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SENATE BILL NO. 1142

Offered January 8, 2003

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A BILL to amend and reenact § 18.2-308 of the Code of Virginia, relating to issuance of concealed handgun permits.

Patron—Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:**

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

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, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of ~~two~~ 2 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~~ 2 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) any weapon of like kind as those enumerated in this subsection, he shall be 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. Any weapon used in the commission of a violation of this section shall be forfeited to the Commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the Division of Forensic Science shall be devoted to that purpose, subject to any registration requirements of federal law, and the remainder shall be disposed of as provided in § 18.2-310. 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.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

Except as provided in subsection J1, this section shall not apply to:

1. Any person while in his own place of business;

2. Any ~~police officers, including Capitol Police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to Chapter 2 (§ 29.1-200 et seq.) of Title 29.1 law-enforcement officer;~~

3. Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

~~6. Campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;~~

7. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and

8-7. Any State Police officer retired from the Department of State Police, any local law-enforcement officer retired from a police department or sheriff's office within the Commonwealth and any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board (i) with a service-related disability or (ii) following at least ~~fifteen~~ 15 years of service with any such law-enforcement agency, board or any combination thereof, other than a person terminated for cause, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and

59 favorable review shall be forwarded by the chief or the Board to the Department of State Police for
60 entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not
61 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the
62 requirements of this section.

63 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege
64 to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and
65 favorable review required, shall be deemed to have been issued a concealed handgun permit.

66 C. This section shall also not apply to any of the following individuals while in the discharge of
67 their official duties, or while in transit to or from such duties:

- 68 1. Carriers of the United States mail;
- 69 2. Officers or guards of any state correctional institution;
- 70 3. [Repealed.]

71 4. Conservators of the peace, except that the following conservators of the peace shall not be
72 permitted to carry a concealed handgun without obtaining a permit as provided in subsection D hereof:
73 (a) notaries public; (b) registrars; (c) drivers, operators or other persons in charge of any motor vehicle
74 carrier of passengers for hire; or (d) commissioners in chancery;

75 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the
76 Director of the Department of Corrections pursuant to § 53.1-29;

77 6. ~~Law-enforcement agents of the Armed Forces of the United States and federal agents who are~~
78 ~~otherwise authorized to carry weapons by federal law while engaged in the performance of their duties;~~

79 7. ~~Law-enforcement agents of the United States Naval Criminal Investigative Service; and~~

80 86. Harbormaster of the City of Hopewell.

81 D. Any person ~~twenty-one~~ 21 years of age or older who is (i) ~~a resident of the Commonwealth or~~
82 ~~(ii) a member of the United States armed forces domiciled in the Commonwealth~~ may apply in writing
83 to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the
84 United States armed forces, the county or city in which he is domiciled ~~Department of State Police~~, for
85 a ~~five~~5-year permit to carry a concealed handgun. Notwithstanding ~~§ 15.2-915~~, a county or city may
86 enact an ordinance that requires any applicant for a concealed handgun permit to submit to
87 fingerprinting for the purpose of obtaining the applicant's state or national criminal history record. The
88 application shall be made under oath before a notary or other person qualified to take oaths and shall be
89 made only on a form prescribed by the Department of State Police, ~~in consultation with the Supreme~~
90 ~~Court~~, requiring only that information necessary to determine eligibility for the permit. ~~The court shall~~
91 ~~consult with either the sheriff or police department of the county or city and receive a report from the~~
92 ~~Central Criminal Records Exchange. As a condition for issuance of a concealed handgun permit, the~~
93 ~~applicant shall submit to fingerprinting if required by local ordinance in the county or city where the~~
94 ~~applicant resides and provide personal descriptive information to be forwarded with the fingerprints~~
95 ~~through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose~~
96 ~~of obtaining criminal history record information regarding the applicant, and obtaining fingerprint~~
97 ~~identification information from federal records pursuant to criminal investigations by state and local~~
98 ~~law-enforcement agencies. Where feasible and practical, the local law-enforcement agency may transfer~~
99 ~~information electronically to the State Police instead of inked fingerprint cards. The applicant shall~~
100 ~~submit 2 photographs of a type and kind specified by the Department of State Police and 2 sets of~~
101 ~~fingerprints on cards as provided by the Department of State Police for inclusion on the permit and for~~
102 ~~the purpose of obtaining the applicant's state and national criminal history record. The applicant shall~~
103 ~~submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive~~
104 ~~information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the~~
105 ~~Federal Bureau of Investigation for the purpose of obtaining criminal history record information~~
106 ~~regarding the applicant and obtaining fingerprint identification information from federal records~~
107 ~~pursuant to criminal investigations by state and local law-enforcement agencies. Upon completion of the~~
108 ~~criminal history records check, the State Police shall return the fingerprint cards to the submitting local~~
109 ~~agency applicant or, in the case of scanned fingerprints, destroy the electronic record. The local agency~~
110 ~~shall then promptly notify the person that he has twenty-one days from the date of the notice to request~~
111 ~~return of the fingerprint cards, if any. All fingerprint cards not claimed by the applicant within~~
112 ~~twenty-one days of notification by the local agency shall be destroyed. All optically scanned fingerprints~~
113 ~~shall be destroyed upon completion of the criminal history records check without requiring that the~~
114 ~~applicant be notified. Fingerprints taken for the purposes described in this section shall not be copied,~~
115 ~~held or used for any other purposes.~~

