

Virginia Exile Law Excerpt:

§18.2-308.4. Possession of firearms while in possession of certain controlled substances.

A. *It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§[54.1-3400](#) et seq.) of Title 54.1 who to simultaneously with knowledge and intent possesses-possess any firearm, shall be guilty of a Class 6 felony.*

B. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§[54.1-3400](#) et seq.) of Title 54.1 or more than one pound of marijuana. (@)

Violation of this subsection-section shall constitute a separate and distinct felony and any person convicted thereof shall be guilty of a Class 6 felony, shall not be eligible for probation, and shall be sentenced to a minimum, mandatory term of imprisonment of three years for a first conviction and for a term of five years for a second or subsequent conviction under this subsection, which shall not be suspended in whole or in part. Notwithstanding any other provision of law, the sentence prescribed for a violation of this subsection shall not be suspended in whole or in part, nor shall anyone convicted hereunder be placed on probation or parole for this offense. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

C. Any firearm possessed in violation of this section shall be forfeited to the Commonwealth pursuant to the provisions of §[18.2-310](#).

(@) ****Emphasis added by size and type of font****