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HOUSE BILL NO. 285

House Amendments in [] — February 13, 1996

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

Patrons—McDonnell, Bryant, Callahan, Crouch, Drake, Hamilton, Nelms, Purkey, Ruff, Tata and Wagner

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 or facsimile in commission of a felony.**

It shall be unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm or any object similar in appearance to a firearm, whether capable of being fired or not, or to display such weapon or object 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 [~~or unlawful~~] 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 person found guilty thereof shall be sentenced to a term of imprisonment of three years for a first conviction, and for a term of five 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 \$323,640.

ENGROSSED

HB285E