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HOUSE BILL NO. 752

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 18.2-60 of the Code of Virginia, relating to threats of death or bodily injury to persons on school property; penalty.

Patrons—Walker and Green

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-60 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; penalties.

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

2. Any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony.

3. Any person 18 years of age or older who communicates a threat in writing, including an electronically transmitted communication producing a visual or electronic message, to another to kill or to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a civilian population at large; (ii) influence the conduct or activities of a government, including the government of the United States, a state, or a locality, through intimidation; or (iii) compel the emergency evacuation, or avoidance, of any place of assembly, any building or other structure, or any means of mass transportation is guilty of a Class 5 felony. Any person younger than 18 years of age who commits such offense is guilty of a Class 1 misdemeanor.

B. 1. Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any elementary, middle, or secondary school, while on a school bus, on school property, or at a school-sponsored activity or (ii) any health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties while on the premises of any facility rendering health care as defined in § 8.01-581.1, unless the health care provider is on the premises of any facility rendering health care as defined in § 8.1-581.1 or emergency medical care as a result of an emergency custody order pursuant to § 37.2-808, involuntary temporary detention order pursuant to § 37.2-809, involuntary hospitalization order pursuant to § 37.2-817, or emergency custody order of a conditionally released acquttee pursuant to § 19.2-182.9, is guilty of a Class 1 misdemeanor.

2. Any person who orally makes a threat to kill or do serious bodily injury to any person, regarding that person, while that person is (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus, and the threat places the person who is the object of the threat in reasonable apprehension of death or serious bodily injury to himself, is guilty of a Class 1 misdemeanor.

C. A prosecution pursuant to this section may be in either the county, city, or town in which the communication was made or received.

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HB752