

LD6441360

HOUSE BILL NO. 2048

Offered January 23, 1995

A BILL to amend and reenact §§ 18.2-280 and 18.2-308.1 of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 1 of Title 22.1 a section numbered 22.1-7.1, relating to weapons on school property and "Gun-Free School Zones."

Patron—Moore

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-280 and 18.2-308.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 1 of Title 22.1 a section numbered 22.1-7.1 as follows:

§ 18.2-280. Willfully discharging firearms in public places.

A. If any person willfully discharges or causes to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, he shall be guilty of a Class 1 misdemeanor.

B. If any person willfully discharges or causes to be discharged any firearm upon any public, private or parochial elementary, middle or high school, including the buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 4 felony.

C. B. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. In addition, subsection B shall not apply to any otherwise lawful discharge while actually engaged in lawful hunting, a program or curriculum sponsored by or conducted with permission of the school or while in or on an established shooting range.

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; designated "Gun-Free School Zones."

A. If any person has in his possession any (i) stun weapon or taser as defined in this section or (ii) weapon, other than a firearm, designated in subsection A of § 18.2-308 upon (i) the property of any public, private or parochial elementary, middle or high school, including buildings and grounds, (ii) that portion of any property open to the public used for school-sponsored functions or extracurricular activities while such functions or activities are taking place, or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor. If any person has in his possession any firearm designed or intended to propel a missile of any kind while such person is upon (i) any public, private or parochial elementary, middle or high school, including buildings and grounds, (ii) that portion of any property open to the public used for school-sponsored functions or extracurricular activities while such functions or activities are taking place, or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

B. If any person willfully discharges or causes to be discharged any firearm upon any public, private or parochial elementary, middle or high school, including the buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 4 felony.

C. A school board and the governing body of any private or parochial elementary, middle, or high school shall designate all property, including buildings and grounds, as a "Gun-Free Zone," and shall conspicuously post all such property, buildings, and grounds with signs designating such areas as a "Gun-Free Zone."

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such weapon or weapons as a part of the curriculum or other programs sponsored by the school or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such. In addition, this section shall not apply to possession of an unloaded firearm which is in a closed container or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle.

As used in this section:

"Stun weapon" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five milliamp sixty hertz shock and (ii) used for the purpose of temporarily incapacitating a person; and

"Taser" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile and (ii) used for the purpose of temporarily

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60 incapacitating a person.

61 § 22.1-7.1. School property designated "Gun-Free School Zone."

62 A school board shall designate all property, including buildings and grounds, as a "Gun-Free Zone,"
63 and shall conspicuously post all such property, buildings, and grounds with signs designating such
64 areas as a "Gun-Free Zone." The school board shall take such action as may be necessary to enforce
65 compliance with the provisions of § 18.2-308.1.