

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4  
5 Approved

[H 682]

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

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

8 § 18.2-46.3:3. Enhanced punishment for gang activity taking place in a gang-free zone; penalties.

9 Any person who violates § 18.2-46.2 (i) upon the property, including buildings and grounds, of any  
10 public or private elementary, secondary, or postsecondary school, or any public or private two-year or  
11 four-year institution of higher education; (ii) upon public property or any property open to public use  
12 within 1,000 feet of such school property; ~~or~~ (iii) on any school bus as defined in § 46.2-100; *or (iv)*  
13 *upon the property, including buildings and grounds, of any publicly owned or operated community*  
14 *center or any publicly owned or operated recreation center* is guilty of a felony punishable as specified  
15 in § 18.2-46.2, and shall be sentenced to a mandatory minimum term of imprisonment of two years. A  
16 person who violates subsection A of § 18.2-46.3 upon any property listed in this section is guilty of a  
17 Class 6 felony, except that any person 18 years of age or older who violates subsection A of § 18.2-46.3  
18 upon any property listed in this section, when such offense is committed against a juvenile, is guilty of  
19 a Class 5 felony. Any person who violates subsection B of § 18.2-46.3 upon any property listed in this  
20 section is guilty of a Class 5 felony. It is a violation of this section if the person violated § 18.2-46.2 or  
21 18.2-46.3 on the property described in clauses (i) through (iii) regardless of where the person intended  
22 to commit such violation.

23 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
24 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
25 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**  
26 **781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to**  
27 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**  
28 **necessary appropriation cannot be determined for periods of commitment to the custody of the**  
29 **Department of Juvenile Justice.**

ENROLLED

HB682ER