

2024 SESSION

INTRODUCED

24103837D

SENATE BILL NO. 57

Offered January 10, 2024

Prefiled December 26, 2023

A BILL to amend and reenact § 18.2-308.012 of the Code of Virginia, relating to carrying a concealed handgun onto the premises of any restaurant; penalty.

Patron—Salim

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.012 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.012. Prohibited conduct; penalties.

A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

B. No person ~~who carries~~ shall carry a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 ~~may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However; however,~~ nothing in this subsection shall apply to prohibit a federal, state, or local law-enforcement officer or any retired law-enforcement officer who meets the definition of a "qualified retired law-enforcement officer" pursuant to 18 U.S.C. § 926C and is carrying the identification required by such statute from carrying a concealed handgun on the premises of such restaurant or club or any owner or event sponsor or his employees from carrying a concealed handgun while on duty at such restaurant or club if such person has a concealed handgun permit. Any person who violates this subsection is guilty of a Class 2 misdemeanor.

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