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SENATE BILL NO. 618

Offered January 12, 2022

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

Patrons—Stuart and DeSteph; Delegate: Jenkins

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

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

§ 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 subsection A 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 (i) training or educational exercise offered by such color guard, honor guard, or similar organization or such veterans service organization or (ii) funeral or public ceremony such as a parade or dedication ceremony on behalf of such color guard, honor guard, or similar organization or such veterans service organization unless such member engages in such activity with malicious intent.

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