

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-308.1:8 of the Code of Virginia, relating to purchase, possession,*  
3 *or transportation of firearm following an assault and battery or stalking violation; prohibition*  
4 *period; penalty.*

5 [H 798]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 18.2-308.1:8 of the Code of Virginia is amended and reenacted as follows:**9 **§ 18.2-308.1:8. Purchase, possession, or transportation of firearm following an assault and**  
10 **battery, assault and battery of a family or household member, or stalking violation; penalty.**11 A. Any person who knowingly and intentionally purchases, possesses, or transports any firearm  
12 following a misdemeanor conviction for an offense that occurred on or after July 1, 2021, but before  
13 July 1, 2024, for (i) the offense of assault and battery of a family or household member or (ii) an  
14 offense substantially similar to clause (i) under the laws of any other state or of the United States is  
15 guilty of a Class 1 misdemeanor.16 B. Any person who knowingly and intentionally purchases, possesses, or transports any firearm  
17 following a misdemeanor conviction for an offense that occurred on or after July 1, 2024, other than an  
18 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  
19 substantially similar to clause (i) under the laws of any other state or of the United States is guilty of a  
20 Class 1 misdemeanor.21 C. For the purposes of ~~this section~~ subsection A, "family or household member" means (i) the  
22 person's spouse, whether or not he resides in the same home with the person; (ii) the person's former  
23 spouse, whether or not he resides in the same home with the person; or (iii) any individual who has a  
24 child in common with the person, whether or not the person and that individual have been married or  
25 have resided together at any time.26 C. D. Any person prohibited from purchasing, possessing, or transporting a firearm pursuant to  
27 subsection A or B shall be prohibited from purchasing, possessing, or transporting a firearm for ~~three~~  
28 *five* years following the date of the conviction at which point the person convicted of such offense shall  
29 no longer be prohibited from purchasing, possessing, or transporting a firearm pursuant to subsection A  
30 or B. Such person shall have his ~~firearms~~ *firearm* rights restored, unless such person receives another  
31 disqualifying conviction, is subject to a protective order that would restrict his rights to carry a firearm,  
32 or is otherwise prohibited by law from purchasing, possessing, or transporting a firearm.33 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
34 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
35 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
36 **correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I,**  
37 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
38 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
39 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
40 **of Juvenile Justice.**