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HOUSE BILL NO. 861

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 4 of Title 37.2 a section numbered 37.2-431.2, relating to weapons; possession or transportation; facility that provides mental health services or developmental services; penalty.

Patrons—Hernandez, Laufer, Thomas, Callsen, Clark, Feggans, Henson, Hope, Martinez, McClure and Shin

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 in Article 4 of Chapter 4 of Title 37.2 a section numbered 37.2-431.2 as follows:

§ 37.2-431.2. Carrying weapon into a facility that provides mental health services or developmental services; penalty.

A. As used in this section, "hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.).

B. It is unlawful for any person to knowingly possess in or transport into any facility that provides mental health services or developmental services in the Commonwealth, including a hospital or an emergency room or other facility rendering emergency medical care, any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons as defined in § 18.2-308.1. Any such firearm, knife, explosive, or weapon shall be subject to seizure by a law-enforcement officer. A violation of this subsection is punishable as a Class 1 misdemeanor.

C. The provisions of subsection B shall not apply to the following persons while acting in the conduct of such person's official duties: any police officer, sheriff, or law-enforcement agent or official; any officer or guard of any state correctional institution; any armed security officer; any person possessing a knife customarily used for food preparation or service and using it for such purpose; or any person who possesses a knife or blade that he uses customarily in his trade.

INTRODUCED

HB861