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## HOUSE BILL NO. 861

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety  
on February 2, 2024)

(Patrons Prior to Substitute—Delegates Hernandez and Laufer [HB 23])

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-283.3, relating to weapons; possession or transportation; hospital that provides mental health services or developmental services; penalty.*

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

**1. That the Code of Virginia is amended by adding a section numbered 18.2-283.3 as follows:**

**§ 18.2-283.3. *Carrying weapon into a hospital that provides mental health services or developmental services prohibited; penalty.***

*A. As used in this section:*

*"Developmental services" means the same as that term is defined in § 37.2-100.*

*"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.) of Chapter 4 of Title 37.2.*

*"Mental health services" means the same as that term is defined in § 37.2-100.*

*B. It is unlawful for any person to knowingly possess in or transport into the building of any hospital that provides mental health services or developmental services in the Commonwealth, including an emergency department or other facility rendering emergency medical care, any (i) firearm 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 and forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28. A violation of this subsection is punishable as a Class 1 misdemeanor.*

*C. The provisions of subsection B shall not apply to (i) any on duty police officer, sheriff, or law-enforcement agent or official, officer or guard of any state correctional institution, or armed security officer; (ii) any person brought into a hospital pursuant to the issuance of an emergency custody order or involuntary detention order under the provisions of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2; or (iii) any person authorized or employed by the hospital who possesses a knife within the scope of such authorization or employment.*

*D. Notice of the provisions of this section shall be posted conspicuously at the public entrance of any hospital and no person shall be convicted of an offense under this section if such notice is not posted at such public entrance, unless such person had actual notice of the prohibitions of this section.*

**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.**