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HOUSE BILL NO. 798

Offered January 10, 2024

Prefiled January 9, 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 or stalking violation; prohibition period; penalty.

Patrons—Hope and Lopez

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, assault and battery of a family or household member, or stalking violation; penalty.**

A. 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.

B. 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, other than an offense listed in subsection A, for (i) a violation of § 18.2-57, 18.2-57.2, or 18.2-60.3 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.

C. For the purposes of ~~this section~~ subsection A, "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.~~ D. Any person prohibited from purchasing, possessing, or transporting a firearm pursuant to subsection A or B shall be prohibited from purchasing, possessing, or transporting a firearm for ~~three~~ five 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 or B. Such person shall have his ~~firearms~~ firearm 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

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