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SENATE BILL NO. 249

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on February 7, 2022)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-361.01, relating to sexual abuse of animals; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-361.01 as follows:

§ 18.2-361.01. Sexual abuse of animals; penalties.

A. As used in this section:

"Animal" means any nonhuman vertebrate species.

"Obscene" means the same as that term is defined in § 18.2-372.

"Obscene item" means the same as that term is defined in § 18.2-373.

"Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving (i) contact between the sex organs or anus of one and the mouth, sex organs, or anus of another; (ii) the insertion of any part of the animal's body into the vaginal or anal opening of the person; or (iii) the insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal or touching or fondling by a person of the sex organs or anus of an animal without a bona fide veterinary or animal husbandry purpose.

B. Any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses, possesses with the intent to distribute, publish, sell, or transmit, or makes any attempt to produce, distribute, publish, sell, transmit, or finance an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony.

C. Any person convicted of violating this section may be prohibited by the court from possessing, owning, or exercising control over any animal. Additionally, the court may order such person to attend an appropriate treatment program or obtain psychiatric or psychological counseling and may impose the costs of such a program or counseling upon the person convicted.

D. Nothing in this section shall apply to an accepted veterinary practice; the artificial insemination of an animal for reproductive purposes; an accepted animal husbandry practice, including grooming, raising, breeding, or assisting with the birthing process of animals; or generally accepted practices related to the judging of breed conformation.

E. For the purpose of enforcing this section, the provisions of §§ 3.2-6502, 3.2-6564, and 3.2-6568 shall apply *mutatis mutandis*.

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 552 of the Acts of Assembly of 2021, 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.