

1 SENATE BILL NO. 743
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the Senate Committee for Courts of Justice
4 on _____)
5 (Patron Prior to Substitute—Senator Aird)

6 *A BILL to amend and reenact § 18.2-162 of the Code of Virginia, relating to damage or trespass to public
7 services or utilities or critical infrastructure; penalties.*

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

9 **1. That § 18.2-162 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 18.2-162. Damage or trespass to public services or utilities or critical infrastructure; penalties.**

11 Any person who ~~shall~~ intentionally ~~destroys~~ or ~~damages~~ any facility ~~which, fixture,~~
12 ~~equipment, or information technology system that is used to provide, process, transmit, furnish, or maintain~~
13 ~~oil, telegraph, telephone, electric, gas, sewer, wastewater, cable television, broadband, or water service to the~~
14 ~~public or other critical infrastructure, as defined in § 44-146.28:2, shall be~~ is guilty of a Class 4 felony,
15 provided that in the event that the destruction or damage may be remedied or repaired for less than \$1,000
16 such act shall constitute a Class 3 misdemeanor. On electric generating property marked with no trespassing
17 signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending
18 arrival of a law-enforcement officer.

19 Notwithstanding any other provisions of this title, any person who ~~shall~~ intentionally ~~destroys~~ or
20 ~~damages~~, or ~~attempt~~ attempts to destroy or damage, any such facility, *fixture, equipment, information*
21 *technology system*, or material connected therewith, the destruction or damage of which might, in any
22 manner, threaten the release of radioactive materials or ionizing radiation beyond the areas in which they are
23 normally used or contained, ~~shall be~~ is guilty of a Class 4 felony, provided that in the event the destruction or
24 damage results in the death of another due to exposure to radioactive materials or ionizing radiation, such
25 person ~~shall be~~ is guilty of a Class 2 felony; provided further, that in the event the destruction or damage
26 results in injury to another, such person ~~shall be~~ is guilty of a Class 3 felony.

27 **2. That the provisions of this act may result in a net increase in periods of imprisonment or
28 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
29 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;
30 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing
31 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of
32 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**

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OFFERED FOR CONSIDERATION

2/04/2026

33 commitment to the custody of the Department of Juvenile Justice.