1	HOUSE BILL NO. 22
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee for Courts of Justice
4	on)
5	(Patron Prior to SubstituteDelegate Jones)
6	A BILL to amend and reenact §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia, relating to
7	manufacture, importation, sale, etc., of auto sears; prohibition; penalty.
8	Be it enacted by the General Assembly of Virginia:
9	1. That §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia are amended and reenacted as
10	follows:
11	§ 18.2-308.5:1. Manufacture, importation, sale, possession, transfer, or transportation of
12	auto sears and trigger activators prohibited; penalty.
13	A. As used in this section , "trigger :
14	"Auto sear" means a device, other than a trigger activator, designed for use in converting a semi-
15	automatic firearm to shoot automatically more than one shot, without manual reloading, by a single
16	function of the trigger.
17	"Trigger activator" means a device designed to allow a semi-automatic firearm to shoot more than
18	one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to
19	which it is affixed so that the trigger resets and continues firing without additional physical manipulation
20	of the trigger by the shooter.
21	B. It is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or
22	transport-a an auto sear or a trigger activator in the Commonwealth.
23	C. A violation of this section is punishable as a Class 6 felony.
24	D. Nothing in this section shall be construed to prohibit a person from manufacturing, importing,
25	selling, offering for sale, possessing, receiving, transferring, or transporting any item for which such
26	person is in compliance with the National Firearms Act (26 U.S.C. § 5801 et seq.).

27	§ 19.2-386.28. Forfeiture of weapons, etc., that are concealed, possessed, transported, or
28	carried in violation of law.
29	Any If any firearm, stun weapon as defined by § 18.2-308.1, or any weapon, auto sear, or trigger
30	activator is concealed, possessed, transported, or carried in violation of § 18.2-283.1, 18.2-287.01, 18.2-
31	287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.1:8, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1,
32	18.2-308.4, 18.2-308.5, <u>18.2-308.5:1</u> , 18.2-308.7, or 18.2-308.8, <u>it</u> shall be forfeited to the Commonwealth
33	and disposed of as provided in § 19.2-386.29.
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 1 of the Acts of Assembly of 2023, 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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