

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery against*
3 *a family or household member; prior conviction; mandatory minimum term of confinement.*

4 [H 2042]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-57.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-57.2. Assault and battery against a family or household member; penalty.**9 A. Any person who commits an assault and battery against a family or household member is guilty
10 of a Class 1 misdemeanor.11 B. Upon a conviction for assault and battery against a family or household member, where it is
12 alleged in the warrant, petition, information, or indictment on which a person is convicted, that such
13 person has been previously convicted of an offense that occurred within a period of 10 years of the
14 instant offense against a family or household member of (i) assault and battery against a family or
15 household member in violation of this section, (ii) malicious wounding or unlawful wounding in
16 violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious
17 bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of
18 § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of
19 any of the above offenses is guilty of a Class 1 misdemeanor and the sentence of such person shall
20 include a mandatory minimum term of confinement of 60 days.21 C. Upon a conviction for assault and battery against a family or household member, where it is
22 alleged in the warrant, petition, information, or indictment on which a person is convicted, that such
23 person has been previously convicted of two offenses against a family or household member of (i)
24 assault and battery against a family or household member in violation of this section, (ii) malicious
25 wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in
26 violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52,
27 (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction
28 which has the same elements of any of the above offenses, in any combination, all of which occurred
29 within a period of 20 years, and each of which occurred on a different date, such person is guilty of a
30 Class 6 felony.31 ~~C.~~ D. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an
32 emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an
33 emergency protective order shall not be required.34 ~~D.~~ E. The definition of "family or household member" in § 16.1-228 applies to this section.

ENROLLED

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