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HOUSE BILL NO. 899

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend and reenact § 19.2-386.28 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.9, relating to manufacture, import, sale, transfer, or possession of restricted firearm ammunition; penalty.*

Patron—Levine

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.28 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.9 as follows:

§ 18.2-308.9. *Manufacture, import, sale, transfer, or possession of restricted firearm ammunition; penalty.*

A. For the purposes of this section, "restricted firearm ammunition" means the same as that term is defined in § 18.2-308.3.

B. It is unlawful for any person to manufacture, import, sell, transfer, or possess any restricted firearm ammunition. A violation of this section is punishable as a Class 5 felony.

C. The provisions of this section shall not apply to (i) any law-enforcement officer or government officer, agent, or employee, or member of the Armed Forces of the United States, to the extent that such person is otherwise authorized to acquire or possess restricted firearm ammunition and does so while acting within the scope of his duties; (ii) the manufacture of restricted firearm ammunition by a firearms manufacturer for the purpose of sale to any branch of the Armed Forces of the United States or to a law-enforcement agency in the Commonwealth for use by that agency or its employees, provided that the manufacturer is properly licensed under federal, state, and local laws; or (iii) the sale or transfer of restricted firearm ammunition to any branch of the Armed Forces of the United States or to a law-enforcement agency in the Commonwealth for use by that agency or its employees.

§ 19.2-386.28. *Forfeiture of weapons that are concealed, possessed, transported, or carried in violation of law.*

Any firearm, stun weapon as defined by in § 18.2-308.1, or any weapon or ammunition concealed, possessed, transported, or carried in violation of § 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.7, ~~or~~ 18.2-308.8, or 18.2-308.9 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

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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