

SENATE BILL NO. 383

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Senator Deeds)

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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