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HOUSE BILL NO. 1385

House Amendments in [] — January 28, 1999

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

Patrons—Brink, Albo, Almand, Callahan, Darner, Devolites, Hull, Keating, Plum, Puller, Van Landingham and Watts; Senators: Barry, Gartlan and Howell

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 property prohibited.

If any person has in his possession any (i) stun weapon or taser as defined in this section or, (ii) *knife having a metal blade of three inches or longer, [provided that the provisions of this act shall not apply to butter knives, or other implements used for food consumption or preparation whether or not on school property,]* or (iii) 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.

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.]~~ (i) *persons who possess such weapon or weapons as a part of the school's curriculum or activities, including food service, (ii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises, (iii) any law-enforcement officer while engaged in his duties as such, (iv) any person who possesses a knife or blade which he uses customarily in his trade, or (v) a person who possesses an unloaded firearm which is in a closed container, or a knife having a metal blade, 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.

ENGROSSED

HB1385E