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HOUSE BILL NO. 173

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 27, 2024)

(Patron Prior to Substitute—Delegate Simon)

A BILL to amend and reenact §§ 18.2-53.1 and 18.2-308.5 of the Code of Virginia, relating to manufacture, import, sale, transfer, possession, or use of plastic firearms prohibited; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-53.1 and 18.2-308.5 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-53.1. Use or display of firearm in committing felony.

It ~~shall be~~ is unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm, *including a plastic firearm as defined in § 18.2-308.5*, or display such weapon in a threatening manner while committing or attempting to commit murder, rape, forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery, carjacking, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a law-enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in § 18.2-51.2, malicious wounding by mob as defined in § 18.2-41 or abduction. Violation of this section ~~shall constitute~~ *constitutes* a separate and distinct felony and any person found guilty thereof shall be sentenced to a mandatory minimum term of imprisonment of three years for a first conviction, and to a mandatory minimum term of ~~five~~ 10 years for a second or subsequent conviction under the provisions of this section. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

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

It ~~shall be~~ is unlawful for any person to *knowingly* manufacture, import, sell, transfer, or possess any plastic firearm. As used in this section, "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 X-ray machines commonly used at airports, does not generate an image that accurately depicts its shape. A violation of this section ~~shall be~~ is punishable as a Class 5 felony.

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 at least \$64,292 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.