

20101274D

SENATE BILL NO. 88

Offered January 8, 2020

Prefiled November 27, 2019

A BILL to amend and reenact §§ 18.2-279, 18.2-280, and 18.2-286.1 of the Code of Virginia, relating to discharging firearm; penalties.

Patrons—DeSteph and Chase; Delegate: Avoli

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-279, 18.2-280, and 18.2-286.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-279. Discharging firearms or missiles within or at building or dwelling house; penalty.

If any person maliciously discharges a firearm within any building when occupied by one or more persons in such a manner as to endanger the life or lives of such person or persons, or maliciously shoots at, or maliciously throws any missile at or against any dwelling house or other building when occupied by one or more persons, whereby the life or lives of any such person or persons may be put in peril, the person so offending is guilty of a Class 4 felony *and shall be sentenced to a mandatory minimum term of imprisonment of three years*. In the event of the death of any person, resulting from such malicious shooting or throwing, the person so offending is guilty of murder in the second degree. However, if the homicide is willful, deliberate and premeditated, he is guilty of murder in the first degree.

If any such act be done unlawfully, but not maliciously, the person so offending is guilty of a Class 6 felony *and shall be sentenced to a mandatory minimum term of imprisonment of one year*; and, in the event of the death of any person resulting from such unlawful shooting or throwing, the person so offending is guilty of involuntary manslaughter. If any person willfully discharges a firearm within or shoots at any school building whether occupied or not, he is guilty of a Class 4 felony *and shall be sentenced to a mandatory minimum term of imprisonment of three years*.

§ 18.2-280. Willfully discharging firearms in public places.

A. If any person willfully discharges or causes to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, and such conduct results in bodily injury to another person, he shall be guilty of a Class 6 felony *and shall be sentenced to a mandatory minimum term of imprisonment of one year*. If such conduct does not result in bodily injury to another person, he shall be guilty of a Class 1 misdemeanor *and shall be confined in jail for a mandatory minimum period of 90 days*.

B. If any person willfully discharges or causes to be discharged any firearm upon the buildings and grounds of any public, private, or religious elementary, middle, or high school, he shall be guilty of a Class 4 felony *and shall be sentenced to a mandatory minimum term of imprisonment of three years*, unless he is engaged in a program or curriculum sponsored by or conducted with permission of a public, private, or religious school.

C. If any person willfully discharges or causes to be discharged any firearm upon any public property within 1,000 feet of the property line of any public, private, or religious elementary, middle, or high school property he shall be guilty of a Class 4 felony *and shall be sentenced to a mandatory minimum term of imprisonment of three years*, unless he is engaged in lawful hunting.

D. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

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

§ 18.2-286.1. Shooting from vehicles so as to endanger persons; penalty.

Any person who, while in or on a motor vehicle, intentionally discharges a firearm so as to create the risk of injury or death to another person or thereby cause another person to have a reasonable apprehension of injury or death shall be guilty of a Class 5 felony *and shall be sentenced to a mandatory minimum term of imprisonment of three years*. Nothing in this section shall apply to a law-enforcement officer in the performance of his 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 of the Code of Virginia, the estimated amount of the necessary appropriation is \$4,047,615 for periods of imprisonment in state adult correctional

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59 facilities and cannot be determined for periods of commitment to the custody of the Department of
60 Juvenile Justice.