 6 (§ 18.2-191 et seq.) of Chapter 6 of this title, Article 9 (§ 18.2-246.1 et
237 seq.) of Chapter 6 of this title, § 18.2-246.13, Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title,
238 §§ 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1, 18.2-328, 18.2-348, 18.2-355,
239 18.2-356, 18.2-357, *18.2-357.1*, 18.2-368, 18.2-369, 18.2-374.1, Article 8 (§ 18.2-433.1 et seq.) of

240 Chapter 9 of this title, Article 1 (§ 18.2-434 et seq.) of Chapter 10 of this title, Article 2 (§ 18.2-438 et
 241 seq.) of Chapter 10 of this title, Article 3 (§ 18.2-446 et seq.) of Chapter 10 of this title, Article 1.1
 242 (§ 18.2-498.1 et seq.) of Chapter 12 of this title, § 3.2-6571, 18.2-516, 32.1-314, 58.1-1008.2, 58.1-1017,
 243 or 58.1-1017.1; or any substantially similar offenses under the laws of any other state, the District of
 244 Columbia, the United States or its territories.

245 **§ 19.2-215.1. Functions of a multijurisdiction grand jury.**

246 The functions of a multijurisdiction grand jury are:

- 247 1. To investigate any condition that involves or tends to promote criminal violations of:
- 248 a. Title 10.1 for which punishment as a felony is authorized;
- 249 b. § 13.1-520;
- 250 c. §§ 18.2-47 and 18.2-48;
- 251 d. §§ 18.2-111 and 18.2-112;
- 252 e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
- 253 f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
- 254 g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;
- 255 h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2,
 256 Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or
 257 otherwise affecting gaming or gambling activity;
- 258 i. § 18.2-434, when violations occur before a multijurisdiction grand jury;
- 259 j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
- 260 k. § 18.2-460 for which punishment as a felony is authorized;
- 261 l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
- 262 m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
- 263 n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
- 264 o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
- 265 p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 266 q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
- 267 r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
- 268 s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
- 269 t. § 18.2-178 where the violation involves insurance fraud;
- 270 u. § 18.2-346 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or
 271 18.2-357.1;
- 272 v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
- 273 w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
- 274 x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of
 275 Chapter 4 of Title 18.2;
- 276 y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
- 277 z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- 278 aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony
 279 violation of § 18.2-79;
- 280 bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;
- 281 cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and
- 282 dd. Any other provision of law when such condition is discovered in the course of an investigation
 283 that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition
 284 that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated
 285 in this section.

286 2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court
 287 reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the
 288 Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or
 289 investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be
 290 prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when
 291 appropriate, to the Attorney General.

292 3. To consider bills of indictment prepared by a special counsel to determine whether there is
 293 sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which
 294 allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.

295 4. The provisions of this section shall not abrogate the authority of an attorney for the
 296 Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

297 **§ 19.2-386.35. Seizure of property used in connection with certain offenses.**

298 All money, equipment, motor vehicles, and other personal and real property of any kind or character
 299 together with any interest or profits derived from the investment of such proceeds or other property that
 300 (i) was used in connection with the commission of, or in an attempt to commit, a violation of subsection

301 B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349,
302 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 40.1-29, 40.1-100.2, or 40.1-103; (ii) is traceable to the
303 proceeds of some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59,
304 subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29,
305 40.1-100.2, or 40.1-103; or (iii) was used to or intended to be used to promote some form of activity
306 that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347,
307 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103 is subject to lawful
308 seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth pursuant to Chapter
309 22.1 (§ 19.2-386.1 et seq.). Any forfeiture action under this section shall be stayed until conviction, and
310 property eligible for forfeiture pursuant to this section shall be forfeited only upon the entry of a final
311 judgment of conviction for an offense listed in this section; if no such judgment is entered, all property
312 seized pursuant to this section shall be released from seizure.

313 Real property shall not be subject to seizure unless the minimum prescribed punishment for the
314 violation is a term of imprisonment of not less than five years.

315 All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et
316 seq.), and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this
317 section.

318 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
319 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
320 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
321 **2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing**
322 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated**
323 **amount of the necessary appropriation cannot be determined for periods of commitment to the**
324 **custody of the Department of Juvenile Justice.**