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**SENATE BILL NO. 1298**

Offered January 9, 2025

Prefiled January 9, 2025

*A BILL to amend and reenact § 18.2-427 of the Code of Virginia, relating to use of profane, threatening, etc., language over the telephone; repeated telephone contact; penalty.*

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Patron—Mulchi

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Referred to Committee for Courts of Justice

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**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-427 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-427. Use of profane, threatening, or indecent language over public airways or by other methods; penalties.**

A. Any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio, in this Commonwealth, is guilty of a Class 1 misdemeanor.

B. Any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone to (i) the same person 50 or more times within a 48-hour period or (ii) two or more family or household members of a person 50 or more times within a 48-hour period is guilty of a Class 6 felony.

C. "Over any telephone" includes, for purposes of this section, any electronically transmitted communication producing a visual or electronic message that is received or transmitted by cellular telephone or other wireless telecommunications device.

**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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

SB1298