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HOUSE BILL NO. 22

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 19, 2024)

(Patron Prior to Substitute—Delegate Jones)

A BILL to amend and reenact §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia, relating to manufacture, importation, sale, etc., of auto sears; prohibition; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.5:1. Manufacture, importation, sale, possession, transfer, or transportation of auto sears and trigger activators prohibited; penalty.

A. As used in this section, "trigger:

"Auto sear" means a device, other than a trigger activator, designed for use in converting a semi-automatic firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

"Trigger activator" means a device designed to allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.

B. It is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport a *an auto sear or a trigger activator* in the Commonwealth.

C. A violation of this section is punishable as a Class 6 felony.

D. Nothing in this section shall be construed to prohibit a person from manufacturing, importing, selling, offering for sale, possessing, receiving, transferring, or transporting any item for which such person is in compliance with the National Firearms Act (26 U.S.C. § 5801 et seq.).

§ 19.2-386.28. Forfeiture of weapons, etc., that are concealed, possessed, transported, or carried in violation of law.

~~Any~~ If any firearm, stun weapon as defined by § 18.2-308.1, ~~or any~~ weapon, *auto sear, or trigger activator* is concealed, possessed, transported, or carried in violation of § 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.1:8, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, *18.2-308.5:1*, 18.2-308.7, or 18.2-308.8, it shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

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 1 of the Acts of Assembly of 2023, 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.