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**HOUSE BILL NO. 122**

Offered January 10, 1996

*A BILL to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of firearms within 1,000 feet of a school; penalty.*

Patrons—McEachin, Cunningham, Jones, D.C. and Watts

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; possession of certain firearms within 1,000 feet of school property prohibited.

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. Any person who, while within 1,000 feet of any public, private or parochial elementary, middle or high school, including buildings and grounds or 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, (i) without a permit to do so issued in accordance with § 18.2-308, carries a handgun about his person, hidden from common observation, or (ii) has in his possession any firearm, the possession of which is prohibited by the laws of the Commonwealth, is guilty of a separate and distinct offense punishable as a Class 1 misdemeanor.

C. 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 in or upon a motor vehicle 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 incapacitating a person.

INTRODUCED

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