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HOUSE BILL NO. 1096

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact § 18.2-283.2 of the Code of Virginia, relating to law-enforcement officers; retired law-enforcement officers; carrying a firearm or explosive material within Capitol Square and the surrounding area.

Patrons—Ballard, Avoli, Campbell, R.R., Cordoza, Williams and Wyatt

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-283.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-283.2. Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.

A. For the purposes of this section, "Capitol Square and the surrounding area" means (i) the grounds, land, real property, and improvements in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, and the sidewalks of Bank Street extending from 50 feet west of the Pocahontas Building entrance to 50 feet east of the entrance of the Capitol of Virginia, *not including any public road or highway.*

B. It is unlawful for any person to carry any firearm as defined in § 18.2-308.2:2 or explosive material as defined in § 18.2-308.2 within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building owned or leased by the Commonwealth or any agency thereof; or (iv) any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

C. A violation of this section is punishable as a Class 1 misdemeanor. Any firearm or explosive material carried in violation of this section shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

D. The provisions of this section shall not apply to *any law-enforcement officer as defined in § 9.1-101 or to any of the following while acting in the conduct of such person's official duties:* (i) ~~any law-enforcement officer as defined in § 9.1-101;~~ (ii) any authorized security personnel; ~~(iii)~~ (ii) any active military personnel; ~~(iv)~~ (iii) any fire marshal appointed pursuant to § 27-30 when such fire marshal has police powers provided by § 27-34.2:1; or ~~(v)~~ (iv) any member of a cadet corps who is recognized by a public institution of higher education while such member is participating in an official ceremonial event for the Commonwealth.

E. The provisions of clauses (iii) and (iv) of subsection B shall not apply to (i) any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016 ~~who is visiting a gun range owned or leased by the Commonwealth;~~ (ii) any of the following employees authorized to carry a firearm while acting in the conduct of such employee's official duties: (a) a bail bondsman as defined in § 9.1-185, (b) an employee of the Department of Corrections or a state juvenile correctional facility, (c) an employee of the Department of Conservation and Recreation, or (d) an employee of the Department of Wildlife Resources; (iii) any individual carrying a weapon into a courthouse who is exempt under § 18.2-283.1; (iv) any property owned or operated by a public institution of higher education; (v) any state park; or (vi) any magistrate acting in the conduct of the magistrate's official duties.

F. Notice of the provisions of this section shall be posted conspicuously along the boundary of Capitol Square and the surrounding area and at the public entrance of each location listed in subsection B, and no person shall be convicted of an offense under subsection B if such notice is not posted at such public entrance, unless such person had actual notice of the prohibitions in subsection B.

INTRODUCED

HB1096