

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 18.2-279, 18.2-280, and 18.2-286.1 of the Code of Virginia, relating to
2 discharging firearm; penalties.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That §§ 18.2-279, 18.2-280, and 18.2-286.1 of the Code of Virginia are amended and reenacted as**
5 **follows:**

6 **§ 18.2-279. Discharging firearms or missiles within or at building or dwelling house; penalty.**

7 If any person maliciously discharges a firearm within any building when occupied by one or more
8 persons in such a manner as to endanger the life or lives of such person or persons, or maliciously shoots
9 at, or maliciously throws any missile at or against any dwelling house or other building when occupied by
10 one or more persons, whereby the life or lives of any such person or persons may be put in peril, the person
11 so offending is guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of
12 imprisonment of three years. In the event of the death of any person, resulting from such malicious
13 shooting or throwing, the person so offending is guilty of murder in the second degree. However, if the
14 homicide is willful, deliberate and premeditated, he is guilty of murder in the first degree.

15 If any such act be done unlawfully, but not maliciously, the person so offending is guilty of a Class
16 6 felony and shall be sentenced to a mandatory minimum term of imprisonment of one year; and, in the
17 event of the death of any person resulting from such unlawful shooting or throwing, the person so
18 offending is guilty of involuntary manslaughter. If any person willfully discharges a firearm within or
19 shoots at any school building whether occupied or not, he is guilty of a Class 4 felony and shall be
20 sentenced to a mandatory minimum term of imprisonment of three years.

21 **§ 18.2-280. Willfully discharging firearms in public places.**

22 A. If any person willfully discharges or causes to be discharged any firearm in any street in a city
23 or town, or in any place of public business or place of public gathering, and such conduct results in bodily
24 injury to another person, he shall be guilty of a Class 6 felony and shall be sentenced to a mandatory
25 minimum term of imprisonment of one year. If such conduct does not result in bodily injury to another

26 person, he shall be guilty of a Class 1 misdemeanor and shall be confined in jail for a mandatory minimum
27 period of 90 days.

28 B. If any person willfully discharges or causes to be discharged any firearm upon the buildings
29 and grounds of any public, private, or religious elementary, middle, or high school, he shall be guilty of a
30 Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of three years,
31 unless he is engaged in a program or curriculum sponsored by or conducted with permission of a public,
32 private, or religious school.

33 C. If any person willfully discharges or causes to be discharged any firearm upon any public
34 property within 1,000 feet of the property line of any public, private, or religious elementary, middle, or
35 high school property he shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum
36 term of imprisonment of three years, unless he is engaged in lawful hunting.

37 D. This section shall not apply to any law-enforcement officer in the performance of his official
38 duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the
39 protection of his life or property, or is otherwise specifically authorized by law.

40 E. Nothing in this statute shall preclude the Commonwealth from electing to prosecute under any
41 other applicable provision of law instead of this section.

42 **§ 18.2-286.1. Shooting from vehicles so as to endanger persons; penalty.**

43 Any person who, while in or on a motor vehicle, intentionally discharges a firearm so as to create
44 the risk of injury or death to another person or thereby cause another person to have a reasonable
45 apprehension of injury or death shall be guilty of a Class 5 felony and shall be sentenced to a mandatory
46 minimum term of imprisonment of three years. Nothing in this section shall apply to a law-enforcement
47 officer in the performance of his duties.

48 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
49 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
50 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
51 **therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing**
52 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**

53 Virginia, the estimated amount of the necessary appropriation is _____ for periods of
54 commitment to the custody of the Department of Juvenile Justice.

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