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HOUSE BILL NO. 754

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 24, 2016)

(Patron Prior to Substitute—Delegate Bell, Robert B.)

A *BILL to amend the Code of Virginia by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6, relating to domestic violence-related misdemeanors; enhanced penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6 as follows:

§ 18.2-60.6. *Enhanced penalty for conviction of certain misdemeanor offenses related to domestic violence or stalking.*

When a person is convicted of an offense under § 16.1-253.2, 18.2-57.2, 18.2-60.3, or 18.2-60.4 that would otherwise be a misdemeanor and it is alleged in the warrant, information, or indictment on which the person is convicted and found by the court or jury trying the case that the person has previously been convicted within the 20-year period immediately preceding the offense charged of an offense under § 16.1-253.2, Article 4 (§ 18.2-51 et seq.), or § 18.2-60.3 or 18.2-60.4, and that the victim of the prior offense was the same person who is the victim of the instant offense, he is guilty of a Class 6 felony. Upon trial of any such offense, the stipulation on the record by the accused of such a conviction and the identity of the victim shall be sufficient proof thereof, and shall bar the introduction of evidence of those facts for the purpose of proving those elements of the offense in the determination of guilt.

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 665 of the Acts of Assembly of 2015 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.