

HOUSE BILL NO. 590

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Delegate VanValkenburg)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-308.7:1, relating to storage of firearms in residence where minor present; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.7:1 as follows:

§ 18.2-308.7:1. Storage of firearms; penalty.

A. Any person who possesses a firearm in a residence where such person knows or reasonably should know that a minor under 18 years of age is present shall store such firearm unloaded in a locked container, compartment, or cabinet, and all ammunition shall be stored in a separate locked container, compartment, or cabinet. The key or combination to such locked containers, compartments, or cabinets shall be inaccessible to any minor. A firearm may be stored loaded provided that (i) such firearm is stored in a biometric storage device and (ii) no minor shall be an authorized user for the lock of such biometric storage device. Any person who violates this section is guilty of a Class 1 misdemeanor. In a case where more than one firearm in a residence is not stored in accordance with this section, each firearm shall constitute a separate Class 1 misdemeanor.

B. The provisions of this section shall not apply to (i) any person in lawful possession of a firearm who carries such firearm on or about his person or exercises immediate control of such firearm or (ii) any antique firearm as defined in § 18.2-308.2:2. For the purposes of this subsection, "immediate control" means within two feet and within eyesight of such person in lawful possession of such firearm.

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 is _____ for periods of imprisonment in state adult correctional facilities;

27 therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia
28 Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-
29 19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for
30 periods of commitment to the custody of the Department of Juvenile Justice.

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