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HOUSE BILL NO. 399

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 18.2-308.5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.5:2, relating to manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms; penalties.*

Patron—Simon

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.5:2 as follows:

§ 18.2-308.5. Manufacture, import, sale, transfer or possession of plastic firearm prohibited.

A. It ~~shall be~~ is unlawful for any person to manufacture, import, sell, transfer, or possess (i) any plastic firearm or (ii) any firearm with a major component that when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening does not generate an image that accurately depicts the shape of the component.

B. As used in this section, "plastic:

"Major component" means the barrel, the slide or cylinder, or the frame or receiver of the firearm.

"Plastic firearm" means any firearm, including machine guns and sawed-off shotguns as defined in this chapter, containing less than 3.7 ounces of electromagnetically detectable metal in the barrel, slide, cylinder, frame or receiver of which, when subjected to inspection by X-ray machines commonly used at airports, does not generate an image that accurately depicts its shape where the major components of such firearm are not detectable by walk-through metal detectors calibrated to detect the Security Exemplar, as that term is defined in 18 U.S.C. § 922(p).

C. A violation of this section ~~shall be~~ is punishable as a Class 5 felony.

§ 18.2-308.5:2. Prohibition on unfinished frames or receivers and unserialized firearms; penalty.

A. As used in this section:

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Importer" means any person licensed as an importer pursuant to 18 U.S.C. § 921 et seq.

"Manufacturer" means any person licensed as a manufacturer pursuant to 18 U.S.C. § 921 et seq.

"Unfinished frame or receiver" means any forging, casting, printing, extrusion, machined body, or similar article that (i) has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted.

B. It is unlawful for any person to knowingly possess, transport, or receive an unfinished frame or receiver unless the party possessing, transporting, or receiving the unfinished frame or receiver is an importer, a manufacturer, or a dealer, or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by an importer, a manufacturer, or a dealer.

C. It is unlawful for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver unless the transferee or party purchasing the unfinished frame or receiver is an importer, a manufacturer, or a dealer, or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by an importer, a manufacturer, or a dealer.

D. Any person who violates this section is guilty of a Class 1 misdemeanor. Any person convicted of a second or subsequent offense of this section is guilty of a Class 4 felony.

2. That the provisions of subsection B of § 18.2-308.5:2 of the Code of Virginia, as created by this act, shall become effective on January 1, 2023.

3. 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.

INTRODUCED

HB399