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HOUSE BILL NO. 1471

Offered January 23, 2026

A *BILL to amend and reenact §§ 18.2-31, 18.2-51.1, and 18.2-57 of the Code of Virginia, relating to aggravated murder; assault and battery; correctional officer; custodial employee of Department of Corrections; penalties.*

Patrons—Austin and Davis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-31, 18.2-51.1, and 18.2-57 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-31. Aggravated murder defined; punishment.

A. The following offenses shall constitute aggravated murder, punishable as a Class 1 felony:

1. The willful, deliberate, and premeditated killing of any person in the commission of abduction, as defined in § 18.2-48, when such abduction was committed with the intent to extort money or a pecuniary benefit or with the intent to defile the victim of such abduction;

2. The willful, deliberate, and premeditated killing of any person by another for hire;

3. The willful, deliberate, and premeditated killing of any person by a prisoner confined in a state or local correctional facility as defined in § 53.1-1 or a juvenile correctional facility, or while in the custody of an employee thereof, including a correctional officer as defined in § 53.1-1;

4. The willful, deliberate, and premeditated killing of any person in the commission of robbery or attempted robbery;

5. The willful, deliberate, and premeditated killing of any person in the commission of, or subsequent to, rape or attempted rape, forcible sodomy, or attempted forcible sodomy or object sexual penetration;

6. The willful, deliberate, and premeditated killing of a law-enforcement officer as defined in § 9.1-101, a fire marshal appointed pursuant to § 27-30 or a deputy or an assistant fire marshal appointed pursuant to § 27-36, when such fire marshal or deputy or assistant fire marshal has police powers as set forth in §§ 27-34.2 and 27-34.2:1, an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, an auxiliary deputy sheriff appointed pursuant to § 15.2-1603, or any law-enforcement officer of another state or the United States having the power to arrest for a felony under the laws of such state or the United States, when such killing is for the purpose of interfering with the performance of his official duties;

7. The willful, deliberate, and premeditated killing of more than one person as a part of the same act or transaction;

8. The willful, deliberate, and premeditated killing of more than one person within a three-year period;

9. The willful, deliberate, and premeditated killing of any person in the commission of or attempted commission of a violation of § 18.2-248, involving a Schedule I or II controlled substance, when such killing is for the purpose of furthering the commission or attempted commission of such violation;

10. The willful, deliberate, and premeditated killing of any person by another pursuant to the direction or order of one who is engaged in a continuing criminal enterprise as defined in subsection I of § 18.2-248;

11. The willful, deliberate, and premeditated killing of a pregnant woman by one who knows that the woman is pregnant and has the intent to cause the involuntary termination of the woman's pregnancy without a live birth;

12. The willful, deliberate, and premeditated killing of a person under the age of 14 by a person age 21 or older;

13. The willful, deliberate, and premeditated killing of any person by another in the commission of or attempted commission of an act of terrorism as defined in § 18.2-46.4;

14. The willful, deliberate, and premeditated killing of a justice of the Supreme Court, a judge of the Court of Appeals, a judge of a circuit court or district court, a retired judge sitting by designation or under temporary recall, or a substitute judge appointed under § 16.1-69.9:1 when the killing is for the purpose of interfering with his official duties as a judge; and

15. The willful, deliberate, and premeditated killing of any witness in a criminal case after a subpoena has been issued for such witness by the court, the clerk, or an attorney, when the killing is for the purpose of interfering with the person's duties in such case.

B. For a violation of subdivision A 6 where the offender was 18 years of age or older at the time of the offense, the punishment shall be no less than a mandatory minimum term of confinement for life.

C. If any one or more subsections, sentences, or parts of this section shall be judged unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining provisions thereof but shall be

59 confined in its operation to the specific provisions so held unconstitutional or invalid.

60 **§ 18.2-51.1. Malicious bodily injury to correctional officers, law-enforcement officers, firefighters,**
61 **search and rescue personnel, or emergency medical services personnel; penalty; lesser-included**
62 **offense.**

63 A. As used in this section:

64 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
65 office that is part of or administered by the Commonwealth or any political subdivision thereof, who is
66 responsible for the prevention or detection of crime and the enforcement of the penal, traffic, or highway
67 laws of the Commonwealth; any conservation officer of the Department of Conservation and Recreation
68 commissioned pursuant to § 10.1-115; any conservation police officer appointed pursuant to § 29.1-200; and
69 any auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary
70 deputy sheriff appointed pursuant to § 15.2-1603.

71 "Search and rescue personnel" means any employee or member of a search and rescue organization that
72 is authorized by a resolution or ordinance duly adopted by the governing body of any county, city, or town of
73 the Commonwealth or any member of a search and rescue organization operating under a memorandum of
74 understanding with the Virginia Department of Emergency Management.

75 B. If any person maliciously causes bodily injury to another by any means including the means set out in
76 § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that such
77 other person is a *correctional officer*, as defined in § 53.1-1, law-enforcement officer, as defined hereinafter,
78 firefighter, as defined in § 65.2-102, search and rescue personnel as defined hereinafter, or emergency
79 medical services personnel, as defined in § 32.1-111.1, engaged in the performance of his public duties as a
80 *correctional officer*, law-enforcement officer, firefighter, search and rescue personnel, or emergency medical
81 services personnel, such person is guilty of a felony punishable by imprisonment for a period of not less than
82 five years nor more than 30 years and, subject to subdivision (g) of § 18.2-10, a fine of not more than
83 \$100,000. Upon conviction, the sentence of such person shall include a mandatory minimum term of
84 imprisonment of two years.

