

2023 SESSION

INTRODUCED

23103904D

SENATE BILL NO. 1378

Offered January 11, 2023

Prefiled January 11, 2023

4 A BILL to amend and reenact § 18.2-53.1 of the Code of Virginia, relating to use, display, or
5 concealment of firearm in committing certain felonies; penalty.

Patron—DeSteph

Referred to Committee on the Judiciary

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, display, or concealment of firearm in committing felony.

12 13 It shall be *is* unlawful for any person to use or attempt to use any pistol, shotgun, rifle, or other
14 15 firearm, or *to display* such weapon in a threatening manner, *or to carry about his person such weapon*
16 17 *that is hidden from common observation*, while committing or attempting to commit murder, rape,
18 19 forcible sodomy, inanimate or animate object sexual penetration as defined in § 18.2-67.2, robbery,
20 21 carjacking, burglary, malicious wounding as defined in § 18.2-51, malicious bodily injury to a
22 23 law-enforcement officer as defined in § 18.2-51.1, aggravated malicious wounding as defined in
24 25 § 18.2-51.2, malicious wounding by mob as defined in § 18.2-41 or abduction. Violation of this section
26 27 shall *constitute constitutes* a separate and distinct felony and any person found guilty thereof shall be
28 29 sentenced to a mandatory minimum term of imprisonment of *three five* years for a first conviction, and
30 31 to a mandatory minimum term of *five 10* years for a second or subsequent conviction under the
32 33 provisions of this section. Such punishment shall be separate and apart from, and shall be made to run
34 35 consecutively with, any punishment received for the commission of the primary felony.

25 2. That the provisions of this act may result in a net increase in periods of imprisonment or
26 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the
27 necessary appropriation is at least \$5,526,449 for periods of imprisonment in state adult
28 correctional facilities and cannot be determined for periods of commitment to the custody of the
29 Department of Juvenile Justice.

SB1378

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