

LD4148443

HOUSE BILL NO. 2328

Offered January 23, 1995

A BILL to amend and reenact § 18.2-250 of the Code of Virginia, relating to possession of controlled substances; penalty.

Patrons—Scott, Brickley, Cohen, Connally, Croshaw, Cunningham, Darner, Diamonstein, Dillard, Grayson, Hamilton, Heilig, Hull, Jones, D.C., Jones, J.C., McDonnell, Melvin, Plum, Robinson, Rollison, Van Landingham, Van Yahres and Wardrup; Senators: Calhoun, Holland, C.A., Howell, Lambert, Marsh and Maxwell

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-250 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-250. Possession of controlled substances unlawful.

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

(a) Any person who violates this section with respect to any controlled substance classified in Schedules I or II of the Drug Control Act shall be guilty of a Class 5 felony.

(b) Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a controlled substance classified in Schedule III shall be guilty of a Class 1 misdemeanor.

(b1) Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a Class 2 misdemeanor.

(b2) Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a Class 3 misdemeanor.

(c) Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a Class 4 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties.

C. *Notwithstanding any other provision of law, the commission of two misdemeanor offenses under this section in any thirty-six-month period shall, upon conviction of both offenses, make the offender ineligible to purchase a handgun. The clerk of court shall so certify to the Central Criminal Records Exchange, on forms provided by the Exchange, for purposes relating to the firearms transaction record check authorized by § 18.2-308.2:2. This information shall be kept confidential and used only for purposes of such record check.*

INTRODUCED

HB2328