85 C. If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to another
86 by any means, knowing or having reason to know such other person is a *correctional officer as defined in*
87 *§ 53.1-1*, law-enforcement officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or
88 emergency medical services personnel, as defined in § 32.1-111.1, engaged in the performance of his public
89 duties as a *correctional officer*, law-enforcement officer, firefighter, search and rescue personnel, or
90 emergency medical services personnel as defined in § 32.1-111.1, he is guilty of a Class 6 felony, and upon
91 conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of one
92 year.

93 D. Nothing in this section shall be construed to affect the right of any person charged with a violation of
94 this section from asserting and presenting evidence in support of any defenses to the charge that may be
95 available under common law.

96 As used in this section, "law-enforcement officer" means any full-time or part-time employee of a police
97 department or sheriff's office that is part of or administered by the Commonwealth or any political
98 subdivision thereof, who is responsible for the prevention or detection of crime and the enforcement of the
99 penal, traffic, or highway laws of the Commonwealth; any conservation officer of the Department of
100 Conservation and Recreation commissioned pursuant to § 10.1-115; any conservation police officer
101 appointed pursuant to § 29.1-200; and auxiliary police officers appointed or provided for pursuant to
102 §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to § 15.2-1603.

103 As used in this section, "search and rescue personnel" means any employee or member of a search and
104 rescue organization that is authorized by a resolution or ordinance duly adopted by the governing body of any
105 county, city, or town of the Commonwealth or any member of a search and rescue organization operating
106 under a memorandum of understanding with the Virginia Department of Emergency Management.

107 E. The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

108 **§ 18.2-57. Assault and battery; penalty.**

109 A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor,
110 and if the person intentionally selects the person against whom a simple assault is committed because of his
111 race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national
112 origin, the penalty upon conviction shall include a term of confinement of at least six months.

113 B. However, if a person intentionally selects the person against whom an assault and battery resulting in
114 bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual
115 orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon
116 conviction shall include a term of confinement of at least six months.

117 C. In addition, if any person commits an assault or an assault and battery against another knowing or
118 having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in
119 subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or
120 supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional

121 correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the
 122 facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under
 123 the supervision of the Department of Juvenile Justice, an employee or other individual who provides control,
 124 care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral
 125 Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any
 126 emergency medical services personnel member who is employed by or is a volunteer of an emergency
 127 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency
 128 medical services agency, regardless of whether a resolution has been adopted by the governing body of a
 129 political subdivision recognizing such firefighters or emergency medical services personnel as employees,
 130 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a
 131 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of
 132 confinement of six months. *However, if such assault and battery upon (i) a correctional officer; (ii) a person*
 133 *directly involved in the care, treatment, or supervision of inmates in the custody of the Department of*
 134 *Corrections; (iii) an employee of a local or regional correctional facility directly involved in the care,*
 135 *treatment, or supervision of inmates in the custody of the facility; or (iv) a person directly involved in the*
 136 *care, treatment, or supervision of persons in the custody of or under the supervision of the Department of*
 137 *Juvenile Justice involves the use of any bodily fluid or excrement from such person charged, the sentence of*
 138 *such person, upon conviction, shall include a mandatory minimum term of confinement of three years.*

139 Nothing in this subsection shall be construed to affect the right of any person charged with a violation of
 140 this section from asserting and presenting evidence in support of any defenses to the charge that may be
 141 available under common law.

142 D. In addition, if any person commits a battery against another knowing or having reason to know that
 143 such other person is a full-time or part-time employee of any public or private elementary or secondary
 144 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the
 145 sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall
 146 be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or
 147 other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory
 148 minimum sentence of confinement of six months.

149 E. In addition, any person who commits a battery against another knowing or having reason to know that
 150 such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his
 151 duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering
 152 emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction,
 153 shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term
 154 of confinement.

155 F. In addition, any person who commits an assault or an assault and battery against another knowing or
 156 having reason to know that such individual is an operator of a vehicle operated by a public transportation
 157 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1
 158 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or
 159 riding in any vehicle operated by the public transportation service that employed such operator for a period of
 160 not less than six months as a term and condition of such sentence.

161 G. In addition, any person who commits a battery against another knowing or having reason to know that
 162 such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or
 163 any person performing services as a sports official for a public entity or a private, nonprofit organization that
 164 sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises
 165 of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1
 166 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending
 167 any such sports event operated by the entity or organization that employed such sports official for a period of
 168 not less than six months as a term and condition of such sentence.

169 H. As used in this section:

170 "Disability" means a physical or mental impairment that substantially limits one or more of a person's
 171 major life activities.

172 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title
 173 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

174 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge
 175 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under
 176 § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation
 177 Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district
 178 court.

179 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
 180 office that is part of or administered by the Commonwealth or any political subdivision thereof who is
 181 responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws
 182 of the Commonwealth, any conservation officer of the Department of Conservation and Recreation

183 commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control
184 Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the
185 enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any
186 employee with internal investigations authority designated by the Department of Corrections pursuant to
187 subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional
188 facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail
189 responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733,
190 auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington
191 Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire
192 marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

193 "School security officer" means the same as that term is defined in § 9.1-101.

194 "Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a
195 neutral participant in a sports event.

196 I. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school
197 security officer or full-time or part-time employee of any public or private elementary or secondary school
198 while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or
199 reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and
200 necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens
201 physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student
202 from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense
203 of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or
204 controlled substances or associated paraphernalia that are upon the person of the student or within his control.

205 In determining whether a person was acting within the exceptions provided in this subsection, due
206 deference shall be given to reasonable judgments that were made by a school security officer or full-time or
207 part-time employee of any public or private elementary or secondary school at the time of the event.

208 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
209 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
210 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
211 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**
212 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
213 **Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**
214 **commitment to the custody of the Department of Juvenile Justice.**