

20101003D

HOUSE BILL NO. 245

Offered January 8, 2020

Prefiled December 30, 2019

A BILL to amend and reenact §§ 4.1-225, 15.2-907, 15.2-1724, 17.1-275.13, 18.2-67.5:2, 18.2-67.9, 18.2-346, and 18.2-366 of the Code of Virginia and to repeal § 18.2-344 of the Code of Virginia, relating to fornication; repeal.

Patrons—Levine and Samirah

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-225, 15.2-907, 15.2-1724, 17.1-275.13, 18.2-67.5:2, 18.2-67.9, 18.2-346, and 18.2-366 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;

k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

l. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;

m. Has allowed any obscene literature, pictures or materials upon the licensed premises;

n. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;

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59 o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly
 60 allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use
 61 marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled
 62 paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title
 63 18.2 and the Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3;
 64 or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7
 65 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this
 66 subdivision shall also apply to any conduct related to the operation of the licensed business which
 67 facilitates the commission of any of the offenses set forth herein;

68 p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises
 69 immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any
 70 portion of public property immediately adjacent to the licensed premises from becoming a place where
 71 patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et
 72 seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5
 73 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2
 74 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) or 5 (§ 18.2-372
 75 et seq.) of Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et
 76 seq.) of Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to
 77 reasonably be deemed a continuing threat to the public safety; or

78 q. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious
 79 bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises
 80 immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any
 81 portion of public property immediately adjacent to the licensed premises.

82 2. The place occupied by the licensee:

83 a. Does not conform to the requirements of the governing body of the county, city or town in which
 84 such establishment is located, with respect to sanitation, health, construction or equipment, or to any
 85 similar requirements established by the laws of the Commonwealth or by Board regulations;

86 b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

87 c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,
 88 prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are
 89 regularly used or distributed. The Board may consider the general reputation in the community of such
 90 establishment in addition to any other competent evidence in making such determination.

91 3. The licensee or any employee of the licensee discriminated against any member of the armed
 92 forces of the United States by prices charged or otherwise.

93 4. The licensee, his employees, or any entertainer performing on the licensed premises has been
 94 convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed
 95 premises and the licensee allowed such conduct to occur.

96 5. Any cause exists for which the Board would have been entitled to refuse to grant such license had
 97 the facts been known.

98 6. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any
 99 penalties or interest related thereto, lawfully imposed by the locality where the licensed business is
 100 located, as certified by the treasurer, commissioner of the revenue, or finance director of such locality,
 101 unless (i) the outstanding amount is de minimis; (ii) the licensee has pending a bona fide application for
 102 correction or appeal with respect to such taxes, penalties, or interest; or (iii) the licensee has entered into
 103 a payment plan approved by the same locality to settle the outstanding liability.

104 7. Any other cause authorized by this title.

105 **§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures**
 106 **harboring illegal drug use or other criminal activity.**

107 A. As used in this section:

108 "Affidavit" means the affidavit sworn to under oath prepared by a locality in accordance with
 109 subdivision B 1 a.

110 "Commercial sex acts" means any specific activities that would constitute a criminal act under Article
 111 3 (§ ~~18.2-344~~ 18.2-346 et seq.) of Chapter 8 of Title 18.2 or a substantially similar local ordinance if a
 112 criminal charge were to be filed against the individual perpetrator of such criminal activity.

113 "Controlled substance" means illegally obtained controlled substances or marijuana, as defined in
 114 § 54.1-3401.

115 "Corrective action" means (i) taking specific actions with respect to the buildings or structures on
 116 property that are reasonably expected to abate criminal blight on such real property, including the
 117 removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies,
 118 practices, and procedures of the real property owner that are reasonably expected to abate criminal blight
 119 on real property. A local law-enforcement official shall prepare an affidavit on behalf of the locality that
 120 states specific actions to be taken on the part of the property owner that the locality determines are

121 necessary to abate the identified criminal blight on such real property and that do not impose an undue
122 financial burden on the owner.

123 "Criminal blight" means a condition existing on real property that endangers the public health or
124 safety of residents of a locality and is caused by (i) the regular presence on the property of persons
125 under the influence of controlled substances; (ii) the regular use of the property for the purpose of
126 illegally possessing, manufacturing, or distributing controlled substances; (iii) the regular use of the
127 property for the purpose of engaging in commercial sex acts; or (iv) repeated acts of the malicious
128 discharge of a firearm within any building or dwelling that would constitute a criminal act under
129 § 18.2-279 or a substantially similar local ordinance if a criminal charge were to be filed against the
130 individual perpetrator of such criminal activity.

