

2023 SESSION

INTRODUCED

23104008D

SENATE BILL NO. 1139

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend the Code of Virginia by adding a section numbered 18.2-308.7:1, relating to storage of firearms in a residence where a minor is present; penalty.

Patrons—Boysko, Mason, Barker, Bell, Deeds, Ebbin, Favola, Hashmi, Howell, Locke, Lucas, Marsden, McClellan, McPike, Morrissey, Petersen, Saslaw, Spruill and Surovell; Delegates: Glass and Shin

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.7:1 as follows:

§ 18.2-308.7:1. Storage of firearms; penalty.

A. Any person who possesses a firearm in a residence where such person knows or reasonably should know that a minor under 18 years of age is present shall store such firearm unloaded in a locked container, compartment, or cabinet, and all ammunition shall be stored in a separate locked container, compartment, or cabinet. The key or combination to such locked containers, compartments, or cabinets shall be inaccessible to any minor. A firearm may be stored loaded, provided that (i) such firearm is stored in a biometric storage device and (ii) no minor is an authorized user for the lock of such biometric storage device. Any person who violates this section is guilty of a Class 1 misdemeanor. In a case where more than one firearm in a residence is not stored in accordance with this section, a violation for each such firearm shall constitute a separate Class 1 misdemeanor.

B. The provisions of this section shall not apply to (i) any person in lawful possession of a firearm who carries such firearm on or about his person or (ii) the storage of any antique firearm as defined in § 18.2-308.2:2.

C. Nothing in this section shall be construed as preventing any person from lawfully authorizing a minor to access a firearm in accordance with § 18.2-56.2.

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 cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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SB1139