

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-308.2 of the Code of Virginia, relating to possession or*  
 3 *transportation of stun guns by convicted felons; penalty.*

[S 1306]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-308.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-308.2. Possession or transportation of firearms, stun weapons, tasers or concealed weapons by  
 9 convicted felons; penalties; petition for permit; when issued.

10 A. It shall be unlawful for (i) any person who has been convicted of a felony or (ii) any person  
 11 under the age of twenty-nine who was found guilty as a juvenile fourteen years of age or older at the  
 12 time of the offense of a delinquent act which would be a felony if committed by an adult, whether such  
 13 conviction or adjudication occurred under the laws of this Commonwealth, or any other state, the  
 14 District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess  
 15 or transport any (a) firearm or (b) *stun weapon or taser as defined by § 18.2-308.1 except in such*  
 16 *person's residence or the curtilage thereof* or to knowingly and intentionally carry about his person,  
 17 hidden from common observation, any weapon described in *subsection A of § 18.2-308 A*. Any person  
 18 who violates this section shall be guilty of a Class 6 felony. However, any person who violates this  
 19 section by knowingly and intentionally possessing or transporting any firearm and who was previously  
 20 convicted of a violent felony as defined in § 17.1-805 shall not be eligible for probation, and shall be  
 21 sentenced to a minimum, mandatory term of imprisonment of five years. Any person who violates this  
 22 section by knowingly and intentionally possessing or transporting any firearm and who was previously  
 23 convicted of any other felony shall not be eligible for probation, and shall be sentenced to a minimum,  
 24 mandatory term of imprisonment of two years. The minimum, mandatory terms of imprisonment  
 25 prescribed for violations of this section shall not be suspended in whole or in part and shall be served  
 26 consecutively with any other sentence. Any firearm, *stun weapon or taser as defined by § 18.2-308.1*, or  
 27 any concealed weapon possessed, transported or carried in violation of this section shall be forfeited to  
 28 the Commonwealth and disposed of as provided in § 18.2-310.

29 B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm or  
 30 other weapon while carrying out his duties as a member of the armed forces of the United States or of  
 31 the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance  
 32 of his duties, or (iii) any person who has been pardoned or whose political disabilities have been  
 33 removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the  
 34 document granting the pardon or removing the person's political disabilities, may expressly place  
 35 conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms.

36 C. Any person prohibited from possessing, transporting or carrying a firearm, *stun weapon or taser*  
 37 under subsection A, may petition the circuit court of the jurisdiction in which he resides for a permit to  
 38 possess or carry a firearm, *stun weapon or taser*; however, no person who has been convicted of a  
 39 felony shall be qualified to petition for such a permit unless his civil rights have been restored by the  
 40 Governor or other appropriate authority. The court may, in its discretion and for good cause shown,  
 41 grant such petition and issue a permit. The provisions of this section shall not apply to any person who  
 42 has been granted a permit pursuant to this subsection.