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**HOUSE BILL NO. 2475**

Offered January 20, 2023

A *BILL to amend and reenact § 18.2-67.4 of the Code of Virginia, relating to sexual battery; clergy; penalty.*

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Patrons—Krizek and Greenhalgh

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Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-67.4 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-67.4. Sexual battery.**

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse; (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness; (iii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail; or (iv) a probationer, parolee, or a pretrial defendant or posttrial offender under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services or agency, and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation services agency, a pretrial services agency, or a local or regional jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, or a local or regional jail; or (v) the complaining witness while the complaining witness was (a) 18 years of age or older at the time of the alleged offense and (b) under the spiritual care of the accused, and the accused was, at the time of the alleged offense, a member of the clergy or similar functionary of a religious organization in a position of trust or authority over the complaining witness.

B. Sexual battery is a Class 1 misdemeanor.

**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.**

INTRODUCED

HB2475