

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 143

An Act to amend and reenact §§ 18.2-154 and 18.2-279 of the Code of Virginia, relating to shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalties.

[H 1620]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-154 and 18.2-279 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-154. Shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalty.

Any person who maliciously shoots at, or maliciously throws any missile at or against, any train or cars on any railroad or other transportation company or any vessel or other watercraft, or any motor vehicle or other vehicles when occupied by one or more persons, whereby the life of any person on such train, car, vessel, or other watercraft, or in such motor vehicle or other vehicle, may be put in peril, ~~shall be~~ *is* guilty of a Class 4 felony. In the event of the death of any such person, resulting from such malicious shooting or throwing, the person so offending ~~shall be deemed~~ *is* guilty of murder; ~~the degree to be determined by the jury or the court trying the case without a jury in the second degree. However, if the homicide is willful, deliberate and premeditated, he is guilty of murder in the first degree.~~

If any such act is committed unlawfully, but not maliciously, the person so offending ~~shall be~~ *is* guilty of a Class 6 felony and, in the event of the death of any such person, resulting from such unlawful act, the person so offending ~~shall be deemed~~ *is* guilty of involuntary manslaughter.

If any person commits a violation of this section by maliciously or unlawfully shooting, with a firearm, at a conspicuously marked law-enforcement, fire or rescue squad vehicle, ambulance or any other emergency medical vehicle, the sentence imposed shall include a mandatory minimum term of imprisonment of one year.

§ 18.2-279. Discharging firearms or missiles within or at building or dwelling house; penalty.

If any person maliciously discharges a firearm within any building when occupied by one or more persons in such a manner as to endanger the life or lives of such person or persons, or maliciously shoots at, or maliciously throws any missile at or against any dwelling house or other building when occupied by one or more persons, whereby the life or lives of any such person or persons may be put in peril, the person so offending ~~shall be~~ *is* guilty of a Class 4 felony. In the event of the death of any person, resulting from such malicious shooting or throwing, the person so offending ~~shall be~~ *is* guilty of murder; ~~the degree to be determined by the jury or the court trying the case without a jury in the second degree. However, if the homicide is willful, deliberate and premeditated, he is guilty of murder in the first degree.~~

If any such act be done unlawfully, but not maliciously, the person so offending ~~shall be~~ *is* guilty of a Class 6 felony; and, in the event of the death of any person resulting from such unlawful shooting or throwing, the person so offending ~~shall be~~ *is* guilty of involuntary manslaughter. If any person willfully discharges a firearm within or shoots at any school building whether occupied or not, he ~~shall be~~ *is* guilty of a Class 4 felony.