

2011 SESSION

BILL NO.

Offered April 14, 2011

A BILL to amend and reenact §18.2-308 of the Code of Virginia, relating to the carrying of a concealed weapon on the premises of an establishment that serves alcohol.

Patron—

Trinity Episcopal School

Referred to Committee on

Be it enacted by the YMCA Model General Assembly:

1. That § 18.2-308 Section J of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308 Section J, Personal protection; carrying concealed weapons; when lawful to carry.

J. Any person convicted of an offense that would disqualify that person from obtaining a permit under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

J2. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.

J3. No person ~~who carries~~ may carry a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the Code of Virginia ~~may consume an alcoholic beverage while on the premises~~. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

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51 J4. The court shall revoke the permit of any individual for whom it would be unlawful to
52 purchase, possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall
53 promptly notify the State Police and the person whose permit was revoked of the revocation.

House Patron:

Chris Cantone

Senate Patron:

Guy Shelby