

# 2021 SPECIAL SESSION I

## SENATE SUBSTITUTE

21103361D

### SENATE BILL NO. 1129

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary  
on February 1, 2021)

(Patron Prior to Substitute—Senator Reeves)

A *BILL to amend and reenact §§ 18.2-282 and 18.2-433.2 of the Code of Virginia, relating to military honor guards and veterans service organizations; paramilitary activities.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-282 and 18.2-433.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-282. Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance; penalty.**

A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor or, if the violation occurs upon any public, private or religious elementary, middle or high school, including buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.

B. Any police officer in the performance of his duty, in making an arrest under the provisions of this section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding, or brandishing such firearm or air or gas operated weapon, or object that was similar in appearance, with intent to induce fear in the mind of another.

C. For purposes of this section, the word "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material. The word "ammunition," as used herein, shall mean a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

*D. The provisions of this section shall not apply to any member of a lawfully recognized military color guard, honor guard, or similar organization, or a member of a veterans service organization that is Congressionally chartered or officially recognized by the U.S. Department of Veterans Affairs, when such member is participating in a public ceremony on behalf of such color guard, honor guard, or similar organization or such veterans service organization unless such member violates this section with malicious intent.*

**§ 18.2-433.2. Paramilitary activity prohibited; penalty.**

A. A person 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;

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. Violates subsection A of § 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.

*B. The provisions of this section shall not apply to any member of a lawfully recognized military color guard, honor guard, or similar organization, or a member of a veterans service organization that is Congressionally chartered or officially recognized by the U.S. Department of Veterans Affairs, when such member is participating in a public ceremony on behalf of such color guard, honor guard, or similar organization or such veterans service organization unless such member violates this section with malicious intent.*

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