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SENATE BILL NO. 210

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 2024)

(Patron Prior to Substitute—Senator Perry)

A BILL to amend and reenact § 19.2-386.28 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.5:2, relating to manufacture, importation, sale, etc., of auto sears; prohibition; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.28 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.5:2 as follows:

§ 18.2-308.5:2. *Manufacture, importation, sale, possession, transfer, or transportation of auto sear prohibited; penalty.*

A. As used in this section, "auto sear" means a device, other than a trigger activator as defined in § 18.2-308.5:1, for use in converting a semi-automatic firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

B. It is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport one or more auto sears in the Commonwealth.

C. A violation of this section is punishable as a Class 6 felony.

D. Nothing in this section shall be construed to prohibit a person from manufacturing, importing, selling, offering for sale, possessing, receiving, transferring, or transporting any item for which such person is in compliance with the National Firearms Act (26 U.S.C. § 5801 et seq.).

§ 19.2-386.28. **Forfeiture of weapons that are concealed, possessed, transported, or carried in violation of law.**

~~Any~~ If any firearm, stun weapon as defined by § 18.2-308.1, or ~~any~~ weapon or auto sear is concealed, possessed, transported, or carried in violation of § 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.1:8, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.5:2, 18.2-308.7, or 18.2-308.8, it shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

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.