

## 2003 SESSION

INTRODUCED

024982956

### HOUSE BILL NO. 838

Offered January 9, 2002

Prefiled January 9, 2002

*A BILL to amend and reenact § 18.2-53.1 of the Code of Virginia, relating to use or display of firearm in committing a felony.*

Patrons—Thomas, Abbitt, Barlow, Councill, Dudley, Jones, S.C., Keister, Kilgore, Phillips, Shuler and Woodrum

Referred to Committee for Courts of Justice

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

#### **1. That § 18.2-53.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-53.1. Use or display of firearm in committing a felony.

It shall be unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit murder, rape, forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery, carjacking, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a law-enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in § 18.2-51.2, malicious wounding by mob as defined in § 18.2-41 or abduction.

Violation of this section shall constitute a separate and distinct felony and any person found guilty thereof of a violation of this section shall be sentenced to a term of imprisonment of three years for a first conviction, and for a term of five years for a second or subsequent conviction under the provisions of this section. Notwithstanding any other provision of law, the sentence prescribed for a violation of the provisions of this section shall not be suspended in whole or in part, nor shall anyone convicted hereunder be placed on probation. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony any other charge or offense.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$1,642,620 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

HB838