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SENATE BILL NO. 1105

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia and Police
on February 17, 1997)

(Patron Prior to Substitute—Senator Marsh)

A BILL to amend the Code of Virginia by adding a section numbered 15.1-15.1, relating to an ordinance regulating or prohibiting handguns in a public park; penalty.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.1-15.1 as follows:**

§ 15.1-15.1. *Regulating or prohibiting handguns in public parks.*

A. Notwithstanding the provisions of § 15.1-29.15, any city with a population between 200,000 and 205,000 may by ordinance regulate or prohibit any person from carrying a handgun on or about his person while in any public park owned by the city. Such ordinance shall not conflict with the provisions of other state laws, and any penalties provided for a violation of such ordinance shall not exceed those for a Class 1 misdemeanor.

B. The provisions of this section shall not apply to any person (i) who is a law-enforcement officer otherwise permitted to carry such handgun, (ii) who is in lawful possession of the firearm and has a valid concealed handgun permit issued pursuant to § 18.2-308, (iii) who is in otherwise lawful possession of a handgun in or upon a motor vehicle if the handgun is both unloaded and in a closed container, or (iv) who is transporting the handgun legally while on a thoroughfare through the park.

C. A person who engages in conduct which constitutes a violation of § 18.2-308 and which would also constitute a violation of an ordinance adopted pursuant to this section shall not be charged with a violation of both.

For the purposes of this section, "thoroughfare" means a major road or highway which constitutes a passage through a park.