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HOUSE BILL NO. 810

Offered January 8, 2014

Prefiled January 7, 2014

A BILL to amend and reenact § 18.2-280 of the Code of Virginia, relating to willful discharge of firearms; penalty.

Patrons—Carr, Gilbert, BaCote, James, McClellan, McQuinn, Robinson, Torian, Ward and Webert

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-280 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-280. Willfully discharging firearms in public places.**

A. If any person willfully discharges or causes to be discharged any firearm (i) in any street in a city or town, or in any place of public business or place of public gathering, ~~and~~ or (ii) with no discernible or designated target within two miles of any occupied building, and such conduct results in the death of another person, he is guilty of a Class 5 felony. If such conduct ~~results~~ does not result in the death of another person, but results in bodily injury to another person, he ~~shall be~~ is guilty of a Class 6 felony. If such conduct does not result in the death of or bodily injury to another person, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

B. If any person willfully discharges or causes to be discharged any firearm upon the buildings and grounds of any public, private or religious elementary, middle or high school, he ~~shall be~~ is guilty of a Class 4 felony, unless he is engaged in a program or curriculum sponsored by or conducted with permission of a public, private or religious school.

C. If any person willfully discharges or causes to be discharged any firearm upon any public property within 1,000 feet of the property line of any public, private or religious elementary, middle or high school property he ~~shall be~~ is guilty of a Class 4 felony, unless he is engaged in lawful hunting.

D. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

E. Nothing in this statute shall preclude the Commonwealth from electing to prosecute under any other applicable provision of law instead of this section.

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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