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HOUSE BILL NO. 79

Offered January 14, 2004

Prefiled November 20, 2003

A BILL to amend and reenact § 18.2-308.2:01 of the Code of Virginia, relating to possession or transportation of firearms by illegal aliens.

Patrons—Wright, Athey and Black

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:01 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.2:01. Possession or transportation of certain firearms by aliens.

It shall be unlawful for any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence to knowingly and intentionally possess or transport any assault firearm or to knowingly and intentionally carry about his person, hidden from common observation, an assault firearm. *It shall be unlawful for any person who is an illegal alien to knowingly and intentionally possess or transport any firearm or to knowingly and intentionally carry about his person, hidden from common observation, any firearm.* A violation of this section shall be punishable as a Class 6 felony. Any firearm possessed, transported or carried in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 18.2-310.

For purposes of this section, (i) "assault firearm" means any semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock and (ii) "illegal alien" means any citizen of another country who enters the United States at a time or place other than as designated by immigration officers, eludes examination or inspection by immigration officers, or enters the United States by a willfully false or misleading representation or willful concealment of a material act.

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 cannot be determined 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

HB79