

2025 SESSION

INTRODUCED

25103943D

SENATE BILL NO. 1446

Offered January 17, 2025

A BILL to amend the Code of Virginia by adding a section numbered 18.2-48.2, relating to human smuggling; penalties.

Patron—Cifers

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 18.2-48.2 as follows:

§ 18.2-48.2. Human smuggling; penalties.

A. Any person who, with the intent to obtain a pecuniary benefit, knowingly and with the intent to evade the immigration laws of the United States uses a motor vehicle, aircraft, watercraft, or other means of conveyance to transport another person in or through the Commonwealth and knows or should have known that such person being transported is likely to be exploited for the financial gain of another is guilty of human smuggling. A violation of this section is a Class 6 felony.

B. Any person who violates subsection A (i) in a manner that creates a substantial likelihood that the individual being smuggled will suffer serious bodily injury or death, (ii) by smuggling a child younger than 18 years of age at the time of the offense, or (iii) while knowingly possessing a firearm during the commission of the offense is guilty of a Class 3 felony.

C. Any person who violates subsection A and as a direct result of the commission of the offense the individual being smuggled (i) became a victim of human trafficking, commercial sex trafficking, sexual assault, or aggravated sexual assault or (ii) suffered serious bodily injury or death is guilty of a Class 2 felony.

D. Venue for any violation of this section may be had in the county or city in which any such crime is alleged to have occurred or in any county or city through which the individual being smuggled was transported by the defendant in the commission of such offense.

E. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.

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.

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