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HOUSE BILL NO. 1835

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Bell)

A BILL to amend and reenact § 18.2-60 of the Code of Virginia, relating to threats made against health care providers; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; penalty.

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

2. Any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle or secondary school property; (ii) at any elementary, middle or secondary school-sponsored event; or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony.

26 3. Any person 18 years of age or older who communicates a threat in writing, including an
27 electronically transmitted communication producing a visual or electronic message, to another to kill or
28 to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a
29 civilian population at large; (ii) influence the conduct or activities of a government, including the
30 government of the United States, a state, or a locality, through intimidation; or (iii) compel the emergency
31 evacuation, or avoidance, of any place of assembly, any building or other structure, or any means of mass
32 transportation is guilty of a Class 5 felony. Any person younger than 18 years of age who commits such
33 offense is guilty of a Class 1 misdemeanor.

34 B. Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any
35 elementary, middle, or secondary school, while on a school bus, on school property, or at a school-
36 sponsored activity or (ii) any health care provider as defined in § 8.01-581.1 who is engaged in the
37 performance of his duties ~~in a hospital as defined in § 18.2-57 or in an emergency room while~~ on the
38 premises of any ~~clinic or other~~ facility rendering ~~emergency medical care~~ health care as defined in § 8.01-
39 581.1, unless the ~~person~~ health care provider is on the premises of ~~the hospital or emergency room of the~~
40 ~~clinic or other~~ any facility rendering health care as defined in § 8.1-581.1 or emergency medical care as a
41 result of an emergency custody order pursuant to § 37.2-808, involuntary temporary detention order
42 pursuant to § 37.2-809, involuntary hospitalization order pursuant to § 37.2-817, or emergency custody
43 order of a conditionally released acquittee pursuant to § 19.2-182.9, is guilty of a Class 1 misdemeanor.

44 C. A prosecution pursuant to this section may be ~~either~~ in either the county, city, or town in which
45 the communication was made or received.

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