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SENATE BILL NO. 643

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator DeSteph
on February 14, 2022)

(Patron Prior to Substitute—Senator Ebbin)

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 knowingly and intentionally ~~removes, defaces, alters, changes, destroys or obliterates~~ remove, 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, or any other firearm that has a serial number that has been willfully removed, 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, or any other firearm that has a serial number that has been willfully removed, 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 machine guns or 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.