

2018 SESSION

INTRODUCED

18104594D

SENATE BILL NO. 442

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 18.2-56.2 of the Code of Virginia, relating to allowing access to firearms by children; penalty.*

Patron—Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-56.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-56.2. Allowing access to firearms by children; penalty.

A. It ~~shall be~~ is unlawful for any person to ~~recklessly~~ leave a loaded, unsecured firearm in such a manner as to endanger the life or limb of any ~~child~~ *person* under the age of ~~fourteen~~ 18. Any person violating the provisions of this subsection ~~shall be~~ is guilty of a Class 3 ~~misdemeanor~~ 6 *felony*.

B. It ~~shall be~~ is unlawful for any person knowingly to authorize a child under the age of ~~twelve~~ 12 to use a firearm except when the child is under the supervision of an adult. Any person violating this subsection ~~shall be~~ is guilty of a Class 1 misdemeanor. For purposes of this subsection, "adult" ~~shall mean~~ means a parent, guardian, person standing in loco parentis to the child, or a person ~~twenty-one~~ 21 years of age or ~~over~~ older who has the permission of the parent, guardian, or person standing in loco parentis to supervise the child in the use of a firearm.

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 836 of the Acts of Assembly of 2017 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.

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