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HOUSE BILL NO. 1407

Offered January 11, 2017

Prefiled September 16, 2016

A BILL to amend the Code of Virginia by adding a section numbered 24.2-400.1, relating to qualified voters; definition of violent felony.

Patrons—Habeeb, Farrell, O'Bannon, Austin, Bell, Richard P., Campbell, Davis, Edmunds, Fariss, Jones, Marshall, D.W., Massie, Peace and Ware

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 24.2-400.1 as follows:

§ 24.2-400.1. Persons entitled to register and vote; definition of violent felony.

For purposes of Article II, Section 1 and Article V, Section 12 of the Constitution of Virginia, "violent felony" means any violation punishable as a felony of (i) § 16.1-253.2; solicitation to commit murder in violation of § 18.2-29; § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-40, 18.2-41, 18.2-42.1, or 18.2-46.2; clause (c) (i) or (ii) of subsection B of § 18.2-46.3; § 18.2-46.3:1, 18.2-46.3:3, 18.2-46.5, 18.2-46.6, or 18.2-46.7; 18.2-47 that is punishable as a Class 5 felony; § 18.2-48, 18.2-48.1, 18.2-49, 18.2-50.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 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; subsection A1 of § 18.2-56.1; § 18.2-57, 18.2-57.02, 18.2-57.2, 18.2-58, or 18.2-58.1; clause (i) of § 18.2-59; § 18.2-60, 18.2-60.1, 18.2-60.3, 18.2-60.4, 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4:1, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, or 18.2-67.5:3; subsection A of § 18.2-77; § 18.2-79 that is punishable as a Class 3 felony; § 18.2-80 that is punishable as a Class 3 felony; § 18.2-85, 18.2-89, or 18.2-90; § 18.2-91 with the intent to commit a felony that is an offense specified in this clause or that is punishable as a Class 2 felony; § 18.2-92 that is punishable as a Class 2 felony; § 18.2-93 or 18.2-152.7; § 18.2-153 that is punishable as murder or a Class 4 or Class 5 felony; § 18.2-154 that is punishable as murder or a Class 4 or Class 5 felony; § 18.2-155 that is punishable as murder or a Class 4 or Class 5 felony; § 18.2-162; § 18.2-279 that is punishable as murder or a Class 4 or Class 5 felony; subsection A or B of § 18.2-280; § 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, 18.2-287.2, 18.2-289, or 18.2-290; subsection A of § 18.2-300; subsection C of § 18.2-308.1; § 18.2-308.2 or 18.2-308.2:1; subsection M or N of § 18.2-308.2:2; § 18.2-308.3, 18.2-308.4, 18.2-312, 18.2-346, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; subsection B of § 18.2-361; subsection B of § 18.2-366; § 18.2-368; subsection B of § 18.2-369; § 18.2-370 or 18.2-370.1; subsection A of § 18.2-371.1; § 18.2-374.1, 18.2-374.1:1, 18.2-374.3, or 18.2-374.4; a second or subsequent offense of § 18.2-379 that is punishable as a felony under § 18.2-381; § 18.2-405, 18.2-406, 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2, 18.2-460, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-478, 18.2-480, 18.2-481, 18.2-484, 18.2-485, or 37.2-917; subsection C of § 46.2-817; or § 52-48 or 53.1-203 or (ii) any predecessor law of the Commonwealth for any offense specified in clause (i). "Violent felony" includes any conspiracy or attempt to commit any offense specified in this section and any violation of any such offense as a principal in the second degree or accessory before the fact.

2. That this act shall become effective January 1, 2019, contingent upon the passage of amendments to the Constitution of Virginia on the Tuesday after the first Monday in November 2018 amending Article II, Section 1 and Article V, Section 12 of the Constitution of Virginia providing for the automatic restoration of the civil rights of a person who has been convicted of any felony, other than a violent felony.

INTRODUCED

HB1407