

078968554

HOUSE BILL NO. 1867

Offered January 10, 2007

Prefiled January 3, 2007

A BILL to amend and reenact §§ 3.1-1029, 9.1-101, 9.1-400, 9.1-500, 9.1-801, 18.2-51.1, 18.2-283.1, 18.2-287.01, 18.2-308, 29.1-200, 29.1-201, 29.1-204, 29.1-205, 29.1-207, 29.1-208, 29.1-212, 29.1-213, 29.1-217, 29.1-218, 29.1-300.2, 29.1-337, 29.1-349, 29.1-355, 29.1-516, 29.1-517, 29.1-521.3, 29.1-530, 29.1-539, 29.1-548, 29.1-552, 29.1-553, 29.1-556, 29.1-739, 29.1-739.1, 29.1-739.2, 29.1-745, 51.1-212, and 65.2-402.1 of the Code of Virginia, relating to the use of the term "conservation police officer" in place of "game warden."

Patrons—Wittman, Carrico and Scott, E.T.

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-1029, 9.1-101, 9.1-400, 9.1-500, 9.1-801, 18.2-51.1, 18.2-283.1, 18.2-287.01, 18.2-308, 29.1-200, 29.1-201, 29.1-204, 29.1-205, 29.1-207, 29.1-208, 29.1-212, 29.1-213, 29.1-217, 29.1-218, 29.1-300.2, 29.1-337, 29.1-349, 29.1-355, 29.1-516, 29.1-517, 29.1-521.3, 29.1-530, 29.1-539, 29.1-548, 29.1-552, 29.1-553, 29.1-556, 29.1-739, 29.1-739.1, 29.1-739.2, 29.1-745, 51.1-212, and 65.2-402.1 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-1029. Enforcement of chapter; summons.

Any ~~game warden~~ conservation police officer or law-enforcement officer as defined in § 9.1-101, excluding certain Alcoholic Beverage Control Board members, may enforce this chapter and the regulations promulgated under this chapter as well as those who are so designated by the Commissioner. Those designated by the Commissioner are hereby authorized to issue a summons to any violator of the provisions of this chapter to appear at a time and place to be specified in such summons.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

INTRODUCED

HB1867

59 "Criminal justice agency" includes the Virginia State Crime Commission.

60 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
61 § 18.2-271.2.

62 "Criminal justice information system" means a system including the equipment, facilities, procedures,
63 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
64 criminal history record information. The operations of the system may be performed manually or by
65 using electronic computers or other automated data processing equipment.

66 "Department" means the Department of Criminal Justice Services.

67 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
68 means. The term shall not include access to the information by officers or employees of a criminal
69 justice agency maintaining the information who have both a need and right to know the information.

70 "Law-enforcement officer" means any full-time or part-time employee of a police department or
71 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
72 thereof, and who is responsible for the prevention and detection of crime and the enforcement of the
73 penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the
74 Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353;
75 (iii) officer of the Virginia Marine Police; (iv) ~~game warden~~ *conservation police officer* who is a
76 full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries;
77 (v) investigator who is a full-time sworn member of the security division of the State Lottery
78 Department; or (vi) conservation officer of the Department of Conservation and Recreation
79 commissioned pursuant to § 10.1-115. Part-time employees are those compensated officers who are not
80 full-time employees as defined by the employing police department or sheriff's office. Full-time sworn
81 members of the enforcement division of the Department of Motor Vehicles meeting the Department of
82 Criminal Justice Services qualifications shall be deemed to be "law-enforcement officers" when fulfilling
83 their duties pursuant to § 46.2-217.

84 "School resource officer" means a certified law-enforcement officer hired by the local
85 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
86 and secondary schools.

87 "School security officer" means an individual who is employed by the local school board for the
88 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school
89 board policies, and detaining students violating the law or school board policies on school property or at
90 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of
91 all students, faculty, staff, and visitors in the assigned school.

92 § 9.1-400. Title of chapter; definitions.

