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SENATE BILL NO. 1271

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on January 27, 2025)

(Patron Prior to Substitute—Senator Perry)

A BILL to amend and reenact § 18.2-60 of the Code of Virginia, relating to threats of death or bodily injury; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; oral threats to conduct a school shooting; penalties.

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message including an email, a text message, or a message or post on any social media platform, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member; is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

2. Any person who communicates a threat in a writing, including an electronically transmitted communication producing a visual or electronic message, including an email, a text message, or a message or post on any social media platform, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is or is included as the object of the threat in reasonable apprehension of death or bodily harm; is guilty of a Class 6 felony.

3. Any person 18 years of age or older who communicates a threat in writing, including an electronically transmitted communication producing a visual or electronic message such as an email, a text message, or a message or post on any social media platform, to another to kill or to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a civilian population at large; (ii) influence the conduct or activities of a government, including the government of the United States, a state, or a locality, through intimidation; or (iii) compel the emergency evacuation, or avoidance, of any place of assembly, any building or other structure, or any means of mass transportation is guilty of a Class 5 felony. Any person younger than 18 years of age who commits such offense is guilty of a Class 1 misdemeanor.

B. Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any elementary, middle, or secondary school, while on a school bus, on school property, or at a school-sponsored activity or (ii) any health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties while on the premises of any facility rendering health care as defined in § 8.01-581.1, unless the health care provider is on the premises of any facility rendering health care as defined in § 8.1-581.1 or emergency medical care as a result of an emergency custody order pursuant to § 37.2-808, involuntary temporary detention order pursuant to § 37.2-809, involuntary hospitalization order pursuant to § 37.2-817, or emergency custody order of a conditionally released acquittee pursuant to § 19.2-182.9, is guilty of a Class 1 misdemeanor.

C. A prosecution pursuant to this section may be in either the county, city, or town in which the communication was made or received.

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.

SENATE SUBSTITUTE

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