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HOUSE BILL NO. 1616

Offered January 9, 2019

Prefiled September 6, 2018

A BILL to amend and reenact § 18.2-53.1 of the Code of Virginia, relating to use or display of firearms during commission of a felony; killing or injuring police animals; penalty.

Patrons—Fowler, Adams, D.M., Brewer, Carr, Edmunds, Fariss, Gooditis, Herring, Hurst, Kory, McGuire, Morefield, Mullin, Reid, Rodman, Roem, Simon, Turpin, Webert and Wright; Senators: Black, Chase, Dance, Edwards, Peake and Ruff

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-53.1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-53.1. Use or display of firearm in committing felony.**

It shall be unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit murder, rape, forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery, carjacking, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a law-enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in § 18.2-51.2, malicious wounding by mob as defined in § 18.2-41 or, abduction, or the killing or injuring of a police animal in violation of § 18.2-144.1. Violation of this section shall constitute a separate and distinct felony, and any person found guilty thereof shall be sentenced to a mandatory minimum term of imprisonment of three years for a first conviction; and to a mandatory minimum term of five years for a second or subsequent conviction under the provisions of this section. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1616