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HOUSE BILL NO. 2783

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 24, 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 symbols or emblems 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 symbol or emblem on certain property with intent to intimidate; penalty; prima facie evidence of intent.

A. It shall be 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 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, these terms do not include and are distinct from the sacred swastika word and 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.

HOUSE SUBSTITUTE

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