

## BUSINESS AND NONINSTRUCTIONAL OPERATIONS

The laws regarding the possession and/or use of weapons on school grounds and areas adjacent thereto are clear and penalties are provided for violators of these laws. All members of the community are subject to these laws and have the responsibility as citizens to uphold them.

The board will not condone any violation of the law and will fully support any citizen, who, in good faith acts to report, or cause any investigation to be made, into the activities of employees, students or other persons as they relate to the legal references of this policy.

Editor's Notes: For employees see also division regulation # R 5-25. For students see also division regulation # R 7-48.

Legal Reference: (1992) Amendments to § 18.2-308.1 increased penalties. § 18.2-282 expanded to conform with federal law. § 18.2-287.4 increased areas where carrying a loaded firearm is prohibited.

Code of Va., § 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited. (1992)

Editor's Note: Cited at code #'s 5-25 and 7-48.

Code of Va., § 18.2-280. Willfully discharging firearms in public places.--"A. If any person willfully discharges or causes to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, he shall be guilty of a Class 1 misdemeanor.

B. If any person willfully discharges or causes to be discharged any firearm upon any public, private or parochial elementary, middle or high school, including the buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 4 felony.

C. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. In addition, subsection B shall not apply to any otherwise lawful discharge while actually engaged in lawful hunting, a program or curriculum sponsored by or conducted with permission of the school or while in or on an established shooting range." (1992)

Code of Va., §18.2-282. Pointing, holding, or brandishing firearm or object similar in appearance; Penalty.--"A. It shall be unlawful for any person to point, hold or brandish any firearm, as here-in-after described, or any object similar in appearance to a firearm, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm in a public place in such a manner as to

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reasonably induce fear to the mind of another of being shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of Class 1 misdemeanor or, if the violation occurs upon any public, private or parochial elementary, middle or high school, including buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.

B. Any police officer in the performance of his duty, in making an arrest under the provisions of this section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding, or brandishing such firearm, or object which was similar in appearance to a firearm, with intent to induce fear in the mind of another.

C. For purposes of this section, the word "firearm" shall mean any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure. The word "ammunition," as used herein, shall mean a cartridge, pellet, ball, missile or projectile adapted for use in a firearm." (1992)

Code of Va., § 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.--"It shall be unlawful for any person to carry a loaded firearm on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public (i) in any city with a population of 160,000 or more or (ii) in any county having an urban county executive form of government or any county or city surrounded thereby, or adjacent thereto or in any county having a county manager form of government. The provisions of this section shall not apply to law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, or any person having a valid permit to carry such firearm or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

For purposes of this section, "firearm" means any (i) semi-automatic center-fire rifle or pistol which expels a projectile by action of an explosion and is equipped at the time of the offense with a magazine which will hold more than twenty rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with folding stock or (ii) shotgun with a magazine which will hold more than seven (7) rounds of the longest ammunition for which it is chambered. Any firearm carried in violation of this section may be forfeited to the Commonwealth pursuant to the provisions of § 18.2-310.

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis,\* to the provisions of

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this section." (1992)

\* With the necessary changes in points of detail.

Adopted by School Board: June 15, 1993