

25100975D

SENATE BILL NO. 938

Offered January 8, 2025

Prefiled January 6, 2025

A BILL to amend and reenact § 18.2-53.1 of the Code of Virginia, relating to use or display of firearm in committing felony; mandatory minimum sentence; penalty.

Patron—Diggs

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-53.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-53.1. Use or display of firearm in committing felony.

13 It shall be unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other firearm or
14 display such weapon in a threatening manner while committing or attempting to commit murder, rape,
15 forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery,
16 carjacking, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a law-
17 enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in § 18.2-51.2,
18 malicious wounding by mob as defined in § 18.2-41, or abduction. Violation of this section shall constitute
19 constitutes a separate and distinct felony and any person found guilty thereof shall be sentenced to a
20 mandatory minimum term of imprisonment of three years for a first conviction; and to a mandatory minimum
21 term of ~~five~~ 10 years for a second or subsequent conviction under the provisions of this section. Such
22 punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment
23 received for the commission of the primary felony.

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 is \$24,997 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.