

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-64.2 of the Code of Virginia, relating to carnal knowledge of an*
3 *inmate; expansion to include defendants on bond.*

4 [H 2294]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-64.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or**
9 **posttrial offender; penalty.**

10 An accused ~~shall be~~ is guilty of carnal knowledge of an inmate, parolee, probationer, detainee, or
11 pretrial defendant or posttrial offender if he ~~or she~~ is an employee or contractual employee of, or a
12 volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the
13 Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or
14 local court services unit, as defined in § 16.1-235, a local community-based probation services agency or
15 a pretrial services agency; is in a position of authority over the inmate, probationer, parolee, detainee, or
16 a pretrial defendant or posttrial offender; knows that the inmate, probationer, parolee, detainee, or
17 pretrial defendant or posttrial offender is under the jurisdiction of the state or local correctional facility,
18 a regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or
19 detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a
20 local community-based probation services agency, or a pretrial services agency; and carnally knows,
21 without the use of force, threat or intimidation (i) an inmate who has been committed to jail or
22 convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a
23 probationer, parolee, detainee, or a pretrial defendant or posttrial offender under the jurisdiction of the
24 Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as
25 defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local
26 community-based probation services agency, a pretrial services agency, a local or regional jail for the
27 purposes of imprisonment, a work program or any other parole/probationary or pretrial services program
28 or agency. Such offense is a Class 6 felony.

29 *An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an*
30 *owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's*
31 *bond, (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond, and (c)*
32 *carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender.*
33 *Such offense is a Class 1 misdemeanor.*

34 For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse,
35 cunnilingus, fellatio, anallungus, anal intercourse and animate or inanimate object sexual penetration.

ENROLLED

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