

2017 SESSION

INTRODUCED

17101463D

HOUSE BILL NO. 2256

Offered January 11, 2017

Prefiled January 11, 2017

A *BILL to amend and reenact § 18.2-46.3:1 of the Code of Virginia, relating to third or subsequent conviction of street gang crimes; penalty.*

Patron—Collins

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-46.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-46.3:1. Third or subsequent conviction of criminal street gang crimes.

Upon a felony conviction of § 18.2-46.2 or § 18.2-46.3, where it is alleged in the warrant, information or indictment on which a person is convicted that (i) such person has been previously convicted twice under any combination of § 18.2-46.2 or § 18.2-46.3, within 10 years of the third or subsequent offense, and (ii) each such offense occurred on different dates, such person is guilty of a Class 3 felony. *For purposes of this section, prior convictions include findings of not innocent or adjudications of delinquency in the case of a juvenile.*

2. 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 780 of the Acts of Assembly of 2016 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.

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