131 "Law-enforcement official" means an official designated to enforce criminal laws within a locality, or
132 an agent of such law-enforcement official. The law-enforcement official shall coordinate with the
133 building or fire code official of the locality as otherwise provided under applicable laws and regulations.

134 "Owner" means the record owner of real property.

135 "Property" means real property.

136 B. Any locality may, by ordinance, provide that:

137 1. The locality may require the owner of real property to undertake corrective action, or the locality
138 may undertake corrective action, with respect to such property in accordance with the procedures
139 described herein:

140 a. The locality shall execute an affidavit, citing this section, to the effect that (i) criminal blight
141 exists on the property and in the manner described therein; (ii) the locality has used diligence without
142 effect to abate the criminal blight; and (iii) the criminal blight constitutes a present threat to the public's
143 health, safety, or welfare.

144 b. The locality shall then send a notice to the owner of the property, to be sent by (i) certified mail,
145 return receipt requested; (ii) hand delivery; or (iii) overnight delivery by a commercial service or the
146 United States Postal Service, to the last address listed for the owner on the locality's assessment records
147 for the property, together with a copy of such affidavit, advising that (a) the owner has up to 30 days
148 from the date thereof to undertake corrective action to abate the criminal blight described in such
149 affidavit and (b) the locality will, if requested to do so, assist the owner in determining and coordinating
150 the appropriate corrective action to abate the criminal blight described in such affidavit. If the owner
151 notifies the locality in writing within the 30-day period that additional time to complete the corrective
152 action is needed, the locality shall allow such owner an extension for an additional 30-day period to take
153 such corrective action.

154 c. If no corrective action is undertaken during such 30-day period, or during the extension if such
155 extension is granted by the locality, the locality shall send by certified mail, return receipt requested, an
156 additional notice to the owner of the property, at the address stated in subdivision b, stating (i) the date
157 on which the locality may commence corrective action to abate the criminal blight on the property or
158 (ii) the date on which the locality may commence legal action in a court of competent jurisdiction to
159 obtain a court order to require that the owner take such corrective action or, if the owner does not take
160 corrective action, a court order to revoke the certificate of occupancy for such property, which date shall
161 be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also
162 reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such
163 notice, the owner shall have a right, upon reasonable notice to the locality, to seek judicial relief, and
164 the locality shall initiate no corrective action while a proper petition for relief is pending before a court
165 of competent jurisdiction.

166 2. If the locality undertakes corrective action with respect to the property after complying with the
167 provisions of subdivision 1, the costs and expenses thereof shall be chargeable to and paid by the owner
168 of such property and may be collected by the locality as taxes are collected.

169 3. Every charge authorized by this section with which the owner of any such property has been
170 assessed and that remains unpaid shall constitute a lien against such property with the same priority as
171 liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3
172 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

173 4. A criminal blight proceeding pursuant to this section shall be a civil proceeding in a court of
174 competent jurisdiction in the Commonwealth.

175 C. If the owner of real property takes timely corrective action pursuant to the provisions of a local
176 ordinance, the locality shall deem the criminal blight abated, shall close the proceeding without any
177 charge or cost to the owner, and shall promptly provide written notice to the owner that the proceeding
178 has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a
179 subsequent proceeding if the criminal blight recurs.

180 D. Nothing in this section shall be construed to abridge, diminish, limit, or waive any rights or
181 remedies of an owner of property at law or any permits or nonconforming rights the owner may have

182 under Chapter 22 (§ 15.2-2200 et seq.) or under a local ordinance. If an owner in good faith takes
183 corrective action, and despite having taken such action, the specific criminal blight identified in the
184 affidavit of the locality persists, such owner shall be deemed in compliance with this section. Further, if
185 a tenant in a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal
186 blight on such property and the owner in good faith initiates legal action and pursues the same by
187 requesting a final order by a court of competent jurisdiction, as otherwise authorized by this Code,
188 against such tenant to remedy such noncompliance or to terminate the tenancy, such owner shall be
189 deemed in compliance with this section.

