

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-361.01, relating to sexual*
3 *abuse of animals; penalty.*

4
5 Approved

[S 249]

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

7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-361.01 as follows:**
8 **§ 18.2-361.01. Sexual abuse of animals; penalties.**

9 *A. As used in this section:*

10 *"Animal" means any nonhuman vertebrate species.*

11 *"Obscene" means the same as that term is defined in § 18.2-372.*

12 *"Obscene item" means the same as that term is defined in § 18.2-373.*

13 *"Sexual contact" means any act committed between a person and an animal for the purpose of*
14 *sexual arousal, sexual gratification, abuse, or financial gain involving (i) contact between the sex*
15 *organs or anus of one and the mouth, sex organs, or anus of another; (ii) the insertion of any part of*
16 *the animal's body into the vaginal or anal opening of the person; or (iii) the insertion of any part of the*
17 *body of a person or any object into the vaginal or anal opening of an animal or touching or fondling*
18 *by a person of the sex organs or anus of an animal without a bona fide veterinary or animal husbandry*
19 *purpose.*

20 *B. Any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another*
21 *person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises,*
22 *solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to*
23 *sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his*
24 *ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses,*
25 *possesses with the intent to distribute, publish, sell, or transmit an obscene item depicting a person*
26 *engaged in sexual contact with an animal is guilty of a Class 6 felony.*

27 *C. Any person convicted of violating this section shall be prohibited by the court from possessing,*
28 *owning, or exercising control over any animal. Additionally, the court may order such person to attend*
29 *an appropriate treatment program or obtain psychiatric or psychological counseling and may impose*
30 *the costs of such a program or counseling upon the person convicted.*

31 *D. Nothing in this section shall apply to an accepted veterinary practice; the artificial insemination*
32 *of an animal for reproductive purposes; an accepted animal husbandry practice, including grooming,*
33 *raising, breeding, or assisting with the birthing process of animals; or generally accepted practices*
34 *related to the judging of breed conformation.*

35 *E. For the purpose of enforcing this section, the provisions of §§ 3.2-6502, 3.2-6564, and 3.2-6568*
36 *shall apply mutatis mutandis.*

37 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
38 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
39 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
40 **correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,**
41 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
42 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
43 **appropriation cannot be determined for periods of commitment to the custody of the Department**
44 **of Juvenile Justice.**