

HOUSE BILL NO. 2141

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate VanValkenburg)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-56.3, relating to owners of firearms; use of firearm by minor in commission of crime or to cause bodily injury; penalty.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-56.3 as follows:**

**§ 18.2-56.3. Owner of firearm; use of firearm by minor in commission of crime or to cause bodily injury; penalty.**

A. As used in this section:

"Close proximity" means within any real or personal property where a minor and a firearm are present, including a dwelling where the minor is a resident or guest, a boat, or a motor vehicle.

"Owner of a firearm" means any person who purchased, received as a gift, or otherwise acquired a firearm.

B. If the owner of a firearm allows a minor to possess his firearm as authorized by law and such minor (i) uses such firearm in the commission of an act of violence as defined in § 19.2-297.1, (ii) possesses such firearm within any school zone as defined in 18 U.S.C. § 921 or within any building or on any property deemed a gun-free zone by a school board pursuant to § 22.1-131.1, or (iii) uses such firearm to intentionally or with gross negligence cause bodily injury to himself or another person, such owner of a firearm is guilty of a Class 1 misdemeanor.

C. If the owner of a firearm knows or reasonably should know that a minor is in close proximity to his firearm in such a manner as to allow such minor to possess or transport such firearm in violation of § 18.2-308.7 and such minor (i) uses such firearm in the commission of an act of violence as defined in § 19.2-297.1, (ii) possesses such firearm within any school zone as defined in 18 U.S.C. § 921 or within any

27 building or on any property deemed a gun-free zone by a school board pursuant to § 22.1-131.1, or (iii)  
28 uses such firearm in such a manner as to cause bodily injury to himself or another person, such owner of  
29 a firearm is guilty of a Class 1 misdemeanor.

30 D. If the owner of a firearm knows or reasonably should have known that such minor who accesses  
31 his firearm pursuant to subsection B or C has been charged with or convicted of or adjudicated delinquent  
32 of an act of violence as defined in § 19.2-297.1 or has been the subject of a school-initiated threat  
33 assessment, such owner of a firearm is guilty of a Class 5 felony.

34 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
35 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
36 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;**  
37 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**  
38 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**  
39 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for**  
40 **periods of commitment to the custody of the Department of Juvenile Justice.**

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