

SENATE BILL NO. 1385

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Newman)

A BILL to amend and reenact §§ 16.1-241, 18.2-71, 18.2-73, 18.2-74.1, 18.2-75, and 18.2-76 of the Code of Virginia and to repeal §§ 18.2-72, 18.2-74, and 32.1-92.2 of the Code of Virginia, relating to abortion; when lawful; 15-week gestational age; exceptions; penalty.

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

**1. That §§ 16.1-241, 18.2-71, 18.2-73, 18.2-74.1, 18.2-75, and 18.2-76 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-241. Jurisdiction; consent for abortion.**

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

27           3. Whose custody, visitation or support is a subject of controversy or requires determination. In  
28 such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction,  
29 except as provided in § 16.1-244;

30           4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-  
31 1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

32           5. Where the termination of residual parental rights and responsibilities is sought. In such cases  
33 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in  
34 § 16.1-244;

35           6. Who is charged with a traffic infraction as defined in § 46.2-100; or

36           7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

37           In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated  
38 in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court  
39 shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that  
40 the juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the  
41 commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is  
42 alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for  
43 all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in  
44 subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a  
45 preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act  
46 alleged and that the juvenile was 16 years of age or older at the time of the commission of the alleged  
47 offense, and any matters related thereto. A determination by the juvenile court following a preliminary  
48 hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the  
49 juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer  
50 hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the  
51 case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

52           In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after  
53 a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a

54 lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be  
55 divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

56 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support,  
57 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,  
58 father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest  
59 therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited  
60 to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members.  
61 A party with a legitimate interest shall not include any person (i) whose parental rights have been  
62 terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from  
63 or through a person whose parental rights have been terminated by court order, either voluntarily or  
64 involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives  
65 and family members, if the child subsequently has been legally adopted, except where a final order of  
66 adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection  
67 A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United  
68 States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a  
69 result of such violation. The authority of the juvenile court to consider a petition involving the custody of  
70 a child shall not be proscribed or limited where the child has previously been awarded to the custody of a  
71 local board of social services.

72 A1. Making specific findings of fact required by state or federal law to enable a child to apply for  
73 or receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained  
74 jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person  
75 reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include  
76 findings of fact necessary for the person to petition the federal government for status as a special  
77 immigrant juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

78 B. The admission of minors for inpatient treatment in a mental health facility in accordance with  
79 the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental  
80 illness or judicial certification of eligibility for admission to a training center for persons with intellectual

81 disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of  
82 the involuntary admission and certification of adults shall be concurrent with the general district court.

83 C. Except as provided in subsections D and H, judicial consent to such activities as may require  
84 parental consent may be given for a child who has been separated from his parents, guardian, legal  
85 custodian or other person standing in loco parentis and is in the custody of the court when such consent is  
86 required by law.

87 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married  
88 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person  
89 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person  
90 standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown,  
91 (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such  
92 consent or provide such treatment when requested by the judge to do so.

93 E. Any person charged with deserting, abandoning or failing to provide support for any person in  
94 violation of law.

95 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

96 1. Who has been abused or neglected;

97 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-  
98 1817 or is otherwise before the court pursuant to subdivision A 4; or

99 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court  
100 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the  
101 conduct of the child complained of in the petition.

102 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or  
103 other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other  
104 services that are required by law to be provided for that child or such child's parent, guardian, legal  
105 custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and  
106 not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

107 H. Judicial consent to apply for a work permit for a child when such child is separated from his  
108 parents, legal guardian or other person standing in loco parentis.

109 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or  
110 neglect of children or with any violation of law that causes or tends to cause a child to come within the  
111 purview of this law, or with any other offense against the person of a child. In prosecution for felonies  
112 over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is  
113 probable cause.

114 J. All offenses in which one family or household member is charged with an offense in which  
115 another family or household member is the victim and all offenses under § 18.2-49.1.

116 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to  
117 determining whether or not there is probable cause. Any objection based on jurisdiction under this  
118 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before  
119 the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be  
120 conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging  
121 directly or collaterally the jurisdiction of the court in which the case is tried.

122 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily  
123 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental  
124 rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive  
125 parents.

126 L. Any person who seeks spousal support after having separated from his spouse. A decision under  
127 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A  
128 circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

129 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1,  
130 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection  
131 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a  
132 juvenile.

133 N. Any person who escapes or remains away without proper authority from a residential care  
134 facility in which he had been placed by the court or as a result of his commitment to the Virginia  
135 Department of Juvenile Justice.

136 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

137 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§  
138 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a  
139 juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile  
140 and domestic relations district court.

141 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title  
142 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

143 R. [Repealed.]

144 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

145 T. Petitions to enforce any request for information or subpoena that is not complied with or to  
146 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect  
147 pursuant to § 63.2-1526.

148 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to §  
149 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10  
150 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible  
151 disposition.

152 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent  
153 to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the  
154 laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

155 W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an  
156 abortion if a minor elects not to seek consent of an authorized person.

