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SENATE BILL NO. 323

Senate Amendments in [] — February 1, 2016

A BILL to amend and reenact § 18.2-308.1:4 of the Code of Virginia, relating to transportation and possession of firearms; persons subject to certain emergency protective orders; penalty.

Patrons Prior to Engrossment—Senators Favola and Howell; Delegates: Kory, Murphy and Simon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.1:4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.1:4. Purchase, possession, or transportation of firearm by persons subject to protective orders; penalty.

It is unlawful for any A. No person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection E of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in ~~clauses~~ clause (i), (ii), (iii), or (iv) to who has been served with the protective order may purchase or transport any firearm while the such order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein.

B. No person who is subject to an emergency protective order issued pursuant to the requirements of subsection C of § 18.2-57.2 who has been served with the protective order may physically possess a firearm while in the residence of the alleged victim [~~or transport a firearm~~] while such order is in effect.

C. A violation of this section is a Class 1 misdemeanor.

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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

ENGROSSED

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