

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-356.1, relating to buying or*
3 *selling of minors; exceptions; penalties.*

4 [H 1699]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-356.1 as follows:**8 **§ 18.2-356.1. Purchasing or selling of minors; exceptions; penalties.**9 *A. Any person who offers money or other valuable thing to another for the purpose of purchasing or*
10 *otherwise obtaining custody or control of a minor and thereafter does any substantial act in furtherance*
11 *thereof is guilty of a Class 5 felony.*12 *B. Any parent, legal guardian, or other person having custody or control of a minor who receives*
13 *any money or other valuable thing for or on account of selling or otherwise transferring custody or*
14 *control of such minor, or offers to sell or otherwise transfer custody or control of such minor, is guilty*
15 *of a Class 5 felony.*16 *C. The provisions of this section shall not apply to any person (i) entering into a surrogacy contract*
17 *pursuant to the provisions of Chapter 9 (§ 20-156 et seq.) of Title 20, (ii) seeking to adopt a child or*
18 *place his child for adoption pursuant to the provisions of Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2,*
19 *or (iii) who is a person with a legitimate interest as defined in § 20-124.1 in such minor.*20 *D. A violation of this section shall constitute a separate and distinct offense. If the acts or activities*
21 *violating this section also violate another provision of law, a prosecution under this section shall not*
22 *prohibit or bar any prosecution or proceeding under such other provision or the imposition of any*
23 *penalties provided for thereby.*24 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
25 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
26 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
27 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**
28 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
29 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
30 **appropriation cannot be determined for periods of commitment to the custody of the Department**
31 **of Juvenile Justice.**

ENROLLED

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