

14104062D

## SENATE BILL NO. 510

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 27, 2014)

(Patron Prior to Substitute—Senator Favola)

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.

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.*

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 a misdemeanor conviction for an offense that occurred on or after July 1, 2014, for the offenses of: (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, 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 1 misdemeanor. However, such person may possess in his residence or curtilage thereof a stun weapon as defined in § 18.2-308.1.

§ 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 is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.