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SENATE BILL NO. 1210

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice on January 14, 2019)

(Patron Prior to Substitute—Senator Lucas)

A BILL to amend and reenact § 18.2-433.2 of the Code of Virginia, relating to paramilitary activities; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-433.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-433.2. Paramilitary activity prohibited; penalty.

A person ~~shall be~~ *is* guilty of unlawful paramilitary activity, punishable as a Class 5 felony if he:

1. Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder; ~~or~~

2. Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ such training for use in, or in furtherance of, a civil disorder*; or*

3. Assembles with one or more persons with the intent of intimidating any person or group of persons with any firearm, any explosive or incendiary device, or any components or combination thereof.

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.