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## HOUSE BILL NO. 266

Offered January 10, 1996

*A BILL to amend and reenact § 18.2-53.1 of the Code of Virginia, relating to the use of a firearm in the commission of a felony; penalties.*

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Patron—Moore

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Referred to Committee on Militia and Police

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-53.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-53.1. Use or display of firearm in committing felony.

It shall be unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit murder, rape, forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery, carjacking, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a law-enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in § 18.2-51.2, malicious wounding by mob as defined in § 18.2-41 or abduction. Violation of this section shall constitute a separate and distinct felony. ~~and any~~ Any person ~~found guilty thereof violating the provisions of this section~~ shall be sentenced to a term of imprisonment of ~~three~~ five years for a first conviction, and for a term of ~~five~~ eight years for a second or subsequent conviction under the provisions of this section. Notwithstanding any other provision of law, the sentence prescribed for a violation of the provisions of this section shall not be suspended in whole or in part, nor shall anyone convicted hereunder be placed on probation. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

**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 \$8,468,580.**

INTRODUCED

HB266