

## 2007 SESSION

INTRODUCED

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### HOUSE BILL NO. 3186

Offered January 19, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-44.8, relating to allowing access to firearms by violence prone mentally ill persons or persons prohibited from possessing firearms.*

Patron—Sickles

Referred to Committee on Militia, Police and Public Safety

#### **Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-44.8 as follows:**

*§ 8.01-44.8. Allowing access to firearms by mentally ill persons or persons prohibited from possessing firearms.*

*A party has a civil cause of action against any person who leaves an unsecured firearm in such a manner that it is readily accessible by (i) a person suffering from mental illness or mental retardation, as those terms are defined in § 37.2-100, who is prone to violence or (ii) a person who is prohibited from possessing a firearm under §§ 18.2-308.1:1 through 18.2-308.2 and where the firearm is used by a person described in clause (i) or (ii) to threaten, injure, or kill the party. Liability shall only be established where it is shown that the person who allowed access to the firearm knew or reasonably should have known of the conditions described in clause (i) or (ii). A party is entitled to recover compensatory damages for his injury and, if compensatory damages are awarded, a party may be awarded punitive damages.*

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