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SENATE BILL NO. 99

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on February 16, 2024)

(Patron Prior to Substitute—Senator Ebbin)

A BILL to amend and reenact § 18.2-287.4 of the Code of Virginia, relating to carrying assault firearms in public areas prohibited; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-287.4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-287.4. Carrying assault firearms in public areas prohibited; penalty.

It shall be unlawful for any person to carry a loaded (a) any of the following on or about his person on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public:

1. A semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) with a fixed magazine capacity in excess of 10 rounds;

2. A semi-automatic center-fire rifle that expels single or multiple projectiles by action of an explosion of a combustible material that has the ability to accept a detachable magazine and has one of the following characteristics: (i) a folding, telescoping, or collapsible stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the rifle; (iii) a second handgrip or a protruding grip that can be held by the non-trigger hand; (iv) a grenade launcher; (v) a flare launcher; (vi) a sound suppressor; (vii) a flash suppressor; (viii) a muzzle brake; (ix) a muzzle compensator; (x) a threaded barrel capable of accepting (a) a sound suppressor, (b) a flash suppressor, (c) a muzzle brake, or (d) a muzzle compensator; or (xi) any characteristic of like kind as enumerated in clauses (i) through (x);

3. A semi-automatic shotgun that expels single or multiple projectiles by action of an explosion of a combustible material that has one of the following characteristics: (i) a folding, telescoping, or collapsible stock, (ii) a pistol grip that protrudes conspicuously beneath the action of the shotgun, (iii) the ability to accept a detachable magazine, (iv) a fixed magazine capacity in excess of seven rounds, or (v) any characteristic of like kind as enumerated in clauses (i) through (iv); or

4. A shotgun with a magazine that will hold more than seven rounds of the longest shortest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.

The provisions of this section shall not apply to law-enforcement officers, licensed security guards, in the performance of their lawful duties, military personnel in the performance of their lawful duties, or any person having a valid concealed handgun permit any member of a cadet corps who is recognized by a public institution of higher education while such member is in the performance of sanctioned military training or such member is participating in an official ceremonial event for the Commonwealth, or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. The provisions of this section shall not apply to a firearm that has been rendered permanently inoperable, an antique firearm as defined in § 18.2-308.2:2, or a curio or relic as defined in § 18.2-308.2:2.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The Except for the exemption in subdivision C 2 of § 18.2-308, the exemptions set forth in §§ § 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions 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.