116 The ~~court~~ Department of State Police shall issue the permit within ~~forty-five~~ 45 days of receipt of
117 the completed application unless it is determined that the applicant is disqualified. An application is
118 deemed complete when all information required to be furnished by the applicant is delivered to and
119 received by the clerk of ~~court~~ Department of State Police before or concomitant with the conduct of a
120 state or national criminal history records check. If the applicant is later found by the ~~court~~ Department

of State Police to be disqualified, the permit shall be revoked by the Department of State Police. An applicant who is aggrieved by a decision of the Department of State Police pursuant to this section may appeal that decision to the circuit court.

E. The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to §§ 18.2-308.1:1, 18.2-308.1:2 or § 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than ~~five~~5 years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to former § 37.1-134.1 or § 37.1-134.16 less than ~~five~~5 years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than ~~five~~5 years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of ~~two~~2 or more misdemeanors within the ~~five~~5-year period immediately preceding the application, if ~~one~~1 of the misdemeanors was a Class 1 misdemeanor; ~~but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.~~ Traffic infractions or reckless driving shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance or of public drunkenness within the ~~three~~3-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the Armed Forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who it is alleged, in a sworn written statement submitted to the ~~court~~ Department of State Police by the sheriff, chief of police or attorney for the Commonwealth in the opinion of such sheriff, chief of police or attorney for the Commonwealth, is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police or the attorney for the Commonwealth shall be based upon personal knowledge or upon the sworn written statement of a competent person having personal knowledge.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or § 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the ~~three~~3-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within ~~sixteen~~ 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions."

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within ~~five~~ 5 years prior to the date of his application for a concealed handgun permit.

19. An individual ~~not otherwise ineligible pursuant to this section,~~ who, within the ~~three~~3-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or of a criminal offense of illegal possession or distribution of marijuana or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, ~~not otherwise ineligible pursuant to this section,~~ with respect to whom, within the ~~three~~3-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or upon a charge of illegal possession or distribution of marijuana or any controlled substance under the laws of any state, the District of

182 Columbia, or the United States or its territories, the trial court found that the facts of the case were
183 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially
184 similar law of any other state, the District of Columbia, or the United States or its territories.

185 *21. An individual who is otherwise ineligible to possess a firearm pursuant to state or federal law.*

186 F. The making of a materially false statement in an application under this section shall constitute
187 perjury, punishable as provided in § 18.2-434.

188 G. ~~The court may further~~ *Department of State Police shall* require proof that the applicant has
189 demonstrated competence with a handgun and the applicant may demonstrate such competence by ~~one~~ *1*
190 of the following, but no applicant shall be required to submit to any additional demonstration of
191 competence:

192 1. Completing any hunter education or hunter safety course approved by the Department of Game
193 and Inland Fisheries or a similar agency of another state;

194 2. Completing any National Rifle Association firearms safety or training course;

195 3. Completing any firearms safety or training course or class available to the general public offered
196 by a law-enforcement agency, junior college, college, or private or public institution or organization or
197 firearms training school utilizing instructors certified by the National Rifle Association or the
198 Department of Criminal Justice Services;

199 4. Completing any law-enforcement firearms safety or training course or class offered for security
200 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
201 enforcement;

202 5. Presenting evidence of equivalent experience with a firearm through participation in organized
203 shooting competition *approved by the Department of State Police* or current military service or proof of
204 an honorable discharge from any branch of the armed services;

205 6. Obtaining or previously having held a license to carry a firearm in this Commonwealth or a
206 locality thereof, unless such license has been revoked for cause;

207 7. Completing any firearms training or safety course or class conducted by a state-certified or
208 National Rifle Association-certified firearms instructor;

209 8. Completing any governmental police agency firearms training course and qualifying to carry a
210 firearm in the course of normal police duties; or

211 9. Completing any other firearms training which the ~~court~~ *Department of State Police* deems
212 adequate.