157 After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without  
158 the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough  
159 informed to make her abortion decision, in consultation with her physician, independent of the wishes of

160 any authorized person, or (ii) the minor is not mature enough or well enough informed to make such  
161 decision, but the desired abortion would be in her best interest.

162 If the judge authorizes an abortion based on the best interests of the minor, such order shall  
163 expressly state that such authorization is subject to the physician or his agent giving notice of intent to  
164 perform the abortion; however, no such notice shall be required if the judge finds that such notice would  
165 not be in the best interest of the minor. In determining whether notice is in the best interest of the minor,  
166 the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the  
167 best interest of the minor if he finds that (a) one or more authorized persons with whom the minor regularly  
168 and customarily resides is abusive or neglectful and (b) every other authorized person, if any, is either  
169 abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person  
170 standing in loco parentis.

171 The minor may participate in the court proceedings on her own behalf, and the court may appoint  
172 a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall,  
173 upon her request, appoint counsel for her.

174 Notwithstanding any other provision of law, the provisions of this subsection shall govern  
175 proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records  
176 of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending  
177 matters so that the court may reach a decision promptly and without delay in order to serve the best  
178 interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as  
179 practicable but in no event later than four days after the petition is filed.

180 An expedited confidential appeal to the circuit court shall be available to any minor for whom the  
181 court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be  
182 heard and decided no later than five days after the appeal is filed. The time periods required by this  
183 subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent  
184 or without notice shall not be subject to appeal.

185 No filing fees shall be required of the minor at trial or upon appeal.

186 If either the original court or the circuit court fails to act within the time periods required by this  
187 subsection, the court before which the proceeding is pending shall immediately authorize a physician to  
188 perform the abortion without consent of or notice to an authorized person.

189 Nothing contained in this subsection shall be construed to authorize a physician to perform an  
190 abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult  
191 woman.

192 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent  
193 has been obtained or the minor delivers to the physician a court order entered pursuant to this section and  
194 the physician or his agent provides such notice as such order may require. However, neither consent nor  
195 judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and  
196 the attending physician has reason to suspect that the minor may be an abused or neglected child as defined  
197 in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a  
198 medical emergency, in which case the attending physician shall certify the facts justifying the exception  
199 in the minor's medical record.

200 For purposes of this subsection:

201 "Authorization" means the minor has delivered to the physician a notarized, written statement  
202 signed by an authorized person that the authorized person knows of the minor's intent to have an abortion  
203 and consents to such abortion being performed on the minor.

204 "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor  
205 or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with  
206 whom the minor regularly and customarily resides and who has care and control of the minor. Any person  
207 who knows he is not an authorized person and who knowingly and willfully signs an authorization  
208 statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

209 "Consent" means that (i) the physician has given notice of intent to perform the abortion and has  
210 received authorization from an authorized person, or (ii) at least one authorized person is present with the  
211 minor seeking the abortion and provides written authorization to the physician, which shall be witnessed



212 by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the  
213 minor's medical record and maintained as a part thereof.

214 "Medical emergency" means any condition ~~which that, on the basis of the physician's good faith~~  
215 using best clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate  
216 the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk  
217 of substantial and irreversible impairment of a major bodily function, not including psychological or  
218 emotional conditions.

219 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual  
220 notice of his intention to perform such abortion to an authorized person, either in person or by telephone,  
221 at least 24 hours previous to the performance of the abortion or (ii) the physician or his agent, after a  
222 reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified  
223 mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours  
224 prior to the performance of the abortion.

225 "Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical  
226 procedure or to induce a miscarriage as provided in ~~§ 18.2-72, 18.2-73, or 18.2-74.~~

227 "Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid  
228 marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of  
229 the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or  
230 guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of  
231 emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

232 X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor  
233 children.

234 Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen  
235 or test results.

236 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of  
237 services and support for persons who meet the eligibility criteria for the Fostering Futures program set  
238 forth in § 63.2-919.

239 The ages specified in this law refer to the age of the child at the time of the acts complained of in  
240 the petition.

241 Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service  
242 of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of §  
243 17.1-272, or subsection B, D, M, or R.

244 Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation  
245 of subsection W shall be guilty of a Class 3 misdemeanor.

246 Upon certification by the juvenile and domestic relations district court of any felony charge and  
247 ancillary misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication  
248 of delinquency of an offense in the juvenile and domestic relations district court is noted, jurisdiction as  
249 to such charges shall vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a  
250 final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia  
251 Rule 1:1; or the appeal has been withdrawn in the juvenile and domestic relations district court within 10  
252 days pursuant to § 16.1-133.

253 **§ 18.2-71. Producing abortion or miscarriage, etc.; penalty.**

254 Except as provided in other sections of this article, if any person administer to, or cause to be taken  
255 by, a woman; any drug or other thing, or use means, with intent to destroy her unborn child, or to produce  
256 abortion or miscarriage, and thereby destroy such child, or produce such abortion or miscarriage, he ~~shall~~  
257 be is guilty of a Class 4 felony. For purposes of this article, such acts shall not include an act performed  
258 with the purpose of (i) removing a dead unborn child whose death is due to natural causes, including a  
259 miscarriage or stillbirth, or (ii) removing an ectopic pregnancy.

