

LD1044739

SENATE BILL NO. 533

Offered January 25, 1994

A BILL to amend and reenact § 18.2-308.2 of the Code of Virginia, relating to possession or transportation of firearms or concealed weapons by certain persons; penalty.

Patrons—Stolle and Bell; Delegates: Albo, Behm, Callahan, Crittenden, Crouch, Forbes, Howell, McDonnell, Spruill, Tata, Wagner and Wardrup

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.2. Possession or transportation of firearms or concealed weapons by certain persons; penalties; petition for permit; when issued.

A. It shall be unlawful ~~for~~ ~~(i)~~ any person to knowingly and intentionally possess or transport any firearm or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in § 18.2-308 A if:

1. The person ~~who~~ has been convicted of a felony ~~or~~ ~~(ii)~~ any whether such conviction occurred under the laws of this Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof;

2. The person is under the age of twenty-nine ~~who~~ and was found guilty as a juvenile fifteen years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, whether such conviction or adjudication occurred under the laws of this Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof; ; or

3. The person has been convicted of a violation of subsection B or C of § 18.2-60.3 to knowingly and intentionally possess or transport any firearm or to knowingly and intentionally carry about his person, hid from common observation, any weapon described in § 18.2-308 A . A violation of this section shall be punishable as a Class 6 felony. Any firearm or any concealed weapon possessed, transported or carried in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 18.2-310.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm or other weapon while carrying out his duties as a member of the armed forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, or (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms.

C. Any person prohibited from possessing, transporting or carrying a firearm under subsection A, may petition the circuit court of the jurisdiction in which he resides for a permit to possess or carry a firearm. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section shall not apply to any person who has been granted a permit pursuant to this subsection.

D. Notwithstanding the provisions of subsection C, any person convicted of a violation of subsection B or C of § 18.2-60.3 may petition the circuit court of the jurisdiction in which he was convicted for a permit to possess or carry a firearm no earlier than five years after conviction of such violation. The court may, in its discretion, grant such petition and issue a permit if it finds that the petitioner has been of good behavior and has not been convicted of any criminal offenses during the five-year period.

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 \$0.

INTRODUCED

SB533