

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2783]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 18.2-423.1. Placing Nazi swastika on certain property with intent to intimidate; penalty; prima**
 9 **facie evidence of intent.**

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

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

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

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

24 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
 25 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
 26 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
 27 **therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal**
 28 **Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the**
 29 **Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for**
 30 **periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

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