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HOUSE BILL NO. 362

Offered January 10, 2024

Prefiled January 6, 2024

A BILL to amend and reenact § 18.2-308.1:8 of the Code of Virginia, relating to purchase, possession, or transportation of firearm following an assault and battery against a person in a dating relationship with the alleged offender; penalty.

Patrons—McClure, Callsen, Clark, Helmer, Simon, Anthony, Bennett-Parker, Carr, Cohen, Convirs-Fowler, Cousins, Henson, Hope, Jones, Keys-Gamarra, LeVere Bolling, Maldonado, Martinez, Price, Rasoul, Seibold, Shin, Ward and Watts

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.1:8 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.1:8. Purchase, possession, or transportation of firearm following an assault and battery of a family or household member or person in a dating relationship; penalties.

A. 1. Any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2021, for (i) the offense of assault and battery of a family or household member or (ii) an offense substantially similar to clause (i) under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor.

2. Any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2024, for (i) the offense of assault and battery against a person in a dating relationship with the alleged offender or (ii) an offense substantially similar to clause (i) under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor.

B. For the purposes of this section, "family:

"Dating relationship" means a relationship between individuals who are or who have been in a social relationship of a romantic or intimate nature where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

"Family or household member" means (i) the person's spouse, whether or not he resides in the same home with the person; (ii) the person's former spouse, whether or not he resides in the same home with the person; or (iii) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time.

C. Any person prohibited from purchasing, possessing, or transporting a firearm pursuant to subsection A shall be prohibited from purchasing, possessing, or transporting a firearm for three years following the date of the conviction at which point the person convicted of such offense shall no longer be prohibited from purchasing, possessing, or transporting a firearm pursuant to subsection A. Such person shall have his firearms rights restored, unless such person receives another disqualifying conviction, is subject to a protective order that would restrict his rights to carry a firearm, or is otherwise prohibited by law from purchasing, possessing, or transporting a firearm.

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.

INTRODUCED

HB362