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SENATE BILL NO. 1258

Offered January 8, 2025

Prefiled January 8, 2025

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-251.6, relating to possession of fentanyl in presence of minor prohibited; enhanced penalty.*

Patron—Durant

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-251.6 as follows:

§ 18.2-251.6. Possession of fentanyl in presence of minor prohibited; enhanced penalty.

Any person 18 years of age or older who knowingly allows a minor younger than 15 years of age to be present in the same building, dwelling, apartment as defined in § 55.1-2000, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle where any substance containing a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, is present is guilty of a Class 3 felony, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). This penalty shall be in addition to and served consecutively with any other sentence.

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 2024, 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB1258