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HOUSE BILL NO. 1306

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on February 21, 2022)

(Patron Prior to Substitute—Delegate Simon)

A BILL to amend and reenact § 18.2-311.1 of the Code of Virginia, relating to removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm with removed, altered, etc., serial number; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-311.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-311.1. Removing, altering, etc., serial number or other identification on firearm; distributing or possessing firearm without serial number.

A. It is unlawful for any person, firm, association, or corporation who or which to intentionally removes, defaces, alters, changes, destroys or obliterates remove, alter, change, destroy, or obliterate in any manner or way or who or which causes cause to be removed, defaced, altered, changed, destroyed, or obliterated in any manner or way the name of the maker, model, manufacturer's or serial number, or any other mark or any other identification required by federal law on any pistol, shotgun, rifle, machine gun, or any other firearm shall be guilty of. A violation of this subsection is a Class 1 misdemeanor.

B. It is unlawful for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. A violation of this subsection is a Class 1 misdemeanor.

C. It is unlawful for any person, firm, association, or corporation to knowingly sell, give, or distribute any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. A violation of this subsection is a Class 6 felony.

D. The provisions of this section shall not apply to antique firearms as defined in § 18.2-308.2:2.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.