

2001 SESSION

INTRODUCED

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HOUSE BILL NO. 329

Offered January 12, 2000

A BILL to amend the Code of Virginia by adding a section numbered 18.2-57.01, relating to disarming a law-enforcement officer; penalty.

Patron—Callahan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-57.01 as follows:

§ 18.2-57.01. Disarming a law-enforcement or correctional officer.

Any person who knows or has reason to know a person is a law-enforcement officer as defined in § 18.2-57, a correctional officer as defined in § 53.1-1, or a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates in the custody of the Department, who is engaged in the performance of his duties as such and, with the intent to impede or prevent any such person from performing his official duties, knowingly and without the person's permission removes, whether by an assault or otherwise, a firearm, a chemical irritant weapon, stun weapon, or impact weapon from the possession of the officer or deprives the officer of the use of the weapon is guilty of a Class 6 felony.

Nothing in this section shall be construed to affect the right of any person charged with a violation of this section from asserting any defense to the charge that may be available under common law.

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 \$85,200 in FY 2010.

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