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HOUSE BILL NO. 48

Offered January 8, 2014

Prefiled December 3, 2013

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 criminal convictions; penalty.*

Patron—Simon

Referred to Committee for Courts of Justice

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.

A. Any person who knowingly and intentionally possesses or transports any firearm, or who knowingly and intentionally possesses, transports, or carries about his person any weapon described in subsection A of § 18.2-308, within a five-year period following his conviction for (i) stalking in violation of § 18.2-60.3, (ii) sexual battery in violation of § 18.2-67.4, (iii) assault and battery of a family or household member in violation of § 18.2-57.2 that results in serious bodily injury, or (iv) any offense substantially similar to clause (i), (ii), or (iii) in the laws of any other state or of the United States is guilty of a Class 6 felony.

B. The provisions of subsection C of § 18.2-308.2 regarding petitioning a circuit court for a permit to possess, transport, or carry a firearm shall apply, *mutatis mutandis*, to a person subject to the prohibitions of this section.

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

Any firearm, stun weapon as defined by § 18.2-308.1, or any weapon concealed, possessed, transported or carried in violation of § 18.2-283.1, 18.2-287.01, 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.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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