

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-47 of the Code of Virginia, relating to abduction of a minor;*  
3 *penalty.*

4 [H 1892]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-47 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-47. Abduction and kidnapping defined; punishment.**

9 A. Any person who, by force, intimidation or deception, and without legal justification or excuse,  
10 seizes, takes, transports, detains or secretes another person with the intent to deprive such other person  
11 of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully  
12 entitled to his charge, shall be deemed guilty of "abduction."

13 B. Any person who, by force, intimidation or deception, and without legal justification or excuse,  
14 seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor  
15 or services shall be deemed guilty of "abduction." For purposes of this subsection, the term  
16 "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold  
17 a passport, immigration document, or other governmental identification or threatening to report another  
18 as being illegally present in the United States.

19 C. The provisions of this section shall not apply to any law-enforcement officer in the performance  
20 of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. *Except as*  
21 *provided in subsection D, abduction of a minor shall be punished as a Class 2 felony.* Abduction for  
22 which no punishment is otherwise prescribed shall be punished as a Class 5 felony.

23 D. If an offense under subsection A is committed by the parent *or a family or household member, as*  
24 *defined in § 16.1-228, who has been ordered custody or visitation* of the person abducted and punishable  
25 as contempt of court in any proceeding then pending, the offense shall be a Class 1 misdemeanor in  
26 addition to being punishable as contempt of court. However, such offense, if committed by the parent *or*  
27 *a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation* of  
28 the person abducted and punishable as contempt of court in any proceeding then pending and the person  
29 abducted is removed from the Commonwealth by the abducting parent *or a family or household*  
30 *member, as defined in § 16.1-228, who has been ordered custody or visitation*, shall be a Class 6 felony  
31 in addition to being punishable as contempt of court.

32 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
33 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
34 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
35 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**  
36 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
37 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
38 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
39 **of Juvenile Justice.**

ENROLLED

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