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HOUSE BILL NO. 210

Offered January 9, 2008

Prefiled December 27, 2007

A BILL to amend and reenact §§ 18.2-308.1 and 63.2-1735 of the Code of Virginia, relating to armed security officers; protection of private schools and child day centers.

 Patron—Cole

 Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-308.1 and 63.2-1735 of the Code of Virginia are amended and reenacted as follows:**

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited.

A. If any person possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony; however, if the person possesses any firearm within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; or (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 63.2-1735. Child Day-Care Council created; members; terms; duties.

The Child Day-Care Council is hereby continued. Its members shall be appointed by the Governor and serve without compensation. Notwithstanding the provisions of § 2.2-2813, reimbursement for travel expenses of members shall be limited to in-state travel. The members of the Council shall consist of two nonprofit child day center operators; three private for-profit child day center operators; one representative from each of the Departments of Social Services, Health, Education, Fire Programs, and Housing and Community Development; one pediatric health professional; one child development specialist; one parent consumer; one legal professional; one representative of the National Association for the Education of Young Children; one representative of the National Academy of Early Childhood Programs; one representative of the Association of Christian Schools International; one representative of the American Association of Christian Schools; one representative of the National Early Childhood

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59 Program Accreditation; one representative of the National Accreditation Council for Early Childhood
60 Professional Personnel and Programs; one representative of the International Academy for Private
61 Education; one representative of the American Montessori Society; one representative of the
62 International Accreditation and Certification of Childhood Educators, Programs, and Trainers; one
63 representative of the National Accreditation Commission; one representative of the Virginia Council for
64 Private Education; and one representative each of a child day center offering a seasonal program
65 emphasizing outdoor activities, a private child day center offering a half-day nursery school program,
66 and a local governing body all of which operate programs required to be licensed under this chapter.
67 The membership of the Council shall also include such representatives of state agencies as advisory
68 members as the Governor deems necessary. The Governor shall designate a member of the Council to
69 serve as chairman.

70 The members of the Council shall be appointed for four-year terms, except appointments to fill
71 vacancies shall be for the unexpired term.

72 The Council shall adopt regulations for licensure and operation of child day centers in the
73 Commonwealth in accordance with the regulations referred to in § 63.2-1734. *No regulation adopted by*
74 *the Council shall prohibit a child day center from hiring an armed security officer, licensed pursuant to*
75 *Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, to provide protection for children placed in the*
76 *care of the child day center or employees of the center.*

77 The Council shall adopt regulations in collaboration with the Virginia Recreation and Park Society
78 and the Department of Mental Health, Mental Retardation and Substance Abuse Services for therapeutic
79 recreation programs.

80 All staff and other support services required by the Council shall be provided by the Department.