

2023 SESSION

INTRODUCED

23101936D

HOUSE BILL NO. 1515

Offered January 11, 2023

Prefiled January 4, 2023

A BILL to amend and reenact §§ 18.2-289 and 18.2-290 of the Code of Virginia, relating to possession or use of auto sear; prohibition; penalty.

Patrons—Adams, D.M. and Rasoul

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-289 and 18.2-290 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-289. Use of machine gun or auto sear for crime of violence; penalty.

A. Possession or use of a machine gun or auto sear in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

B. For the purposes of this section, "auto sear" means a small device with a combination of parts made of metal or plastic designed and intended for use in converting a weapon into a machine gun, as defined by 26 U.S.C. 5845(b).

§ 18.2-290. Use of machine gun or auto sear for aggressive purpose; penalty.

A. Unlawful possession or use of a machine gun or auto sear for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

B. For the purposes of this section, "auto sear" means the same as this term is defined in § 18.2-289.

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 2 of the Acts of Assembly of 2022, Special Session I, 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.

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