

10102296D

**HOUSE BILL NO. 682**

Offered January 13, 2010

Prefiled January 12, 2010

*A BILL to amend and reenact § 18.2-46.3:3 of the Code of Virginia, relating to expansion of gang-free zones; penalties.*

Patrons—Miller, J.H., Abbitt, Albo, Anderson, Athey, Bell, Richard P., Bell, Robert B., Bulova, Byron, Carrico, Cleaveland, Cole, Comstock, Cosgrove, Cox, J.A., Crockett-Stark, Edmunds, Garrett, Gear, Gilbert, Greason, Griffith, Howell, W.J., Hugo, Iaquinto, Ingram, Janis, Jones, Kilgore, Knight, Landes, LeMunyon, Lingamfelter, Lohr, Loupassi, Marshall, D.W., Marshall, R.G., Massie, May, Merricks, Morefield, Morgan, Nixon, Nutter, O'Bannon, Oder, Orrock, Peace, Pogge, Poindexter, Purkey, Putney, Rust, Scott, E.T., Sherwood, Stolle, Tata, Villanueva, Ware, R.L. and Wright

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-46.3:3 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-46.3:3. Enhanced punishment for gang activity taking place in a gang-free zone; penalties.

Any person who violates § 18.2-46.2 (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or postsecondary school, or any public or private two-year or four-year institution of higher education; (ii) upon public property or any property open to public use within 1,000 feet of such school property; ~~or~~ (iii) on any school bus as defined in § 46.2-100; (iv) *at any school bus stop; or* (v) *upon the property, including buildings and grounds, of any publicly owned or operated community center, park, library, or hospital,* is guilty of a felony punishable as specified in § 18.2-46.2, and shall be sentenced to a mandatory minimum term of imprisonment of two years. A person who violates subsection A of § 18.2-46.3 upon any property listed in this section is guilty of a Class 6 felony, except that any person 18 years of age or older who violates subsection A of § 18.2-46.3 upon any property listed in this section, when such offense is committed against a juvenile, is guilty of a Class 5 felony. Any person who violates subsection B of § 18.2-46.3 upon any property listed in this section is guilty of a Class 5 felony. It is a violation of this section if the person violated § 18.2-46.2 or 18.2-46.3 on the property described in clauses (i) through (iii) regardless of where the person intended to commit such violation.

**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, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**