93 A. This chapter shall be known and designated as the Line of Duty Act.

94 B. As used in this chapter, unless the context requires a different meaning:

95 "Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under
96 the will of a deceased person if testate, or as his heirs at law if intestate.

97 "Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct
98 or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,
99 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its
100 political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail
101 farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of
102 Richmond; a police chaplain; a member of any fire company or department or rescue squad that has
103 been recognized by an ordinance or a resolution of the governing body of any county, city or town of
104 the Commonwealth as an integral part of the official safety program of such county, city or town; a
105 member of the Virginia National Guard or the Virginia State Defense Force while such member is
106 serving in the Virginia National Guard or the Virginia State Defense Force on official state duty or
107 federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic
108 Beverage Control Board; any regular or special ~~game warden~~ *conservation police officer* who receives
109 compensation from a county, city or town or from the Commonwealth appointed pursuant to the
110 provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of
111 § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power
112 of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer;
113 any other employee of the Department of Emergency Management who is performing official duties of
114 the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16,
115 that has been or is later declared to exist under the authority of the Governor in accordance with
116 § 44-146.28; any employee of any county, city, or town performing official emergency management or
117 emergency services duties in cooperation with the Department of Emergency Management, when those
118 duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later
119 declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local
120 emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional

121 hazardous materials emergency response team member; or any conservation officer of the Department of
122 Conservation and Recreation commissioned pursuant to § 10.1-115.

123 "Disabled person" means any individual who, as the direct or proximate result of the performance of
124 his duty in any position listed in the definition of deceased person in this section, has become mentally
125 or physically incapacitated so as to prevent the further performance of duty where such incapacity is
126 likely to be permanent. The term shall also include any state employee included in the definition of a
127 deceased person who was disabled on or after January 1, 1966.

128 "Line of duty" means any action the deceased or disabled person was obligated or authorized to
129 perform by rule, regulation, condition of employment or service, or law.

130 § 9.1-500. Definitions.

131 As used in this chapter, unless the context requires a different meaning:

132 "Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine
133 Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the
134 Department of Alcoholic Beverage Control, or the Department of Motor Vehicles; or the political
135 subdivision or the campus police department of any public institution of higher education of the
136 Commonwealth employing the law-enforcement officer.

137 "Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of
138 the Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and
139 (ii) a nonprobationary officer of one of the following agencies:

140 a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources
141 Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the Department
142 of Alcoholic Beverage Control, or the Department of Motor Vehicles;

143 b. The police department, bureau or force of any political subdivision or the campus police
144 department of any public institution of higher education of the Commonwealth where such department,
145 bureau or force has ten or more law-enforcement officers; or

146 c. Any ~~game warden~~ *conservation police officer* as defined in § 9.1-101.

147 For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department
148 of any city or county.

149 § 9.1-801. Public safety officer defined.

150 As used in this chapter, the term "public safety officer" includes a law-enforcement officer of this
151 Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a
152 correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail
153 officer; a regional jail or jail farm superintendent; a member of any fire company or department or
154 rescue squad that has been recognized by an ordinance or resolution of the governing body of any
155 county, city or town of this Commonwealth as an integral part of the official safety program of such
156 county, city or town; an arson investigator; a member of the Virginia National Guard or the Virginia
157 State Defense Force while such a member is serving in the Virginia National Guard or the Virginia
158 State Defense Force on official state duty or federal duty under Title 32 of the United States Code; any
159 special agent of the Virginia Alcoholic Beverage Control Board; any police agent appointed under the
160 provisions of § 56-353; any regular or special ~~game warden~~ *conservation police officer* who receives
161 compensation from a county, city or town or from the Commonwealth appointed pursuant to § 29.1-200;
162 any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the
163 Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any
164 Department of Emergency Management hazardous materials officer; any nonfirefighter regional
165 hazardous materials emergency response team member; any investigator who is a full-time sworn
166 member of the security division of the State Lottery Department; any full-time sworn member of the
167 enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice
168 Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer
169 appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer
170 of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

171 § 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue
172 personnel, or emergency medical service providers; penalty; lesser-included offense.

