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## HOUSE BILL NO. 2321

Offered January 13, 2017

A BILL to amend and reenact § 18.2-308.3 of the Code of Virginia, relating to restricted ammunition; use or attempted use in the commission of a felony; penalty.

Patrons—Morefield and Villanueva

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.3. Use or attempted use of restricted ammunition in commission or attempted commission of felonies prohibited; penalty.

A. When used in this section:

"Restricted firearm ammunition" applies to bullets, projectiles or other types of ammunition that are: (i) coated with or contain, in whole or in part, polytetrafluorethylene or a similar product; (ii) commonly known as "KTW" bullets, "French Arcanes," or "pinched tip" bullets; or (iii) any cartridges containing bullets coated with a plastic substance with other than lead, lead alloy, or copper cores, jacketed bullets with other than lead, lead alloy, or copper cores, or cartridges of which the bullet itself is wholly comprised of a metal or metal alloy other than lead or copper. This definition shall not be construed to include shotgun shells or solid plastic bullets.

"Use or attempt to use restricted firearm ammunition" refers to an attempted or actual discharge of restricted ammunition and does not include mere possession of such ammunition.

B. It shall be unlawful for any person to knowingly use or attempt to use restricted firearm ammunition while committing or attempting to commit a ~~crime~~ felony. Violation of this section shall constitute a separate and distinct felony and any person found guilty thereof shall be guilty of a Class 5 felony.

C. Notwithstanding the provisions of subsection A, if any ammunition has been approved by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives for commercial sale, such ammunition is not restricted firearm ammunition.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB2321