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HOUSE BILL NO. 2207

Offered January 9, 2013

Prefiled January 10, 2013

A BILL to amend and reenact § 18.2-308.2:01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-309.1, relating to the import, sale, barter, or transfer of certain firearms and firearms magazines; penalty.

 Patron—Morrissey

 Referred to Committee on Militia, Police and Public Safety

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 and that the Code of Virginia is amended by adding a section numbered 18.2-309.1 as follows:

§ 18.2-308.2:01. Possession, transportation, sale, etc., of certain firearms; penalty.

A. 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.

B. 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.

C. It shall be unlawful for any person to import, sell, barter, or transfer any assault firearm.

D. A violation of any provision of this section shall be punishable as a Class 6 felony.

E. The provisions of this section shall not apply to law-enforcement officers or military personnel in the performance of their lawful duties.

F. 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.

§ 18.2-309.1. Import, sale, barter, or transfer of high-capacity firearms magazines; penalty.

A. A person who imports, sells, barter, or transfers any firearms magazine that is designed to hold more than 20 rounds of ammunition is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to law-enforcement officers or military personnel in the performance of their lawful duties.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB2207