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**HOUSE BILL NO. 835**

Offered January 9, 2008

Prefiled January 8, 2008

*A BILL to amend and reenact §§ 18.2-308.1:2 and 37.2-819 of the Code of Virginia, relating to mental incompetence, firearms; penalty.*

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Patron—Moran

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Referred to Committee for Courts of Justice

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

**1. That §§ 18.2-308.1:2 and 37.2-819 of the Code of Virginia are amended and reenacted as follows:**

§ 18.2-308.1:2. Purchase, possession or transportation of firearm by persons adjudicated legally incompetent or mentally incapacitated; penalty.

It shall be unlawful for any person who has been adjudicated (i) legally incompetent pursuant to former § 37.1-128.02 or former § 37.1-134, (ii) mentally incapacitated pursuant to former § 37.1-128.1 or former § 37.1-132 ~~or~~, (iii) *incompetent to stand trial pursuant to § 19.2-169.1*, or (iv) incapacitated pursuant to Chapter 10 (§ 37.2-1000 et seq.) of Title 37.2 and whose competency or capacity has not been restored pursuant to former § 37.1-134.1 or § 37.2-1012, to purchase, possess, or transport any firearm. A violation of this section shall be punishable as a Class 1 misdemeanor.

§ 37.2-819. Order of involuntary admission or incompetence to stand trial forwarded to CCRE; firearm background check.

The clerk shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order for involuntary admission *or treatment* to a facility *and any order finding that a criminal defendant is incompetent to stand trial pursuant to § 19.2-169.1*. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

INTRODUCED

HB835