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**HOUSE BILL NO. 36**

Offered January 10, 2024

Prefiled December 19, 2023

*A BILL to amend the Code of Virginia by adding a section numbered 18.2-56.3, relating to owner of firearm; use of firearm by minor in an unlawful manner or to cause bodily injury; penalties.*

Patrons—Willett, Coyner, Helmer, Callsen, Carr, Cousins, Jones, Laufer, Tran and Watts

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-56.3 as follows:**

**§ 18.2-56.3. Owner of firearm; use of firearm by minor in an unlawful manner or to cause bodily injury; penalties.**

*A. As used in this section:*

*"Close proximity" means within any real or personal property where a minor and a firearm are present, including a dwelling where the minor is a resident or guest, a boat, or a motor vehicle.*

*"Owner of a firearm" means any person who purchased, received as a gift, or otherwise acquired a firearm.*

*B. If the owner of a firearm allows a minor to possess his firearm and such minor (i) uses such firearm in an unlawful manner; (ii) possesses such firearm within any school zone as defined in 18 U.S.C. § 921 or within any building or on any property deemed a gun-free zone by a school board pursuant to § 22.1-131.1; or (iii) uses such firearm to intentionally or with gross negligence cause bodily injury to himself or another person, such owner of a firearm is guilty of a Class 1 misdemeanor.*

*C. If the owner of a firearm knows or reasonably should know that a minor is in close proximity to his firearm in such a manner as to allow such minor to possess or transport such firearm in violation of § 18.2-308.7 and such minor (i) uses such firearm in an unlawful manner; (ii) possesses such firearm within any school zone as defined in 18 U.S.C. § 921 or within any building or on any property deemed a gun-free zone by a school board pursuant to § 22.1-131.1; or (iii) uses such firearm in such a manner as to cause bodily injury to himself or another person, such owner of a firearm is guilty of a Class 1 misdemeanor.*

*D. If the owner of a firearm knows or reasonably should know that such minor who possesses or uses his firearm as described in subsection B or C has been charged with, convicted of, or adjudicated delinquent of a violent juvenile felony as defined in § 16.1-228 or has been the subject of a school-initiated threat assessment that has classified the risk posed by the minor as moderate, high, or eminent, such owner of a firearm is guilty of 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 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

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