

20101248D

SENATE BILL NO. 85

Offered January 8, 2020

Prefiled November 27, 2019

A BILL to amend and reenact §§ 18.2-53.1 and 18.2-108.1 of the Code of Virginia, relating to stolen firearms; penalties.

Patrons—DeSteph and Chase; Delegate: Avoli

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 18.2-53.1 and 18.2-108.1 of the Code of Virginia are 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. 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; however, if the person violating this section knew or should have known that the pistol, shotgun, rifle, or other firearm used, attempted to be used, or displayed was stolen, he shall be sentenced to a mandatory minimum term of imprisonment of five years for a first conviction and to a mandatory minimum term of 10 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.

§ 18.2-108.1. Larceny with intent to sell firearm; sale of stolen firearm; receipt of stolen firearm; penalty.

A. Any person who commits simple larceny of a firearm with the intent to sell or distribute such firearm is guilty of a Class 3 felony, and the penalty upon conviction shall include a mandatory minimum term of imprisonment of five years.

B. Any person who sells or distributes, attempts to sell or distribute, or possesses with intent to sell or distribute a stolen firearm and who knew or should have known that the firearm was stolen is guilty of a Class 5 felony, and the penalty upon conviction shall include a mandatory minimum term of imprisonment of two years.

C. Notwithstanding the provisions of § 18.2-108, any person who buys or receives a firearm from another person or aids in concealing a firearm, knowing that the firearm was stolen, shall be is guilty of a Class 6 felony and may be proceeded against although the principal offender is not convicted. The penalty upon conviction shall include a mandatory minimum term of imprisonment of one year.

- 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 is at least \$2,815,277 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

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