213 A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the
214 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
215 the completion of the course or class by the applicant; or a copy of any document which shows
216 completion of the course or class or evidences participation in firearms competition shall constitute
217 evidence of qualification under this subsection.

218 H. The permit to carry a concealed handgun shall ~~specify~~ *contain* only the following information:
219 name, address, date of birth, gender, height, weight, color of hair, color of eyes, and ~~signature~~
220 *photograph* of the permittee; the signature of the ~~judge issuing the permit, or of the clerk of court who~~
221 ~~has been authorized to sign such permits by the issuing judge~~ *Superintendent of State Police or his*
222 *designee*; the date of issuance; and the expiration date. The person issued the permit shall have such
223 permit on his person at all times during which he is carrying a concealed handgun and ~~must~~ *shall*
224 ~~display the permit and a photo-identification issued by a government agency of the Commonwealth or~~
225 ~~by the United States Department of Defense or United States State Department (passport)~~ upon demand
226 by a law-enforcement officer.

227 I. Persons who previously have held a concealed handgun permit shall be issued, upon application as
228 provided in subsection D, a new ~~five~~ *5*-year permit unless there is good cause shown for refusing to
229 reissue a permit. If the ~~circuit court~~ *Department of State Police* denies the permit, the specific reasons
230 for the denial shall be stated ~~in the order of the court denying the permit~~. Upon denial of the
231 application, the ~~clerk~~ *Department of State Police* shall provide the person with notice, in writing, of his
232 right to an ore tenus hearing *in circuit court*. Upon request of the applicant made within ~~twenty-one~~ *21*
233 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be
234 represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The
235 final order of the court shall include the court's findings of fact and conclusions of law.

236 J. Any person ~~convicted of an offense that would disqualify that person who is disqualified~~ from
237 obtaining a permit under subsection E or who violates subsection F shall forfeit his permit for a
238 concealed handgun and surrender it to the ~~court~~ *Department of State Police*. Upon receipt by the Central
239 Criminal Records Exchange of a record of the arrest, conviction or occurrence of any other event which
240 would disqualify a person from obtaining a concealed handgun permit under subsection E, the ~~Central~~
241 ~~Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest,~~
242 ~~conviction or other event~~ *Department of State Police shall revoke the person's permit*.

243 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~~ the Department of State Police 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~~ 5 years.

J2. ~~An~~The Department of State Police shall suspend the permit of 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 which issued the permit.

J3. No person shall 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; however, nothing herein shall prohibit any sworn law-enforcement officer from carrying a concealed handgun on the premises of such restaurant or club or any owner or event sponsor or his employees from carrying a concealed handgun while on duty at such restaurant or club if such person has a concealed handgun permit.

J4. ~~Any~~ The Department of State Police shall suspend the permit of any individual for whom it would be unlawful to purchase, possess or transport a firearm under § 18.2-308.1:2 or § 18.2-308.1:3; ~~who holds a concealed handgun permit~~, may have the permit suspended by the court which issued the permit during the period of incompetency, incapacity or disability.

K. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a law-enforcement officer with the Department of State Police or with a sheriff or police department, bureau or force of any political subdivision of the Commonwealth, after completing ~~fifteen~~ 15 years of service or after reaching age ~~fifty-five~~ 55; (iii) as a law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, Immigration and Naturalization Service, Customs Service, Department of State Diplomatic Security Service or Naval Criminal Investigative Service, after completing ~~fifteen~~ 15 years of service or after reaching age ~~fifty-five~~ 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia or any of the territories of the United States, after completing ~~fifteen~~ 15 years of service; or (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing ~~fifteen~~ 15 years of service.

The ~~clerk~~ Department of State Police shall charge a fee of ~~ten dollars~~ \$70 for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed ~~thirty-five~~ dollars to cover the cost of conducting an investigation pursuant to this section. The ~~thirty-five-dollar~~ fee which shall include any amount assessed by the Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the Federal Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State Police may charge a fee not to exceed five dollars to cover their costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed ~~fifty dollars~~ \$70, with such fees to be paid in ~~one~~ 1 sum to the person who accepts the application Department of State Police. Payment may be made by any method accepted by ~~that court~~ the Department of State Police for payment of other fees or penalties. No payment shall be required until the application is accepted by the ~~court~~ Department of State Police as a complete application. The order issuing such permit shall be provided to the State Police and the law-enforcement agencies of the county or city. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the concealed handgun permit program.

