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SENATE BILL NO. 46

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 6, 2002)

(Patron Prior to Substitute—Senator Reynolds)

A BILL to amend and reenact § 18.2-308.1:4 of the Code of Virginia, relating to purchase or transportation of firearm by persons subject to protective orders; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.1:4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.1:4. Purchase, possession or transportation of firearm by persons subject to protective orders; penalty.

A. It shall be unlawful for any person who is subject to (i) a protective order entered pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or § 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; or (iv) an order issued by a tribunal of another state, the United States or any of its territories, possessions or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), or (iii) to purchase or transport any firearm while the order is in effect. A violation of this subsection ~~shall be punishable as~~ is a Class 1 misdemeanor.

B. Any firearm purchased, *possessed* or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 18.2-310.

C. *It shall be unlawful for any person who is subject to (i) a protective order entered pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or § 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; or (iv) an order issued by a tribunal of another state, the United States or any of its territories, possessions or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), or (iii) to possess a handgun while the order is in effect, even if the person is the holder of a concealed handgun permit. A violation of this section is a Class 1 misdemeanor.*