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SENATE BILL NO. 1007

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 29, 2007)

(Patron Prior to Substitute—Senator Saslaw)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-283.2, relating to possession of weapons; law-enforcement facilities.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-283.2 as follows:

§ 18.2-283.2. Carrying weapon into law-enforcement facility; penalty.

It shall be unlawful for any person to possess in or transport into any marked, secure area of a law-enforcement facility in this Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, or (iii) any other dangerous weapon, including explosives, tasers, stun weapons and those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor.

For purposes of this section the phrase, "marked, secure area of a law-enforcement facility" means that area that (i) the chief law-enforcement officer with authority over that facility has caused to be identified and marked with appropriate notice of the restriction imposed by this section; (ii) is not generally open and accessible to the members of the public; and (iii) is owned or leased by the Commonwealth or a political subdivision thereof and is operated by a law-enforcement agency and used primarily by law-enforcement officers, as defined in § 9.1-101; provided, however, that a law-enforcement officer or administrator with authority over such facility may consent and authorize a person to bring a firearm into the facility if that officer or administrator is present and an officer accompanies the person who has such firearm. For the purposes of this section, a law-enforcement facility may include a police station, criminal justice training academy established pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2, or any area primarily used to store law-enforcement vehicles and equipment, but it shall not include those portions of a facility that are not used primarily by law-enforcement officers or equipment.

The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or official, game warden, conservator of the peace, magistrate, court officer, or judge while in the conduct of such person's official duties.