

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 731

An Act to amend the Code of Virginia by adding in Article 7 of Chapter 7 of Title 18.2 a section numbered 18.2-311.2, relating to third conviction for firearm offenses; penalty.

[H 1327]

Approved April 10, 1994

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 7 of Title 18.2 a section numbered 18.2-311.2 as follows:

§ 18.2-311.2. Third conviction of firearm offenses; penalty.

On a third or subsequent conviction of any offense contained in Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2, which would ordinarily be punished as a Class 1 misdemeanor, where it is alleged in the information or indictment on which the person is convicted, that (i) such person has been twice previously convicted of a violation of any Class 1 misdemeanor or felony offense contained in either Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2 or § 18.2-53.1, or of a substantially similar offense under the law of any other jurisdiction of the United States, and (ii) each such violation occurred on a different date, such person shall be guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$155,360.

3. That the provisions of this act shall only become effective if a general fund appropriation, equal to the fiscal impact amount required by § 30-19.1:4 for this act and specifically identified for this purpose, is provided in the general appropriation act effective July 1, 1994.