173 If any person maliciously causes bodily injury to another by any means including the means set out
174 in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that
175 such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in
176 § 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel,
177 as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer,
178 firefighter, search and rescue personnel, or emergency medical services personnel, such person shall be
179 guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30
180 years and, subject to subsection (g) of § 18.2-10, a fine of not more than \$100,000. Upon conviction,
181 the sentence of such person shall include a mandatory minimum term of imprisonment of two years.

182 If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to
183 another by any means, knowing or having reason to know such other person is a law-enforcement
184 officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services
185 personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter,
186 search and rescue personnel, or emergency medical services personnel, he shall be guilty of a Class 6
187 felony, and upon conviction, the sentence of such person shall include a mandatory minimum term of
188 imprisonment of one year.

189 Nothing in this section shall be construed to affect the right of any person charged with a violation
190 of this section from asserting and presenting evidence in support of any defenses to the charge that may
191 be available under common law.

192 As used in this section, "law-enforcement officer" means any full-time or part-time employee of a
193 police department or sheriff's office that is part of or administered by the Commonwealth or any
194 political subdivision thereof, who is responsible for the prevention or detection of crime and the
195 enforcement of the penal, traffic or highway laws of this Commonwealth; any conservation officer of the
196 Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any ~~game~~
197 ~~warden~~ *conservation police officer* appointed pursuant to § 29.1-200 and auxiliary police officers
198 appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs
199 appointed pursuant to § 15.2-1603.

200 As used in this section, "search and rescue personnel" means any employee or member of a search
201 and rescue organization that is authorized by a resolution or ordinance duly adopted by the governing
202 body of any county, city or town of the Commonwealth.

203 The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.
204 § 18.2-283.1. Carrying weapon into courthouse.

205 It shall be unlawful for any person to possess in or transport into any courthouse in this
206 Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of
207 any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a
208 dangerous weapon and (iii) any other dangerous weapon, including explosives, tasers, stun weapons and
209 those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by
210 a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor.

211 The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or
212 official, ~~game warden~~ *conservation police officer*, conservator of the peace, magistrate, court officer, or
213 judge while in the conduct of such person's official duties.

214 § 18.2-287.01. Carrying weapon in air carrier airport terminal.

215 It shall be unlawful for any person to possess or transport into any air carrier airport terminal in the
216 Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of
217 any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a
218 dangerous weapon, and (iii) any other dangerous weapon, including explosives, tasers, stun weapons and
219 those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by
220 a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor. Any
221 weapon possessed or transported in violation of this section shall be forfeited to the Commonwealth and
222 disposed of as provided in subsection A of § 18.2-308.

223 The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or
224 official, or ~~game warden~~ *conservation police officer*, or conservator of the peace employed by the air
225 carrier airport, nor shall the provisions of this section apply to any passenger of an airline who, to the
226 extent otherwise permitted by law, transports a lawful firearm, weapon, or ammunition into or out of an
227 air carrier airport terminal for the sole purposes, respectively, of (i) presenting such firearm, weapon, or
228 ammunition to U.S. Customs agents in advance of an international flight, in order to comply with
229 federal law, (ii) checking such firearm, weapon, or ammunition with his luggage, or (iii) retrieving such
230 firearm, weapon, or ammunition from the baggage claim area.

231 Any other statute, rule, regulation, or ordinance specifically addressing the possession or
232 transportation of weapons in any airport in the Commonwealth shall be invalid, and this section shall
233 control.

234 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

235 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,
236 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any
237 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,
238 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more
239 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun
240 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,
241 having at least two points or pointed blades which is designed to be thrown or propelled and which may
242 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this
243 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a

244 conviction under this section subsequent to any conviction under any substantially similar ordinance of
 245 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such
 246 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be
 247 deemed to be hidden from common observation when it is observable but is of such deceptive
 248 appearance as to disguise the weapon's true nature.

