LD1677260

HOUSE BILL NO. 1194

Offered January 25, 1994

A BILL to amend and reenact §§ 18.2-308.7 and 18.2-309 of the Code of Virginia, relating to possession of designated firearms by persons under the age of twenty-one; furnishing such weapons to persons under the age of twenty-one; penalties.

Patrons—Cunningham, Almand, Christian, Connally, Crittenden, Hall, Hull, Jones, D.C., Plum and Spruill; Senators: Lambert, Marsh and Miller, Y.B.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.7 and 18.2-309 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.7. Possession or transportation of certain firearms by persons under the age of twenty-one; penalty.

It shall be unlawful for any person under ~~eighteen~~ *twenty-one* years of age to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth. For the purposes of this section, "handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire a projectile by means of an explosion from one or more barrels when held in one hand and "assault firearm" means any (i) semi-automatic centerfire rifle or pistol which expels a projectile by action of an explosion and is equipped at the time of the offense with a magazine which will hold more than twenty rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (ii) shotgun with a magazine which will hold more than seven rounds of the longest ammunition for which it is chambered. A violation of this section shall be a Class 1 misdemeanor. Any handgun *or assault firearm* possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 18.2-310.

This section shall not apply to:

1. Any person (i) while in his home or on his property; (ii) while in the home or on the property of his parent, grandparent, or legal guardian; or (iii) while on the property of another who has provided prior permission, and with the prior permission of his parent or legal guardian if the person has the landowner's written permission on his person while on such property;

2. Any person who, while accompanied by an adult, is at, or going to and from, a lawful shooting range or firearms educational class, provided that the weapons are unloaded while being transported;

3. Any person actually engaged in lawful hunting or going to and from a hunting area or preserve, provided that the weapons are unloaded while being transported; and

4. Any person while carrying out his duties in the armed forces of the United States or the National Guard of this Commonwealth or any other state.

§ 18.2-309. Furnishing certain weapons to minors; furnishing handguns or assault firearms to persons under the age of twenty-one; penalty.

A. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a Class 1 misdemeanor.

B. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished, ~~to any minor~~ a handgun *or assault firearm, as defined in § 18.2-308.7, to any person under twenty-one years of age* , having good cause to believe him to be ~~a minor~~ *under twenty-one years of age*, such person shall be guilty of a Class 6 felony. This subsection shall not apply to any transfer made between family members or for the purpose of engaging in a sporting event or activity.

INTRODUCED

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