1	HOUSE BILL NO. 434
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee on the Judiciary
4	on)
5	(Patron Prior to SubstituteDelegate Sewell)
6	A BILL to amend and reenact § 18.2-67.10 of the Code of Virginia, relating to criminal sexual assault;
7	definition of intimate parts; penalty.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 18.2-67.10 of the Code of Virginia is amended and reenacted as follows:
10	§ 18.2-67.10. General definitions.
11	As used in this article:
12	1. "Complaining witness" means the person alleged to have been subjected to rape, forcible
13	sodomy, inanimate or animate object sexual penetration, marital sexual assault, aggravated sexual battery,
14	or sexual battery.
15	2. "Intimate parts" means the genitalia, anus, groin, breast, or buttocks of any person, or the chest
16	of a child under the age of 15.
17	3. "Mental incapacity" means that condition of the complaining witness existing at the time of an
18	offense under this article which prevents the complaining witness from understanding the nature or
19	consequences of the sexual act involved in such offense and about which the accused knew or should have
20	known.
21	4. "Physical helplessness" means unconsciousness or any other condition existing at the time of an
22	offense under this article which otherwise rendered the complaining witness physically unable to
23	communicate an unwillingness to act and about which the accused knew or should have known.
24	5. The complaining witness's "prior sexual conduct" means any sexual conduct on the part of the
25	complaining witness which took place before the conclusion of the trial, excluding the conduct involved
26	in the offense alleged under this article.
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- 6. "Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratifyany person, where:
- a. The accused intentionally touches the complaining witness's intimate parts or material directlycovering such intimate parts:
- b. The accused forces the complaining witness to touch the accused's, the witness's own, or another
 person's intimate parts or material directly covering such intimate parts;
- c. If the complaining witness is under the age of 13, the accused causes or assists the complaining
 witness to touch the accused's, the witness's own, or another person's intimate parts or material directly
 covering such intimate parts; or
- 36 d. The accused forces another person to touch the complaining witness's intimate parts or material37 directly covering such intimate parts.
- 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 552 of the Acts of Assembly of 2021, 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 the Department of Juvenile Justice.

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