

SENATE BILL NO. 743

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Senator Aird)

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

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-162 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-162. Damage or trespass to public services or utilities or critical infrastructure; penalties.**

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

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

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 725 of the Acts of Assembly of 2025 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

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