**School Safety and Security: BB and Pellet Guns are Weapons**



Current Reality: The Code of Virginia [§18.2-308 Carrying concealed weapons; exceptions; penalty](https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-308/) defines weapons with an extensive list that includes firearms, knives, metal knucks, throwing stars, etc. but not BB and Pellet Guns that not only can cause serious injury to victims but can easily be mistaken as firearms by law enforcement as firearms jeopardizing the person in possession of the gun. The definition in this section is referenced in [§18.2-308.1 Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty](https://law.lis.virginia.gov/vacode/18.2-308.1/) limiting penalties for possession of a BB or Pellet Gun on school property.

RCPS recommends the General Assembly:

## Revise §18.2-308 (A) such that BB and Pellet Guns are included in the definition of weapons

## A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, sling bow, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) BB or pellet gun designed or intended to expel a projectile; or (vi) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

## Revise §18.2-308.1 (B) and (C) such that BB and Pellet Guns are not excluded

B. If any person knowingly possesses any firearm designed or intended to expel a projectile ~~by action of an explosion of a combustible material~~ while such person is upon (i) the property of any child day center or public, private, or religious preschool, elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile ~~by action of an explosion of a combustible material~~ within the building of a child day center or public, private, or religious preschool, elementary, middle, or high school and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person is guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.