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HOUSE BILL NO. 2783
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by Senator Srinivasan
on February 14, 2025)
(Patron Prior to Substitute—Delegate Simon)

A *BILL to amend and reenact § 18.2-423.1 of the Code of Virginia, relating to placing Nazi swastika on certain property with intent to intimidate; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-423.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-423.1. Placing Nazi swastika on certain property with intent to intimidate; penalty; prima facie evidence of intent.

A. It ~~shall be~~ *is* unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a *Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika*, on (i) any church, synagogue, or other building or place used for religious worship; ~~or on~~; (ii) any school, educational facility, or community center owned or operated by a church or religious body; or (iii) *the private property of another without permission.*

B. *It is unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.*

C. A violation of this section ~~shall be~~ *is* punishable as a Class 6 felony.

D. For the purposes of this section, any such placing of a *Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika*, shall be prima facie evidence of an intent to intimidate another person or group of persons. *However, "Nazi swastika" does not include the swastika symbol of peace and prosperity used by Hinduism, Buddhism, Jainism, Zoroastrianism, or Native American religions.*

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

HB2783S3