

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-308.2:01 of the Code of Virginia, relating to possession or*  
3 *transportation of firearms by certain noncitizens.*

4  
5 Approved

[H 79]

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

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

8 § 18.2-308.2:01. Possession or transportation of certain firearms by certain persons.

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

18 For purposes of this section, "assault firearm" means any semi-automatic center-fire rifle or pistol  
19 that expels single or multiple projectiles by action of an explosion of a combustible material and is  
20 equipped at the time of the offense with a magazine which will hold more than 20 rounds of  
21 ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding  
22 stock.

23 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
24 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
25 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**  
26 **periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

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