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ENGROSSED

HB2012E



## HOUSE BILL NO. 2012

House Amendments in [ ] — February 9, 1999

A BILL to amend and reenact § 18.2-280 of the Code of Virginia, relating to willfully discharging firearms in public places; penalty.

Patrons—O'Brien and Marshall

Consent to introduce

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-280 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-280. Willfully discharging firearms in public places.

A. If any person willfully discharges or causes to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, he shall be guilty of a Class 1 misdemeanor. ~~[ If such conduct creates a substantial risk of death or serious physical injury to another person, he shall be guilty of a Class 6 felony ]~~ The person shall be guilty of a Class 6 felony if such conduct results in serious physical injury to another person ] .

B. If any person willfully discharges or causes to be discharged any firearm upon any public, private or parochial elementary, middle or high school, including the buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 4 felony.

C. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. In addition, subsection B shall not apply to any otherwise lawful discharge while actually engaged in lawful hunting, a program or curriculum sponsored by or conducted with permission of the school or while in or on an established shooting range.

**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 \$62,500 in FY 2009.**