190 **§ 15.2-1724. Police and other officers may be sent beyond territorial limits.**

191 Whenever the necessity arises (i) for the enforcement of laws designed to control or prohibit the use
192 or sale of controlled drugs as defined in § 54.1-3401 or laws contained in Article 3 (§ 18.2-47 et seq.)
193 of Chapter 4 or Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) of Chapter 8 of Title 18.2, (ii) in response to
194 any law-enforcement emergency involving any immediate threat to life or public safety, (iii) during the
195 execution of the provisions of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or § 16.1-340 or
196 16.1-340.1 relating to orders for temporary detention or emergency custody for mental health evaluation
197 or (iv) during any emergency resulting from the existence of a state of war, internal disorder, or fire,
198 flood, epidemic or other public disaster, the police officers and other officers, agents and employees of
199 any locality, the police officers of the Division of Capitol Police, and the police of any state-supported
200 institution of higher learning appointed pursuant to subsection B of § 23.1-812 may, together with all
201 necessary equipment, lawfully go or be sent beyond the territorial limits of such locality, such agency,
202 or such state-supported institution of higher learning to any point within or without the Commonwealth
203 to assist in meeting such emergency or need, or while ~~enroute~~ *en route* to a part of the jurisdiction
204 which is only accessible by roads outside the jurisdiction. However, the police of any state-supported
205 institution of higher learning may be sent only to a locality within the Commonwealth, or locality
206 outside the Commonwealth, whose boundaries are contiguous with the locality in which such institution
207 is located. No member of a police force of any state-supported institution of higher learning shall be
208 sent beyond the territorial limits of the locality in which such institution is located unless such member
209 has met the requirements established by the Department of Criminal Justice Services as provided in
210 clause (i) of subdivision 2 of § 9.1-102.

211 In such event the acts performed for such purpose by such police officers or other officers, agents or
212 employees and the expenditures made for such purpose by such locality, such agency, or a
213 state-supported institution of higher learning shall be deemed conclusively to be for a public and
214 governmental purpose, and all of the immunities from liability enjoyed by a locality, agency, or a
215 state-supported institution of higher learning when acting through its police officers or other officers,
216 agents or employees for a public or governmental purpose within its territorial limits shall be enjoyed by
217 it to the same extent when such locality, agency, or a state-supported institution of higher learning
218 within the Commonwealth is so acting, under this section or under other lawful authority, beyond its
219 territorial limits.

220 The police officers and other officers, agents and employees of any locality, agency, or a
221 state-supported institution of higher learning when acting hereunder or under other lawful authority
222 beyond the territorial limits of such locality, agency, or such state-supported institution of higher
223 learning shall have all of the immunities from liability and exemptions from laws, ordinances and
224 regulations and shall have all of the pension, relief, disability, workers' compensation and other benefits
225 enjoyed by them while performing their respective duties within the territorial limits of such locality,
226 agency, or such state-supported institution of higher learning.

227 **§ 17.1-275.13. Additional fee for offenses related to sex trafficking.**

228 In addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.10, and
229 17.1-275.12, any person convicted of a misdemeanor violation of subsection B of § 18.2-346 or of
230 § 18.2-348 or 18.2-349 shall be ordered to pay a \$100 fee, and any person convicted of a violation of
231 clause (ii), (iii), or (iv) of § 18.2-48, or of § 18.2-368, or any felony violation of the laws pertaining to
232 commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) of
233 Chapter 8, with the exception of § 18.2-361, shall be ordered to pay a \$500 fee. All fees collected
234 pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be
235 used in accordance with § 9.1-116.4.

236 **§ 18.2-67.5:2. Punishment upon conviction of certain subsequent felony sexual assault.**

237 A. Any person convicted of (i) more than one offense specified in subsection B or (ii) one of the
238 offenses specified in subsection B of this section and one of the offenses specified in subsection B of
239 § 18.2-67.5:3 when such offenses were not part of a common act, transaction or scheme, and who has
240 been at liberty as defined in § 53.1-151 between each conviction shall, upon conviction of the second or
241 subsequent such offense, be sentenced to the maximum term authorized by statute for such offense, and
242 shall not have all or any part of such sentence suspended, provided it is admitted, or found by the jury
243 or judge before whom the person is tried, that he has been previously convicted of at least one of the

244 specified offenses.

245 B. The provisions of subsection A shall apply to felony convictions for:

246 1. Carnal knowledge of a child between ~~thirteen~~ 13 and ~~fifteen~~ 15 years of age in violation of
247 § 18.2-63 when the offense is committed by a person over the age of ~~eighteen~~ 18;

248 2. Carnal knowledge of certain minors in violation of § 18.2-64.1;

249 3. Aggravated sexual battery in violation of § 18.2-67.3;

250 4. Crimes against nature in violation of subsection B of § 18.2-361;

251 5. ~~Adultery or fornication~~ *Sexual intercourse* with one's own child or grandchild in violation of
252 § 18.2-366;

253 6. Taking indecent liberties with a child in violation of § 18.2-370 or § 18.2-370.1; or

254 7. Conspiracy to commit any offense listed in subdivisions 1 through 6 pursuant to § 18.2-22.