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

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

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

253 2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the
 254 Commonwealth;

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

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

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

263 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland
 264 Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from
 265 those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be
 266 construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
 267 and

268 7. Any State Police officer retired from the Department of State Police, any local law-enforcement
 269 officer, auxiliary police officer or animal control officer retired from a police department or sheriff's
 270 office within the Commonwealth, any special agent retired from the State Corporation Commission or
 271 the Alcoholic Beverage Control Board, any ~~game warden~~*conservation police officer* retired from the
 272 Department of Game and Inland Fisheries, and any Virginia Marine Police officer retired from the Law
 273 Enforcement Division of the Virginia Marine Resources Commission, other than an officer or agent
 274 terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with
 275 any such law-enforcement agency, board or any combination thereof; or (iii) who has reached 55 years
 276 of age, provided such officer carries with him written proof of consultation with and favorable review of
 277 the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such
 278 agency from which the officer retired or, in the case of special agents, issued by the State Corporation
 279 Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and
 280 favorable review shall be forwarded by the chief or the Board to the Department of State Police for
 281 entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not
 282 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the
 283 requirements of this section.

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

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

289 1. Carriers of the United States mail;

290 2. Officers or guards of any state correctional institution;

291 3. [Repealed.]

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

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

298 6. Harbormaster of the City of Hopewell.

299 D. (Effective until July 1, 2007 - see Editor's notes) Any person 21 years of age or older may apply
 300 in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a
 301 member of the United States Armed Forces, the county or city in which he is domiciled, for a five-year
 302 permit to carry a concealed handgun. There shall be no requirement regarding the length of time an
 303 applicant has been a resident or domiciliary of the county or city. The application shall be made under
 304 oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed

305 by the Department of State Police, in consultation with the Supreme Court, requiring only that
306 information necessary to determine eligibility for the permit. The clerk shall enter on the application the
307 date on which the application and all other information required to be submitted by the applicant is
308 received. The court shall consult with either the sheriff or police department of the county or city and
309 receive a report from the Central Criminal Records Exchange. As a condition for issuance of a
310 concealed handgun permit, the applicant shall submit to fingerprinting if required by local ordinance in
311 the county or city where the applicant resides and provide personal descriptive information to be
312 forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of
313 Investigation for the purpose of obtaining criminal history record information regarding the applicant,
314 and obtaining fingerprint identification information from federal records pursuant to criminal
315 investigations by state and local law-enforcement agencies. Where feasible and practical, the local
316 law-enforcement agency may transfer information electronically to the State Police instead of inked
317 fingerprint cards. Upon completion of the criminal history records check, the State Police shall return the
318 fingerprint cards to the submitting local agency or, in the case of scanned fingerprints, destroy the
319 electronic record. The local agency shall then promptly notify the person that he has 21 days from the
320 date of the notice to request return of the fingerprint cards, if any. All fingerprint cards not claimed by
321 the applicant within 21 days of notification by the local agency shall be destroyed. All optically scanned
322 fingerprints shall be destroyed upon completion of the criminal history records check without requiring
323 that the applicant be notified. Fingerprints taken for the purposes described in this section shall not be
324 copied, held or used for any other purposes. The court shall issue the permit and notify the State Police
325 of the issuance of the permit within 45 days of receipt of the completed application unless it is
326 determined that the applicant is disqualified. Any order denying issuance of the permit shall state the
327 basis for the denial of the permit and the applicant's right to and the requirements for perfecting an
328 appeal of such order pursuant to subsection L. An application is deemed complete when all information
329 required to be furnished by the applicant is delivered to and received by the clerk of court before or
330 concomitant with the conduct of a state or national criminal history records check. If the court has not
331 issued the permit or determined that the applicant is disqualified within 45 days of the date of receipt
332 noted on the application, the clerk shall certify on the application that the 45-day period has expired,
333 and send a copy of the certified application to the applicant. The certified application shall serve as a de
334 facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid concealed
335 handgun permit when presented with a valid government-issued photo identification pursuant to
336 subsection H, until the court issues a five-year permit or finds the applicant to be disqualified. If the
337 applicant is found to be disqualified after the de facto permit is issued, the applicant shall surrender the
338 de facto permit to the court and the disqualification shall be deemed a denial of the permit and a
339 revocation of the de facto permit. If the applicant is later found by the court to be disqualified after a
340 five-year permit has been issued, the permit shall be revoked. The clerk of court may withhold from
341 public disclosure the social security number contained in a permit application in response to a request to
342 inspect or copy any such permit application, except that such social security number shall not be
343 withheld from any law-enforcement officer acting in the performance of his official duties.