The State Police shall enter the permittee's name and description in the Virginia Criminal Information Network so that the permit's existence and current status will be made known to law-enforcement personnel accessing the Network for investigative purposes.

L. Any person denied a permit to carry a concealed handgun by the circuit court under the provisions of this section may present a petition for review to the Court of Appeals. The petition for review shall be filed within ~~sixty~~ 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if an ore tenus hearing is requested, within sixty days of the entry of the final order of the circuit court following the hearing. The petition shall be accompanied by a copy of the original papers filed with the Department of State Police, the papers filed in the circuit court, including a copy of and the order of the circuit court denying the permit. Subject to the provisions of

§ 17.1-410 B, the decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be paid by the Commonwealth.

M. For purposes of this section:

"Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed, made and intended to fire a projectile by means of an explosion of a combustible material from ~~one~~ 1 or more barrels when held in ~~one~~ 1 hand.

"Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101, campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement agents of the Armed Forces of the United States, the Naval Criminal Investigative Service, and federal agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement officer" also means any sworn full-time law-enforcement officer of the United States, or any state, or any political subdivision thereof, substantially similar to those set forth in § 9.1-101.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

N. As used in this article:

"Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated mechanism.

"Spring stick" means a spring-loaded metal stick activated by pushing a button which rapidly and forcefully telescopes the weapon to several times its original length.

O. The granting of a concealed handgun permit shall not thereby authorize the possession of any handgun or other weapon on property or in places where such possession is otherwise prohibited by law or is prohibited by the owner of private property.

P. A valid concealed handgun or concealed weapon permit or license issued by another state shall be valid authorize the holder of such permit or license who is at least 21 years of age to carry a concealed handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible ~~twenty-four~~ 24 hours a day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be carried, the requirements and qualifications of that state's law are adequate to prevent possession of a permit by persons who would be denied a permit in the Commonwealth under this section. The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General determine whether states meet the requirements and qualifications of this section, (b) maintain a registry of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available to law-enforcement officers for investigative purposes. The Superintendent of State Police, in consultation with the Attorney General, may also enter into agreements for reciprocal recognition with any state qualifying for recognition under this subsection.

P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a 5-year permit to carry a concealed handgun. Every applicant for a nonresident concealed handgun permit shall submit 2 photographs of a type and kind specified by the Department of State Police and 2 sets of fingerprints on cards provided by the Department of State Police for inclusion on the permit and for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The Department of State Police shall return the fingerprint card to the applicant or in the case of scanned fingerprints, destroy the electronic record. The application shall be made under oath before a notary or other person qualified to take oaths on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to the provisions of this subsection.

The applicant shall demonstrate competence with a handgun by 1 of the following:

1. Completing a hunter education or hunter safety course approved by the Virginia Department of Game and Inland Fisheries or a similar agency of another state;

2. Completing a National Rifle Association firearms safety or training course;

3. Completing a firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or

firearms training school utilizing instructors certified by the National Rifle Association or the Virginia Department of Criminal Justice Services or a similar agency of another state;

4. Completing a law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in an organized shooting competition approved by the Department of State Police or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in this Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any firearms training or safety course or class conducted by a state-certified or National Rifle Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training that the Virginia Department of State Police deems adequate.

A photocopy of a certificate of completion of any such course or class, an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant, or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall satisfy the requirement for demonstration of competence with a handgun.

The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the background check and issuance of the permit. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the nonresident concealed handgun permit program. The Department of State Police shall enter the permittee's name and description in the Virginia Criminal Information Network so that the permit's existence and current status are known to law-enforcement personnel accessing the Network for investigative purposes.

The permit to carry a concealed handgun shall contain only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes and photograph of the permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee; the date of issuance; and the expiration date.

The person to whom the permit is issued shall have such permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and shall display the permit on demand by a law-enforcement officer.

The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit.

Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the holder of the permit is 21 years of age or older.

R. The provisions of this statute or the application thereof to any person or circumstances which are held invalid shall not affect the validity of other provisions or applications of this statute which can be given effect without the invalid provisions or applications. This subsection is to reiterate § 1-17.1 and is not meant to add to or delete from that provision.