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## HOUSE BILL NO. 2147

Offered January 10, 2001

Prefiled January 10, 2001

*A BILL to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of firearm, stun weapon, or other weapon on school property.*

Patrons—Dillard, Darner and Day

Referred to Committee on Militia and Police

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

**1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property 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 ~~(i)(a)~~ the property of any public, private or parochial elementary, middle or high school, including buildings and grounds, ~~(ii)(b)~~ that portion of any property open to the public used *exclusively* for school-sponsored functions or extracurricular activities while such functions or activities are taking place, or ~~(iii)(c)~~ any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person possesses any firearm, ~~designed or~~ intended by the manufacturer to propel a missile of any kind, while such person is upon (i) any public, private or parochial elementary, middle or high school, including buildings and grounds, (ii) that portion of any property open to the public *exclusively* used for school-sponsored functions or extracurricular activities while such functions or activities are taking place, or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony; however, if the person possesses any firearm within a public, private or parochial elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall not be eligible for probation and shall be sentenced to a minimum, mandatory term of imprisonment of five 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)~~ persons who possess such weapon or weapons as a part of a private or parochial school's curriculum or activities; ; ~~(ii)(b)~~ persons who lawfully possess any firearm that expels a projectile by means of pneumatic pressure as part of the curriculum in a public elementary, middle or high school; (c) a person possessing a persons who possess any knife customarily used for food preparation or service and using it for such purpose; ; (d) persons who possess such weapon or weapons as a part of any private or parochial school program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; ; (e) any law-enforcement officer, or government official or military personnel with the authority to carry a firearm, while any such person is engaged in his duties as such; ; (f) any person who possesses a knife or blade which he uses customarily in his trade; ; or (g) a person persons who possesses possess (1) an unloaded firearm which that is in a closed container, in or upon a motor vehicle; ; or (2) a knife having a metal blade, in or upon a motor vehicle; ; or (3) an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle that is on private or parochial school property. 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)~~ is 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)~~ is used for the purpose of temporarily incapacitating a person.

INTRODUCED

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