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SENATE BILL NO. 792

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 1997)

(Patron Prior to Substitute—Senator Benedetti)

A BILL to amend and reenact § 18.2-128 of the Code of Virginia, relating to trespass upon church property; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-128 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-128. Trespass upon church or school property.

A. ~~It shall be unlawful for any~~ Any person *who*, without the consent of some person authorized to give such consent, ~~to go or enter~~ goes or enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property, *shall be guilty of a Class 3 misdemeanor.*

B. It shall be unlawful for any person, whether or not a *church member* or student, to enter upon or remain upon any *church* or school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the posted premises or after such direction that person refuses to vacate school property, it shall constitute a separate offense.

~~C. Any person violating the provisions of (i) subsection A shall be guilty of a Class 3 misdemeanor and (ii) subsection B shall be guilty of a violation of this subsection shall be punishable as a Class 1 misdemeanor, except that any person, other than a parent, who violates this subsection B on school property with the intent to abduct a student shall be guilty of a Class 6 felony.~~

~~DC.~~ For purposes of this section: (i) "school property" includes a school bus as defined in § 46.2-100 and (ii) "church" means any place of worship and includes any educational building or community center owned or leased by a church.