

2006 SESSION

SENATE SUBSTITUTE

061427820

HOUSE BILL NO. 588

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 22, 2006)

(Patron Prior to Substitute—Delegate Watts)

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-282.1, relating to brandishing a machete, etc.; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-282.1 as follows:

§ 18.2-282.1. Holding, pointing, or brandishing a machete or other bladed weapon; penalty.

A. It shall be unlawful for any person to point, hold, or brandish a machete or any weapon with an exposed blade 12 inches or longer in such manner as to reasonably induce fear in the mind of another or hold a machete or weapon with an exposed blade 12 inches or longer in a public place in such manner as to reasonably induce fear in the mind of another of being cut, maimed, or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor or, if the violation occurs upon any public, private, or religious elementary, middle, or high school, including buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.

B. Any police officer in the performance of his duty, in making an arrest under the provisions of this section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding, or brandishing such machete or other bladed weapon with intent to induce fear in the mind of another.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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