

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-67.10 of the Code of Virginia, relating to criminal sexual assault;*  
3 *definition of intimate parts; penalty.*

4 [H 434]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-67.10 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-67.10. General definitions.**

9 As used in this article:

10 1. "Complaining witness" means the person alleged to have been subjected to rape, forcible sodomy,  
11 inanimate or animate object sexual penetration, marital sexual assault, aggravated sexual battery, or  
12 sexual battery.13 2. "Intimate parts" means the genitalia, anus, groin, breast, or buttocks of any person, *or the chest of*  
14 *a child under the age of 15.*15 3. "Mental incapacity" means that condition of the complaining witness existing at the time of an  
16 offense under this article which prevents the complaining witness from understanding the nature or  
17 consequences of the sexual act involved in such offense and about which the accused knew or should  
18 have known.19 4. "Physical helplessness" means unconsciousness or any other condition existing at the time of an  
20 offense under this article which otherwise rendered the complaining witness physically unable to  
21 communicate an unwillingness to act and about which the accused knew or should have known.22 5. The complaining witness's "prior sexual conduct" means any sexual conduct on the part of the  
23 complaining witness which took place before the conclusion of the trial, excluding the conduct involved  
24 in the offense alleged under this article.25 6. "Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratify any  
26 person, where:27 a. The accused intentionally touches the complaining witness's intimate parts or material directly  
28 covering such intimate parts;29 b. The accused forces the complaining witness to touch the accused's, the witness's own, or another  
30 person's intimate parts or material directly covering such intimate parts;31 c. If the complaining witness is under the age of 13, the accused causes or assists the complaining  
32 witness to touch the accused's, the witness's own, or another person's intimate parts or material directly  
33 covering such intimate parts; or34 d. The accused forces another person to touch the complaining witness's intimate parts or material  
35 directly covering such intimate parts.36 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
37 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
38 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
39 **correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,**  
40 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
41 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
42 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
43 **of Juvenile Justice.**