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SENATE BILL NO. 65

Offered January 8, 2014

Prefiled December 19, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-280.1, relating to celebratory gunfire; penalty.*

Patrons—Marsh; Delegates: Carr, McQuinn and Morrissey

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-280.1 as follows:

§ 18.2-280.1. Celebratory gunfire; penalty.

A. *If any person willfully discharges or causes to be discharged any firearm with no discernible or designated target within or into the limits of any city or town or within two miles of any occupied building and such conduct results in the death of another person, he is guilty of an offense punishable by confinement in a state correctional facility for not less than five nor more than 40 years. If such conduct does not result in the death of another person, but does result in bodily injury to another person, he is guilty of a Class 3 felony. If such conduct does not result in bodily injury to another person, he is guilty of a Class 6 felony.*

B. *Nothing in this section shall preclude the Commonwealth from electing to prosecute under any other applicable provision of law instead of this section.*

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 806 of the Acts of Assembly of 2013 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

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