

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-53.1 of the Code of Virginia, relating to use of a firearm; penalty.*

3 [H 1317]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 18.2-53.1 of the Code of Virginia is amended and reenacted as follows:**

7 § 18.2-53.1. Use or display of firearm in committing felony.

8 It shall be unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm
9 or display such weapon in a threatening manner while committing or attempting to commit murder,
10 rape, forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery,
11 *carjacking*, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a
12 law-enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in
13 § 18.2-51.2, malicious wounding by mob as defined in § 18.2-41 or abduction. Violation of this section
14 shall constitute a separate and distinct felony and any person found guilty thereof shall be sentenced to a
15 term of imprisonment of three years for a first conviction, and for a term of five years for a second or
16 subsequent conviction under the provisions of this section. Notwithstanding any other provision of law,
17 the sentence prescribed for a violation of the provisions of this section shall not be suspended in whole
18 or in part, nor shall anyone convicted hereunder be placed on probation. Such punishment shall be
19 separate and apart from, and shall be made to run consecutively with, any punishment received for the
20 commission of the primary felony.

ENROLLED

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