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HOUSE BILL NO. 1691

Offered January 9, 2019

Prefiled December 9, 2018

A BILL to amend and reenact § 18.2-308.5 of the Code of Virginia, relating to manufacture, import, sale, transfer, or possession of undetectable firearms; penalty.

Patrons—Simon, Kory, Levine and Lopez

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.5 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.5. Manufacture, import, sale, transfer, or possession of undetectable firearm prohibited; penalty.

It shall be unlawful for any person to manufacture, import, sell, transfer, or possess (i) any plastic firearm or (ii) any firearm that after removal of all parts other than a major component is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening.

As used in this section, "plastic":

"Major component" means (i) the slide or cylinder, or the frame or receiver, of the firearm and (ii) in the case of a rifle or shotgun, the barrel of the firearm.

"Plastic firearm" means any firearm, including machine guns and sawed-off shotguns as defined in this chapter, containing less than 3.7 ounces of electromagnetically detectable metal in the barrel, slide, cylinder, frame, or receiver of which, when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening, does not generate an image that accurately depicts its shape.

A violation of this section shall be punishable as a Class 5 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

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