

## 1 HOUSE BILL NO. 175

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Appropriations

4 on February 7, 2024)

5 (Patron Prior to Substitute--Delegate Simon)

6 A BILL to amend and reenact § 18.2-287.4 of the Code of Virginia, relating to carrying assault firearms  
7 in public areas prohibited; penalty.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 18.2-287.4 of the Code of Virginia is amended and reenacted as follows:**10 **§ 18.2-287.4. Carrying assault firearms in public areas prohibited; penalty.**

11 ~~It shall be~~ is unlawful for any person to carry ~~a loaded~~ (a) any of the following on or about his  
12 person on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other  
13 place of whatever nature that is open to the public:

14 1. A semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of  
15 an explosion of a combustible material and is equipped at the time of the offense with a magazine that  
16 will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer  
17 or equipped with a folding stock or (b) with a fixed magazine capacity in excess of 10 rounds;

18 2. A semi-automatic center-fire rifle that expels single or multiple projectiles by action of an  
19 explosion of a combustible material that has the ability to accept a detachable magazine and has one of  
20 the following characteristics: (i) a folding, telescoping, or collapsible stock; (ii) a pistol grip that protrudes  
21 conspicuously beneath the action of the rifle; (iii) a second handgrip or a protruding grip that can be held  
22 by the non-trigger hand; (iv) a grenade launcher; (v) a flare launcher; (vi) a sound suppressor; (vii) a flash  
23 suppressor; (viii) a muzzle brake; (ix) a muzzle compensator; (x) a threaded barrel capable of accepting  
24 (a) a sound suppressor, (b) a flash suppressor, (c) a muzzle brake, or (d) a muzzle compensator; or (xi)  
25 any characteristic of like kind as enumerated in clauses (i) through (x);

26 3. A semi-automatic center-fire pistol that expels single or multiple projectiles by action of an  
27 explosion of a combustible material that has the ability to accept a detachable magazine and has one of  
28 the following characteristics: (i) a folding, telescoping, or collapsible stock; (ii) a second handgrip or a  
29 protruding grip that can be held by the non-trigger hand; (iii) the capacity to accept a magazine that  
30 attaches to the pistol outside of the pistol grip; (iv) a shroud that is attached to, or partially or completely  
31 encircles, the barrel and that permits the shooter to hold the pistol with the non-trigger hand without being  
32 burned; (v) a threaded barrel capable of accepting (a) a sound suppressor, (b) a flash suppressor, (c) a  
33 barrel extender, or (d) a forward handgrip; or (vi) any characteristic of like kind as enumerated in clauses  
34 (i) through (v);

35 4. A semi-automatic shotgun that expels single or multiple projectiles by action of an explosion of  
36 a combustible material that has one of the following characteristics: (i) a folding, telescoping, or  
37 collapsible stock, (ii) a pistol grip that protrudes conspicuously beneath the action of the shotgun, (iii) the  
38 ability to accept a detachable magazine, (iv) a fixed magazine capacity in excess of seven rounds, or (v)  
39 any characteristic of like kind as enumerated in clauses (i) through (iv); or

40 5. A shotgun with a magazine that will hold more than seven rounds of the longest shortest  
41 ammunition for which it is chambered ~~on or about his person on any public street, road, alley, sidewalk,~~  
42 ~~public right of way, or in any public park or any other place of whatever nature that is open to the public~~  
43 ~~in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or~~  
44 ~~Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.~~

45 The provisions of this section shall not apply to law-enforcement officers, ~~licensed security guards,~~  
46 ~~military personnel in the performance of their lawful duties, or any person having a valid concealed~~  
47 handgun permit any member of a cadet corps who is recognized by a public institution of higher education  
48 while such member is in the performance of sanctioned military training or such member is participating  
49 in an official ceremonial event for the Commonwealth, or to any person actually engaged in lawful hunting  
50 or lawful recreational shooting activities at an established shooting range or shooting contest. The  
51 provisions of this section shall not apply to a firearm that has been rendered permanently inoperable, an  
52 antique firearm as defined in § 18.2-308.2:2, or a curio or relic as defined in § 18.2-308.2:2.

53 Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

54 The exemptions set forth in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the  
55 provisions of this section.

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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