344 D. (Effective July 1, 2007 - see Editor's notes) Any person 21 years of age or older may apply in
345 writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member
346 of the United States Armed Forces, the county or city in which he is domiciled, for a permit to carry a
347 concealed handgun. There shall be no requirement regarding the length of time an applicant has been a
348 resident or domiciliary of the county or city. The application shall be made under oath before a notary
349 or other person qualified to take oaths and shall be made only on a form prescribed by the Department
350 of State Police, in consultation with the Supreme Court, requiring only that information necessary to
351 determine eligibility for the permit. The clerk shall enter on the application the date on which the
352 application and all other information required to be submitted by the applicant is received. The court
353 shall consult with either the sheriff or police department of the county or city and receive a report from
354 the Central Criminal Records Exchange. As a condition for issuance of a concealed handgun permit, the
355 applicant shall submit to fingerprinting if required by local ordinance in the county or city where the
356 applicant resides and provide personal descriptive information to be forwarded with the fingerprints
357 through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose
358 of obtaining criminal history record information regarding the applicant, and obtaining fingerprint
359 identification information from federal records pursuant to criminal investigations by state and local
360 law-enforcement agencies. Where feasible and practical, the local law-enforcement agency may transfer
361 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the
362 criminal history records check, the State Police shall return the fingerprint cards to the submitting local
363 agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then
364 promptly notify the person that he has 21 days from the date of the notice to request return of the
365 fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days of notification
366 by the local agency shall be destroyed. All optically scanned fingerprints shall be destroyed upon

367 completion of the criminal history records check without requiring that the applicant be notified.
 368 Fingerprints taken for the purposes described in this section shall not be copied, held or used for any
 369 other purposes. The court shall issue the permit and notify the State Police of the issuance of the permit
 370 within 45 days of receipt of the completed application unless it is determined that the applicant is
 371 disqualified. Any order denying issuance of the permit shall state the basis for the denial of the permit
 372 and the applicant's right to and the requirements for perfecting an appeal of such order pursuant to
 373 subsection L. An application is deemed complete when all information required to be furnished by the
 374 applicant is delivered to and received by the clerk of court before or concomitant with the conduct of a
 375 state or national criminal history records check. If the court has not issued the permit or determined that
 376 the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk shall
 377 certify on the application that the 45-day period has expired, and send a copy of the certified application
 378 to the applicant. The certified application shall serve as a de facto permit, which shall expire 90 days
 379 after issuance, and shall be recognized as a valid concealed handgun permit when presented with a valid
 380 government-issued photo identification pursuant to subsection H, until the court issues a permit or finds
 381 the applicant to be disqualified. If the applicant is found to be disqualified after the de facto permit is
 382 issued, the applicant shall surrender the de facto permit to the court and the disqualification shall be
 383 deemed a denial of the permit and a revocation of the de facto permit. If the applicant is later found by
 384 the court to be disqualified after a permit has been issued, the permit shall be revoked. The clerk of
 385 court may withhold from public disclosure the social security number contained in a permit application
 386 in response to a request to inspect or copy any such permit application, except that such social security
 387 number shall not be withheld from any law-enforcement officer acting in the performance of his official
 388 duties.

389 D1. (Effective July 1, 2007 - see Editor's note) Whenever any person moves from the address shown
 390 on the concealed handgun permit, he shall, within 30 days, notify the issuing court of his change of
 391 address. The court shall issue a new concealed handgun permit as provided in subsection H and provide
 392 the Department of State Police with the permit information as required in subsection K.

