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HOUSE BILL NO. 2276

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on January 22, 2021)

(Patron Prior to Substitute—Delegate Simon)

A BILL to amend and reenact § 18.2-308.5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.5:2, relating to manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms; penalties.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.5:2 as follows:

§ 18.2-308.5. Manufacture, import, sale, transfer, or possession of plastic firearm prohibited; penalty.

A. It shall be unlawful for any person to manufacture, import, sell, transfer, or possess (i) any plastic firearm or (ii) any firearm that, after removal of all parts other than a major component, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening.

B. As used in this section, "plastic:

"Major component" means (i) the slide or cylinder, or the frame or receiver, of the firearm or (ii) in the case of a rifle or shotgun, the barrel of the firearm.

"Plastic firearm" means any firearm, including machine guns and sawed-off shotguns as defined in this chapter, containing less than 3.7 ounces of electromagnetically detectable metal in the barrel, slide, cylinder, frame, or receiver of which that, when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening, does not generate an image that accurately depicts its shape.

C. A violation of this section shall be punishable as a Class 5 felony.

§ 18.2-308.5:2. Prohibition on unfinished frames or receivers and unserialized firearms; penalty.

A. As used in this section:

"Assemble" means to fit together component parts.

"Federal firearms importer" means a licensed importer pursuant to 18 U.S.C. § 921(a)(9).

"Federal firearms manufacturer" means a licensed manufacturer pursuant to 18 U.S.C. § 921(a)(10).

"Manufacture" means to fabricate, make, form, produce, or construct by manual labor or by machinery.

"Unfinished frame or receiver" means a piece of any material that does not constitute the frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle, or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling, or other means. "Unfinished frame or receiver" does not include a piece of material that has had its size or external shape altered to facilitate transportation or storage or has had its chemical composition altered.

B. It is unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, or receive an unfinished frame or receiver, unless the party possessing or receiving the unfinished frame or receiver is a federal firearms importer or federal firearms manufacturer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number issued by a federal firearms importer or federal firearms manufacturer.

C. It is unlawful for any person to manufacture, cause to be manufactured, assemble, or cause to be assembled a firearm that is not imprinted with a serial number issued by a federal firearms importer or federal firearms manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms.

D. It is unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, or receive a firearm that is not imprinted with a serial number issued by a federal firearms importer or federal firearms manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms, unless the party possessing or receiving the firearm is a law-enforcement agency or a federal firearms importer or federal firearms manufacturer.

E. The provisions of subsections C and D shall not apply to (i) a firearm that has been rendered permanently inoperable, (ii) an antique firearm as defined in subsection F of § 18.2-308.2:2, or (iii) any firearm or unfinished frame or receiver manufactured before October 22, 1968.

F. Any person who violates this section is guilty of a Class 1 misdemeanor. Any person convicted of a second or subsequent offense of this section is guilty of a Class 4 felony.

60 2. That the provisions of this act may result in a net increase in periods of imprisonment or
61 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the
62 necessary appropriation cannot be determined for periods of imprisonment in state adult
63 correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the
64 Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant
65 to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot
66 be determined for periods of commitment to the custody of the Department of Juvenile Justice.