

HOUSE BILL NO. 454

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

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

(Patron Prior to Substitute--Delegate Callsen)

A BILL to amend and reenact § 18.2-283.2 of the Code of Virginia, relating to carrying a firearm or explosive material within Capitol Square or building owned or leased by the Commonwealth; exemptions; public institutions of higher education; penalty.

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

**1. That § 18.2-283.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-283.2. Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.**

A. For the purposes of this section, "Capitol Square and the surrounding area" means (i) the grounds, land, real property, and improvements in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, and the sidewalks of Bank Street extending from 50 feet west of the Pocahontas Building entrance to 50 feet east of the entrance of the Capitol of Virginia.

B. It is unlawful for any person to carry any firearm as defined in § 18.2-308.2:2 or explosive material as defined in § 18.2-308.2 within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building owned or leased by the Commonwealth or any agency thereof; or (iv) any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

C. A violation of this section is punishable as a Class 1 misdemeanor. Any firearm or explosive material carried in violation of this section shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

D. The provisions of this section shall not apply to the following while acting in the conduct of such person's official duties: (i) any law-enforcement officer as defined in § 9.1-101; (ii) any authorized

27 security personnel; (iii) any active military personnel; (iv) any fire marshal appointed pursuant to § 27-30  
28 when such fire marshal has police powers provided by § 27-34.2:1; or (v) any member of a cadet corps  
29 who is recognized by a public institution of higher education while such member is participating in an  
30 official ceremonial event for the Commonwealth.

31 E. The provisions of clause (ii) of subsection B shall not apply to (i) any State Police officer who  
32 is off-duty or (ii) any retired State Police officer who has participated in annual firearms training and has  
33 qualified to the standards required of active law-enforcement officers in the Commonwealth, in  
34 accordance with subsection C of § 18.2-308.016.

35 The provisions of clauses (iii) and (iv) of subsection B shall not apply to (a) any State Police officer  
36 who is off-duty; (b) any retired State Police officer who has participated in annual firearms training and  
37 has qualified to the standards required of active law-enforcement officers in the Commonwealth, in  
38 accordance with subsection C of § 18.2-308.016; (c) any retired law-enforcement officer who has  
39 participated in annual firearms training, has qualified pursuant to subsection C of § 18.2-308.016, who is  
40 visiting a gun range owned or leased by the Commonwealth; (d) any of the following employees  
41 authorized to carry a firearm while acting in the conduct of such employee's official duties: (1) a bail  
42 bondsman as defined in § 9.1-185, (2) an employee of the Department of Corrections or a state juvenile  
43 correctional facility, (3) an employee of the Department of Conservation and Recreation, or (4) an  
44 employee of the Department of Wildlife Resources; (e) any individual carrying a weapon into a courthouse  
45 who is exempt under § 18.2-283.1; (f) any ~~property~~ individual within a building owned or operated by a  
46 public institution of higher education who possesses a weapon as part of such public institution of higher  
47 education's curriculum or activities as approved through the law-enforcement or public safety unit of the  
48 institution or as part of any organization authorized by such public institution of higher education to  
49 possess weapons, as approved through the law-enforcement or public safety unit of the institution, while  
50 conducting its programs or activities within such building; (g) any state park; or (h) any magistrate acting  
51 in the conduct of the magistrate's official duties.

52 F. Notice of the provisions of this section shall be posted conspicuously along the boundary of  
53 Capitol Square and the surrounding area and at the public entrance of each location listed in subsection B,

54 and no person shall be convicted of an offense under subsection B if such notice is not posted at such  
55 public entrance, unless such person had actual notice of the prohibitions in subsection B.

56 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
57 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
58 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;**  
59 **therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia**  
60 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**  
61 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for**  
62 **periods of commitment to the custody of the Department of Juvenile Justice.**

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