

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 firearms, stun weapons, tasers or concealed weapons by convicted felons; penalties.*

4 [H 300]

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. *However, such*
18 *person may possess in his residence or the curtilage thereof a stun weapon or taser as defined by*
19 *§ 18.2-308.1.* Any person who violates this section shall be guilty of a Class 6 felony. However, any
20 person who violates this section by knowingly and intentionally possessing or transporting any firearm
21 and who was previously convicted of a violent felony as defined in § 17.1-805 shall not be eligible for
22 probation, and shall be sentenced to a minimum, mandatory term of imprisonment of five years. Any
23 person who violates this section by knowingly and intentionally possessing or transporting any firearm
24 and who was previously convicted of any other felony shall not be eligible for probation, and shall be
25 sentenced to a minimum, mandatory term of imprisonment of two years. The minimum, mandatory
26 terms of imprisonment prescribed for violations of this section shall not be suspended in whole or in
27 part and shall be served consecutively with any other sentence. Any firearm, stun weapon or taser as
28 defined by § 18.2-308.1, or any concealed weapon possessed, transported or carried in violation of this
29 section shall be forfeited to the Commonwealth and disposed of as provided in § 18.2-310.

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

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

44 **2. That an emergency exists and this act is in force from its passage.**

ENROLLED

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