260 **§ 18.2-73. When abortion unlawful; gestational age; exceptions.**

261 A. Notwithstanding any of the provisions of § 18.2-71 ~~and in addition to the provisions of § 18.2-~~  
262 ~~72, it shall be is~~ lawful for any physician licensed by the Board of Medicine to practice medicine and  
263 surgery; to terminate or attempt to terminate a human pregnancy or aid or assist in the termination of a  
264 human pregnancy by performing an abortion or causing a miscarriage on any woman ~~during the second~~

265 ~~trimester of pregnancy and prior to the third trimester of pregnancy provided such~~ only if the physician  
266 first determines the gestational age of the unborn child.

267 If the gestational age of the unborn child is determined to be more than 15 weeks, it is lawful for  
268 any physician licensed by the Board of Medicine to practice medicine and surgery to terminate or attempt  
269 to terminate a human pregnancy or aid or assist in the termination of a human pregnancy by performing  
270 an abortion or causing a miscarriage on any woman if the physician determines, using best clinical  
271 judgment, that the continuation of the pregnancy will result in the death of the woman or substantially and  
272 irreversibly impair one or more of such woman's major bodily functions, not including psychological or  
273 emotional conditions. If the gestational age of the unborn child is determined to be more than 15 weeks  
274 but not more than 24 weeks, it is lawful for any physician licensed by the Board of Medicine to practice  
275 medicine and surgery to terminate or attempt to terminate a human pregnancy or aid or assist in the  
276 termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman if  
277 the physician determines, using best clinical judgment, that (i) the unborn child suffers from a severe fetal  
278 anomaly or (ii) the pregnancy is the result of rape or incest.

279 B. Any abortion procedure is performed after the unborn child's gestational age is determined to  
280 be more than 15 weeks shall be performed in a hospital licensed by the State Department of Health or  
281 operated by the Department of Behavioral Health and Developmental Services.

282 C. Measures for life support for the child of such abortion or miscarriage shall be available and  
283 utilized if there is any clearly visible evidence of viability.

284 **§ 18.2-74.1. Abortion, etc., when necessary to save life of woman.**

285 In the event it is necessary for a licensed physician to terminate a human pregnancy or assist in the  
286 termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman in  
287 order to save her life, in the opinion of the physician so performing the abortion or causing the miscarriage,  
288 §§ 18.2-71, ~~and 18.2-73 and 18.2-74~~ shall not be applicable.

289 **§ 18.2-75. Conscience clause.**

290 Nothing in ~~§§ 18.2-72, § 18.2-73 or § 18.2-74~~ shall require a hospital or other medical facility or  
291 physician to admit any patient under the provisions hereof for the purpose of performing an abortion. In

292 addition, any person who shall state in writing an objection to any abortion or all abortions on personal,  
293 ethical, moral or religious grounds shall not be required to participate in procedures which will result in  
294 such abortion, and the refusal of such person, hospital or other medical facility to participate therein shall  
295 not form the basis of any claim for damages on account of such refusal or for any disciplinary or  
296 recriminatory action against such person, nor shall any such person be denied employment because of  
297 such objection or refusal. The written objection shall remain in effect until such person shall revoke it in  
298 writing or terminate his association with the facility with which it is filed.

299 **§ 18.2-76. Informed written consent required.**

300 Before performing any abortion or inducing any miscarriage or terminating a pregnancy as  
301 provided in ~~§ 18.2-72, 18.2-73, or 18.2-74~~, the physician ~~or, if such abortion, induction, or termination is~~  
302 ~~to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant~~  
303 ~~to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination~~ shall obtain the informed  
304 written consent of the pregnant woman. However, if the woman has been adjudicated incapacitated by  
305 any court of competent jurisdiction or if the physician ~~or, if the abortion, induction, or termination is to be~~  
306 ~~performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to~~  
307 ~~clause (ii) of § 18.2-72 to perform such abortion, induction, or termination~~ knows or has good reason to  
308 believe that such woman is incapacitated as adjudicated by a court of competent jurisdiction, then only  
309 after permission is given in writing by a parent, guardian, committee, or other person standing in loco  
310 parentis to the woman; ~~may the physician or, if the abortion, induction, or termination is to be performed~~  
311 ~~pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of §~~  
312 ~~18.2-72 to perform such abortion, induction, or termination~~ perform the abortion or otherwise terminate  
313 the pregnancy.

314 **2. That §§ 18.2-72, 18.2-74, and 32.1-92.2 of the Code of Virginia are repealed.**

315 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**  
316 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
317 **appropriation cannot be determined for periods of imprisonment in state adult correctional**  
318 **facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the**

319 Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant  
320 to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for  
321 periods of commitment to the custody of the Department of Juvenile Justice.

322 4. That this act shall be referred to as the Pain-Capable Unborn Child Protection Act.

323 #