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HOUSE BILL NO. 351

Offered January 12, 2000

A BILL to amend the Code of Virginia by adding a section numbered 18.2-283.2, relating to possession of firearms in parks; penalty.

Patron—Marshall

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-283.2 as follows:**

§ 18.2-283.2. Possession of firearm, stun weapon, or other weapon in park prohibited.

A. If any person possesses any (i) stun weapon or taser as defined in this section, (ii) knife having a metal blade of three inches or longer, or (iii) weapon, other than a firearm, designated in subsection A of § 18.2-308 upon the property of any park owned by a county, city, town or the Commonwealth he shall be guilty of a Class 1 misdemeanor.

B. If any person possesses any firearm designed or intended to propel a missile of any kind while such person is upon the property of any park owned by a county, city, town or the Commonwealth he shall be guilty of a Class 6 felony; however, if the person possesses any firearm upon the property of any park owned by a county, city, town or the Commonwealth and intends to use, or attempts to use, such firearm, or displays such firearm in a threatening manner, such person shall not be eligible for probation and shall be sentenced to a minimum, mandatory term of imprisonment of three years, which shall not be suspended in whole or in part and which shall be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, *mutatis mutandis*, to the provisions of this section. The provisions of this section shall not apply to (i) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (ii) a person who possesses such weapon or weapons as a part of a program sponsored or facilitated by an organization authorized by the operating authority of the park to conduct its programs in the park; (iii) a law-enforcement officer while engaged in his duties as such; (iv) a person who possesses a knife or blade which he uses customarily in his trade; or (v) a person who possesses an unloaded firearm which is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer.

As used in this section:

"Stun weapon" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five milliamp sixty hertz shock and (ii) used for the purpose of temporarily incapacitating a person; and

"Taser" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile and (ii) used for the purpose of temporarily incapacitating a person.

Notice of this law shall be posted at each public entrance to each park within the scope of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 in FY 2010.

INTRODUCED

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