

2008 SESSION

INTRODUCED

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HOUSE BILL NO. 1055

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 19.2-386.28 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.2:02, relating to possession of firearms by certain individuals.

Patrons—Scott, J.M., Brink, Englin and Poisson

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.28 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.2:02 as follows:

§ 18.2-308.2:02. Possession of firearms by certain persons who have had parental rights terminated; penalty.

It shall be unlawful for any person who has had his parental rights terminated pursuant to § 16.1-283, based upon a finding that he has subjected any child to aggravated circumstances, to purchase, possess, or transport any firearm. A violation of this section shall be a Class 1 misdemeanor.

For purposes of this section, "aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or a child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

§ 19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in violation of law.

Any firearm, stun weapon as defined by § 18.2-308.1, or any weapon concealed, possessed, transported or carried in violation of §§ 18.2-283.1, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:02, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.7, or § 18.2-308.8 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

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