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HOUSE BILL NO. 236

Offered January 13, 2010

Prefiled January 11, 2010

A *BILL to amend and reenact §§ 15.2-1113.1, 15.2-1210, 18.2-56.1, and 18.2-286 of the Code of Virginia, relating to shooting firearms in certain areas.*

Patron—Janis

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1113.1, 15.2-1210, 18.2-56.1, and 18.2-286 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1113.1. Prohibiting hunting in certain areas.

Any municipal corporation may by ordinance prohibit all hunting with firearms or other weapons ~~in, or within one-half mile of,~~ any subdivision or other area of such municipal corporation which, in the opinion of the governing body, is so heavily populated as to make such hunting dangerous to the inhabitants thereof. Any such ordinance shall clearly describe each area in which hunting is prohibited and shall further provide that appropriate signs shall be erected designating the boundaries of such area.

§ 15.2-1210. Prohibiting hunting in certain areas.

Any county may by ordinance prohibit all hunting with firearms or other weapons ~~in, or within one-half mile of,~~ any subdivision or other area of such county which, in the opinion of the governing body, is so heavily populated as to make such hunting dangerous to the inhabitants thereof. Any such ordinance shall clearly describe each area in which hunting is prohibited, and shall further provide that appropriate signs shall be erected designating the boundaries of such area.

§ 18.2-56.1. Reckless handling of firearms; reckless handling while hunting.

A. It shall be unlawful for any person to handle recklessly any firearm so as to endanger the life, limb or property of any person. ~~Any person violating this section shall be guilty of a Class 1 misdemeanor.~~ *Reckless handling of a firearm shall include discharge of a firearm towards any structure that is or may be occupied, or any person, if such person or structure is located within the range of the firearm and no natural or manmade barrier exists that would prevent the projectile from striking the person or structure. For purposes of this section, the shooter shall be responsible for knowing the range of any firearm he discharges.*

B. *Any person violating this section shall be guilty of a Class 1 misdemeanor.* If this section is violated while the person is engaged in hunting, trapping or pursuing game, the trial judge may, in addition to the penalty imposed by the jury or the court trying the case without a jury, revoke such person's hunting or trapping license or privilege to hunt or trap while possessing a firearm for a period of one year to life.

C. Upon a revocation pursuant to subsection B hereof, the clerk of the court in which the case is tried pursuant to this section shall forthwith send to the Department of Game and Inland Fisheries (i) such person's revoked hunting or trapping license or notice that such person's privilege to hunt or trap while in possession of a firearm has been revoked and (ii) a notice of the length of revocation imposed. The Department shall keep a list which shall be furnished upon request to any law-enforcement officer, the attorney for the Commonwealth or court in this Commonwealth, and such list shall contain the names and addresses of all persons whose license or privilege to hunt or trap while in possession of a firearm has been revoked and the court which took such action.

D. If any person whose license to hunt and trap, or whose privilege to hunt and trap while in possession of a firearm, has been revoked pursuant to this section, thereafter hunts or traps while in possession of a firearm, he shall be guilty of a Class 1 misdemeanor, and, in addition to any penalty imposed by the jury or the court trying the case without a jury, the trial judge may revoke such person's hunting or trapping license, or privilege to hunt or trap while in possession of a firearm, for an additional period not to exceed five years. The clerk of the court shall notify the Department of Game and Inland Fisheries as is provided in subsection C herein.

§ 18.2-286. Shooting in or across road or in street.

If any person discharges a firearm, crossbow or bow and arrow in or across any road, or within the right-of-way thereof, or in a street of any city or town, he shall, for each offense, be guilty of a Class 4 misdemeanor.

If any person discharges a firearm toward any subdivision that is located within the range of the firearm and no natural or manmade barrier exists that would prevent the projectile from striking a

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59 *person or structure, and such projectile damages a building or property or injures a person or animal,*
60 *he shall for each offense be guilty of a Class 1 misdemeanor.*

61 *For purposes of this section, the shooter shall be responsible for knowing the range of any firearm*
62 *he discharges.*

63 *The provisions of this section shall not apply to firing ranges or shooting matches constructed,*
64 *operated, maintained, and supervised or approved, by (i) representatives of state or local government,*
65 *law-enforcement officers and military personnel in performance of their lawful official duties, or (ii) by*
66 *range safety personnel certified by the National Rifle Association or any other entity recognized by the*
67 *Department of Game and Inland Fisheries.*