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SENATE BILL NO. 1031

Offered January 9, 2019

Prefiled October 30, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-212.2, relating to false information and hoax criminal activities; penalty.*

Patron—Chase

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-212.2 as follows:****§ 18.2-212.2. False information and hoax criminal activities; penalty.**

A. Any person who knowingly engages in conduct with the intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a felony violation of Chapter 4 (§ 18.2-30 et seq.) or Chapter 5 (§ 18.2-77 et seq.) is guilty of a Class 1 misdemeanor. If such conduct results in death or serious bodily injury to another person, the person engaging in such conduct is guilty of a Class 4 felony. The court shall order restitution to compensate any law-enforcement or public safety agency that responded to such conduct for any costs reasonably associated with such response. The court may also order any other restitution that may be appropriate.

B. Violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

C. This section shall not apply to any person permitted, licensed, or otherwise authorized to produce or create artistic or cinematic productions while engaged in the performance of his duties.

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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB1031