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HOUSE BILL NO. 2751

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact § 18.2-308.2:01 of the Code of Virginia, relating to possession of firearms by illegal aliens; prosecution.

Patrons—Hurt, Athey, Cosgrove, Crockett-Stark, Landes, Lohr, Miller, J.H., O'Bannon, Saxman and Sherwood

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:01 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.2:01. Possession or transportation of certain firearms by certain persons.

It shall be unlawful for any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence to knowingly and intentionally possess or transport any assault firearm or to knowingly and intentionally carry about his person, hidden from common observation, an assault firearm. It shall be unlawful for any person who is not a citizen of the United States and who is not lawfully present in the United States to knowingly and intentionally possess or transport any firearm or to knowingly and intentionally carry about his person, hidden from common observation, any firearm. A violation of this section shall be punishable as a Class 6 felony.

For purposes of this section, "assault firearm" means any semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

In any prosecution for a violation of this section, a "Certificate of Nonexistence of Record" of the Citizenship and Immigration Services of the United States Department of Homeland Security, when certified by an authorized individual in the Record Services Branch thereof, under seal, shall be admissible in evidence for the truth of the facts contained therein, without the necessity of proving the signature, authority, or seal of the executing individual.

INTRODUCED

HB2751