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HOUSE BILL NO. 1699**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on the Judiciary
on February 15, 2023)

(Patron Prior to Substitute—Delegate Cherry)

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

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-356.1 as follows:

§ 18.2-356.1. Purchasing or selling of minors; exceptions; penalties.

A. Any person who offers money or other valuable thing to another for the purpose of purchasing or otherwise obtaining custody or control of a minor and thereafter does any substantial act in furtherance thereof is guilty of a Class 5 felony.

B. Any parent, legal guardian, or other person having custody or control of a minor who receives any money or other valuable thing for or on account of selling or otherwise transferring custody or control of such minor, or offers to sell or otherwise transfer custody or control of such minor, is guilty of a Class 5 felony.

C. The provisions of this section shall not apply to any person (i) entering into a surrogacy contract pursuant to the provisions of Chapter 9 (§ 20-156 et seq.) of Title 20, (ii) seeking to adopt a child or place his child for adoption pursuant to the provisions of Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2, or (iii) who is a person with a legitimate interest as defined in § 20-124.1 in such minor.

D. A 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.

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 2022, 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.