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HOUSE BILL NO. 2295

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 27, 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 or explosive material 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 or explosive material 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, and the sidewalks of Bank Street extending from 50 feet west of the Pocahontas Building entrance to 50 feet east of the entrance of the Capitol of Virginia.

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

C. A violation of this section is punishable as a Class 1 misdemeanor. Any firearm or explosive material 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; (iv) any fire marshal appointed pursuant to § 27-30 when such fire marshal has police powers provided by § 27-34.2:1; or (v) any member of a cadet corps who is recognized by a public institution of higher education while such member is participating in an official ceremonial event for the Commonwealth.

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; (ii) any of the following employees authorized to carry a firearm while acting in the conduct of such employee's official duties: (a) a bail bondsman as defined in § 9.1-185, (b) an employee of the Department of Corrections or a state juvenile correctional facility, (c) an employee of the Department of Conservation and Recreation, or (d) an employee of the Department of Wildlife Resources; (iii) any individual carrying a weapon into a courthouse who is exempt under § 18.2-283.1; (iv) any property owned or operated by a public institution of higher education; or (v) any state park.

F. Notice of the provisions of this section shall be posted conspicuously along the boundary of Capitol Square and the surrounding area and 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.

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.