

2007 SESSION

INTRODUCED

075811500

HOUSE BILL NO. 3000

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend and reenact § 19.2-386.28 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6, relating to possession of firearms following certain misdemeanor convictions; penalty.*

Patrons—Scott, J.M., Ebbin, Marsden and Plum; Senators: Howell and Ticer

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.28 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.1:6 as follows:

§ 18.2-308.1:6. *Possession of firearms following certain criminal convictions; penalty.*

It shall be unlawful for any person convicted of a misdemeanor crime of domestic violence to knowingly and intentionally possess or transport or carry about his person any firearm. A violation of this section is a Class 1 misdemeanor.

A prosecution under this section shall not prohibit a prosecution under any other applicable law.

For purposes of this section, "misdemeanor crime of domestic violence" means (i) a violation of subsection A of § 18.2-57.2, (ii) a violation of § 18.2-60.3 or 18.2-67.4 when the victim is a family or household member, as defined in § 16.1-228, or (iii) a violation of a law of any other jurisdiction that is substantially similar to a crime set forth in clauses (i) or (ii).

§ 19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in violation of law.

Any firearm, stun weapon or taser as defined by § 18.2-308.1, or any weapon concealed, possessed, transported or carried in violation of §§ 18.2-283.1, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.1:6, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.7, or § 18.2-308.8 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

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