

1997 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

979824326

HOUSE BILL NO. 2904

Offered January 20, 1997

A BILL to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of weapons on school property; postsecondary schools and colleges; penalty.

Patrons—Lovelace, Almand, Cooper, Grayson, Hull, Keating, Moran, Plum, Puller, Scott and Spruill

Referred to Committee for Courts of Justice

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 or college 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. *If any person has in his possession any weapon, including a stun weapon, taser or firearm designed or intended to propel a missile of any kind, while such person is upon (i) the property of any public or private postsecondary school or two-year or four-year institution of higher education, including buildings and grounds, (ii) that portion of any property open to the public used for functions or extra-curricular activities sponsored by the school or institution while such functions or activities are taking place, or (iii) any bus, van, or other motor vehicle owned or operated by any such school or institution, he shall be guilty of 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, *institution* or any organization permitted by the school *or institution* 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 *the lawful* 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.

D. 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.

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