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HOUSE BILL NO. 2295

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Levine
on January 29, 2021)

(Patron Prior to Substitute—Delegate Levine)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-283.2, relating to carrying a firearm within Capitol Square and the surrounding area, into building owned or leased by the Commonwealth, etc.; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-283.2 as follows:

§ 18.2-283.2. *Carrying a firearm within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.*

A. For the purposes of this section, "Capitol Square and the surrounding area" means (i) the grounds, land, real property, and improvements in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, including the streets themselves; (ii) both sides of Bank Street between Ninth Street and Governor Street, including any sidewalks; (iii) both sides of Ninth Street between Main Street and Broad Street, including any sidewalks; (iv) both sides of Tenth Street between Main Street and Bank Street, including any sidewalks; (v) both sides of Governor Street between Broad Street and Bank Street, including any sidewalks; and (vi) the sidewalk on the south side of Broad Street between Ninth Street and Governor Street.

B. It is unlawful for any person to carry any firearm as defined in § 18.2-308.2:2 within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building, parking lot, or parking structure owned or leased by the Commonwealth or any agency thereof; (iv) any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties; or (v) any building where the General Assembly meets or conducts its business.

C. A violation of this section is punishable as a Class 1 misdemeanor. Any firearm carried in violation of this section shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

D. The provisions of this section shall not apply to the following while acting in the conduct of such person's official duties: (i) any law-enforcement officer as defined in § 9.1-101; (ii) any authorized security personnel; (iii) any active military personnel; or (iv) any individual carrying a weapon into a courthouse who is exempt under § 18.2-283.1. Nothing in this section shall prohibit any individual from storing his lawfully possessed firearm and ammunition (i) secured, (ii) not visible, and (iii) in a container or compartment inside a locked private motor vehicle within a parking lot or parking structure pursuant to clause (iii) of subsection B.

E. The provisions of clauses (iii) and (iv) of subsection B shall not apply to (i) any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016 who is visiting a gun range owned or leased by the Commonwealth or any parking lot or parking structure appurtenant thereto or (ii) any employee of a state correctional facility or state juvenile correctional facility to the extent such employee is authorized to carry a firearm while acting in the conduct of such employee's official duties.

F. Notice of the provisions of this section shall be posted conspicuously at the public entrance of each location listed in subsection B, and no person shall be convicted of an offense under subsection B if such notice is not posted at such public entrance, unless such person had actual notice of the prohibitions in subsection B.

G. No individual shall be subject to arrest or prosecution for a violation of this section if (i) such individual was driving a motor vehicle on the highways of the Commonwealth or was a passenger in a motor vehicle that was being driven on the highways of the Commonwealth; (ii) such motor vehicle was stopped only for a violation of another provision of the Code of Virginia or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute; and (iii) the evidence for the prosecution of a violation of this section was obtained as a result of such stop.

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 \$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.