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SENATE BILL NO. 1058

Offered January 11, 2017

Prefiled January 6, 2017

A BILL to amend and reenact §§ 18.2-405, 18.2-406, and 18.2-408 of the Code of Virginia, relating to the organization of riots and unlawful assemblies and blocking a public highway; penalty.

Patron—Stuart

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-405, 18.2-406, and 18.2-408 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-405. What constitutes a riot; punishment.

Any unlawful use, by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or order is riot.

Every person convicted of participating in any riot shall be guilty of a Class 1 misdemeanor.

If such person carried, at the time of such riot, any firearm or other deadly or dangerous weapon, he shall be guilty of a Class 5 felony.

Any person convicted of participating in any riot that blocks a public highway is guilty of a Class 6 felony.

§ 18.2-406. What constitutes an unlawful assembly; punishment.

Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly. Every person who participates in any unlawful assembly shall be guilty of a Class 1 misdemeanor. If any such person carried, at the time of his participation in an unlawful assembly, any firearm or other deadly or dangerous weapon, he shall be guilty of a Class 5 felony. Any person convicted of participating in any unlawful assembly that blocks a public highway is guilty of a Class 6 felony.

§ 18.2-408. Conspiracy; incitement, etc., to riot.

Any person who conspires with others to cause or produce a riot, or directs, incites, or solicits other persons who participate in a riot to acts of force or violence, shall be guilty of a Class 5 felony. If another person is injured during a riot, any person convicted of conspiring with others to cause or produce such riot, or of directing, inciting, or soliciting other persons to participate in such riot, is guilty of a Class 4 felony in addition to any other penalty provided by law.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB1058