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HOUSE BILL NO. 1277

Offered January 25, 1994

A *BILL to amend and reenact § 18.2-250 of the Code of Virginia, relating to possession of controlled substances; penalty.*

Patrons—Scott, Cohen, Forbes, Hamilton, Hull, Jones, J.C., McDonnell, Moss, Plum, Puller, Robinson, Tata, Wardrup and Watkins

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-250 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-250. Possession of controlled substances unlawful.

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

(a) Any person who violates this section with respect to any controlled substance classified in Schedules I or II of the Drug Control Act shall be guilty of a Class 5 felony.

(b) Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a controlled substance classified in Schedule III shall be guilty of a Class 1 misdemeanor.

(b1) Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a Class 2 misdemeanor.

(b2) Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a Class 3 misdemeanor.

(c) Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a Class 4 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties.

C. *Notwithstanding any other provision of law, the commission of two misdemeanor offenses under this section in any calendar year shall, upon conviction of both offenses, make the offender ineligible to purchase a handgun. The clerk of court shall so certify to the Central Criminal Records Exchange, on forms provided by the Exchange, for purposes relating to the firearms transaction record check authorized by § 18.2-308.2:2. This information shall be kept confidential and used only for purposes of such record check.*

INTRODUCED

HB1277