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HOUSE BILL NO. 853

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact § 18.2-308.2:1 of the Code of Virginia, relating to recklessly allowing access to firearms to certain persons: penalty.

Patron—Murphy

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.2:1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons; penalty.**

Any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, *or recklessly allows access to* any firearm to any person he knows *or has reason to believe* is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, *or* 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 ~~shall be~~ *is* guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1; or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess, or receive firearms pursuant to the laws of the United States.

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 854 of the Acts of Assembly of 2019 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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