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HOUSE BILL NO. 749

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact §§ 18.2-48 and 18.2-49 of the Code of Virginia, relating to abduction of minor for the purpose of prostitution; penalty.

Patron—Leftwich

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-48 and 18.2-49 of the Code of Virginia are amended and reenacted as follows:****§ 18.2-48. Abduction with intent to extort money or for immoral purpose.**

Abduction (i) of any person with the intent to extort money or pecuniary benefit, (ii) of any person with intent to defile such person, (iii) of any ~~child under sixteen years of age~~ minor for the purpose of concubinage or prostitution, (iv) of any person for the purpose of prostitution, or (v) of any minor for the purpose of manufacturing child pornography ~~shall be~~ is punishable as a Class 2 felony. *For the purposes of convicting a person for a violation of clause (iii), the use of force, intimidation, or deception is not an element of the crime of abduction.* If the sentence imposed for a violation of clause (ii), (iii), (iv), or (v) includes a term of confinement less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be suspended for the remainder of the defendant's life subject to revocation by the court.

§ 18.2-49. Threatening, attempting or assisting in such abduction.

Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money, or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any person with the intent to defile such person, or (3) assists or aids in the abduction of, or threatens to abduct, any ~~female under sixteen years of age~~ minor for the purpose of concubinage or prostitution, shall be guilty of a Class 5 felony.

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 836 of the Acts of Assembly of 2017 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

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