

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-308.2:01 and 18.2-308.2:1 of the Code of Virginia, relating to the*
3 *sale of firearms to persons not lawfully present in the United States; penalty.*

4 [S 382]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 18.2-308.2:01 and 18.2-308.2:1 of the Code of Virginia are amended and reenacted as**
8 **follows:**

9 § 18.2-308.2:01. Possession or transportation of certain firearms by certain persons.

10 A. It shall be unlawful for any person who is not a citizen of the United States or who is not a
11 person lawfully admitted for permanent residence to knowingly and intentionally possess or transport
12 any assault firearm or to knowingly and intentionally carry about his person, hidden from common
13 observation, an assault firearm.

14 B. It shall be unlawful for any person who is not a citizen of the United States and who is not
15 lawfully present in the United States to knowingly and intentionally possess or transport any firearm or
16 to knowingly and intentionally carry about his person, hidden from common observation, any firearm. A
17 violation of this section shall be punishable as a Class 6 felony.

18 C. For purposes of this section, "assault firearm" means any semi-automatic center-fire rifle or pistol
19 that expels single or multiple projectiles by action of an explosion of a combustible material and is
20 equipped at the time of the offense with a magazine which will hold more than 20 rounds of
21 ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding
22 stock.

23 § 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

24 Any person who sells, barter, gives or furnishes, or has in his possession or under his control with
25 the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited
26 from possessing or transporting a firearm pursuant to §§ 18.2-308.1:1, 18.2-308.2, *subsection B of*
27 *§ 18.2-308.2:01*, or § 18.2-308.7 shall be guilty of a Class 6 felony. However, this prohibition shall not
28 be applicable when the person convicted of the felony, adjudicated delinquent or acquitted by reason of
29 insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or subsection B of
30 § 18.2-308.1:1, (ii) been pardoned or had his political disabilities removed in accordance with subsection
31 B of § 18.2-308.2 or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the
32 laws of the United States.

33 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
34 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
35 **be determined for periods of imprisonment in state adult correctional facilities and cannot be**
36 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

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