255 C. For purposes of this section, prior convictions shall include (i) adult convictions for felonies under
256 the laws of any state or the United States that are substantially similar to those listed in subsection B
257 and (ii) findings of not innocent, adjudications or convictions in the case of a juvenile if the juvenile
258 offense is substantially similar to those listed in subsection B, the offense would be a felony if
259 committed by an adult in the Commonwealth and the offense was committed less than ~~twenty~~ 20 years
260 before the second offense.

261 The Commonwealth shall notify the defendant in writing, at least ~~thirty~~ 30 days prior to trial, of its
262 intention to seek punishment pursuant to this section.

263 **§ 18.2-67.9. Testimony by child victims and witnesses using two-way closed-circuit television.**

264 A. The provisions of this section shall apply to an alleged victim who was 14 years of age or
265 younger at the time of the alleged offense and is 16 years of age or younger at the time of the trial and
266 to a witness who is 14 years of age or younger at the time of the trial.

267 In any criminal proceeding, including preliminary hearings, involving an alleged offense against a
268 child, relating to a violation of the laws pertaining to kidnapping pursuant to Article 3 (§ 18.2-47 et
269 seq.) of Chapter 4, criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4,
270 commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) of
271 Chapter 8, or family offenses pursuant to Article 4 (§ 18.2-362 et seq.) of Chapter 8, or involving an
272 alleged murder of a person of any age, the attorney for the Commonwealth or the defendant may apply
273 for an order from the court that the testimony of the alleged victim or a child witness be taken in a
274 room outside the courtroom and be televised by two-way closed-circuit television. The party seeking
275 such order shall apply for the order at least seven days before the trial date or at least seven days before
276 such other preliminary proceeding to which the order is to apply.

277 B. The court may order that the testimony of the child be taken by closed-circuit television as
278 provided in subsection A if it finds that the child is unavailable to testify in open court in the presence
279 of the defendant, the jury, the judge, and the public, for any of the following reasons:

280 1. The child's persistent refusal to testify despite judicial requests to do so;

281 2. The child's substantial inability to communicate about the offense; or

282 3. The substantial likelihood, based upon expert opinion testimony, that the child will suffer severe
283 emotional trauma from so testifying.

284 Any ruling on the child's unavailability under this subsection shall be supported by the court with
285 findings on the record or with written findings in a court not of record.

286 C. In any proceeding in which closed-circuit television is used to receive testimony, the attorney for
287 the Commonwealth and the defendant's attorney shall be present in the room with the child, and the
288 child shall be subject to direct and cross-examination. The only other persons allowed to be present in
289 the room with the child during his testimony shall be those persons necessary to operate the
290 closed-circuit equipment and any other person whose presence is determined by the court to be
291 necessary to the welfare and well-being of the child.

292 D. The child's testimony shall be transmitted by closed-circuit television into the courtroom for the
293 defendant, jury, judge, and public to view. The defendant shall be provided with a means of private,
294 contemporaneous communication with his attorney during the testimony.

295 E. Notwithstanding any other provision of law, none of the cost of the two-way closed-circuit
296 television shall be assessed against the defendant.

297 **§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor;**
298 **penalties.**

299 A. Any person who, for money or its equivalent, (i) commits ~~adultery, fornication, or~~ any act in
300 violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or
301 engages in *sexual intercourse or* anal intercourse or (ii) offers to commit ~~adultery, fornication, or~~ any
302 act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or
303 engage in *sexual intercourse or* anal intercourse and thereafter does any substantial act in furtherance
304 thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

305 B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual
306 acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is
307 guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any
308 person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony
309 or (ii) younger than 16 years of age is guilty of a Class 5 felony.

310 **§ 18.2-366. Sexual intercourse by persons forbidden to marry; incest.**

311 A. Any person who ~~commits adultery or fornication~~ *engages in sexual intercourse* with any person
312 whom he or she is forbidden by law to marry ~~shall be~~ *is* guilty of a Class 1 misdemeanor except as
313 provided by subsection B.

314 B. Any person who ~~commits adultery or fornication~~ *engages in sexual intercourse* with his daughter
315 or granddaughter, or with her son or grandson, or her father or his mother, ~~shall be~~ *is* guilty of a Class
316 5 felony. However, if a parent or grandparent ~~commits adultery or fornication~~ *engages in sexual*
317 *intercourse* with his or her child or grandchild, and such child or grandchild is at least ~~thirteen~~ 13 years
318 of age but less than ~~eighteen~~ 18 years of age at the time of the offense, such parent or grandparent ~~shall~~
319 *be is* guilty of a Class 3 felony.

320 C. For the purposes of this section, parent includes step-parent, grandparent includes
321 step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.

322 **2. That § 18.2-344 of the Code of Virginia is repealed.**