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

394 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or
 395 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

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

399 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
 400 competency or capacity was restored pursuant to § 37.2-1012 less than five years before the date of his
 401 application for a concealed handgun permit.

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

405 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
 406 § 18.2-308.1:4 from purchasing or transporting a firearm.

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

409 7. An individual who has been convicted of two or more misdemeanors within the five-year period
 410 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
 411 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
 412 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
 413 disqualification.

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

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

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

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

422 12. An individual who is a fugitive from justice.

423 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by
 424 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief
 425 of police, or attorney for the Commonwealth may submit to the court a sworn written statement
 426 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
 427 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is

428 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief
429 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
430 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
431 specific acts, or upon a written statement made under oath before a notary public of a competent person
432 having personal knowledge of the specific acts.

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

436 15. An individual who has been convicted of stalking.

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

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

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

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

452 20. An individual, not otherwise ineligible pursuant to this section, with respect to whom, within the
453 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
454 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or upon a charge of illegal possession or
455 distribution of marijuana or any controlled substance under the laws of any state, the District of
456 Columbia, or the United States or its territories, the trial court found that the facts of the case were
457 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially
458 similar law of any other state, the District of Columbia, or the United States or its territories.

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

461 G. The court shall require proof that the applicant has demonstrated competence with a handgun and
462 the applicant may demonstrate such competence by one of the following, but no applicant shall be
463 required to submit to any additional demonstration of competence:

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

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

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

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

474 5. Presenting evidence of equivalent experience with a firearm through participation in organized
475 shooting competition or current military service or proof of an honorable discharge from any branch of
476 the armed services;

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

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

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

483 9. Completing any other firearms training which the court deems adequate.

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

489 H. (Effective until July 1, 2007 - see Editor's notes) The permit to carry a concealed handgun shall

590 specify only the following information: name, address, date of birth, gender, height, weight, color of
 591 hair, color of eyes, and signature of the permittee; the signature of the judge issuing the permit, or of
 592 the clerk of court who has been authorized to sign such permits by the issuing judge; the date of
 593 issuance; and the expiration date. The permit to carry a concealed handgun shall be no larger than two
 594 inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the
 595 Department of State Police. The person issued the permit shall have such permit on his person at all
 596 times during which he is carrying a concealed handgun and shall display the permit and a
 597 photo-identification issued by a government agency of the Commonwealth or by the United States
 598 Department of Defense or United States State Department (passport) upon demand by a law-enforcement
 599 officer.

500 H. (Effective July 1, 2007 - see Editor's notes) The permit to carry a concealed handgun shall specify
 501 only the following information: name, address, date of birth, gender, height, weight, color of hair, color
 502 of eyes, and signature of the permittee; the signature of the judge issuing the permit, or of the clerk of
 503 court who has been authorized to sign such permits by the issuing judge; and the date of issuance. The
 504 permit to carry a concealed handgun shall be no larger than two inches wide by three and one-fourth
 505 inches long and shall be of a uniform style prescribed by the Department of State Police. The person
 506 issued the permit shall have such permit on his person at all times during which he is carrying a
 507 concealed handgun and shall display the permit and a photo-identification issued by a government
 508 agency of the Commonwealth or by the United States Department of Defense or United States State
 509 Department (passport) upon demand by a law-enforcement officer.

510 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
 511 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an
 512 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
 513 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
 514 validity of the permit, such a permittee shall carry with him and display, upon request of a
 515 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
 516 permittee's commanding officer that order the permittee to travel outside of his county or city of
 517 residence and that indicate the start and end date of such deployment.

518 I. (Effective until July 1, 2007 - see Editor's notes) Persons who previously have held a concealed
 519 handgun permit shall be issued, upon application as provided in subsection D, a new five-year permit
 520 unless there is good cause shown for refusing to reissue a permit. If the circuit court denies the permit,
 521 the specific reasons for the denial shall be stated in the order of the court denying the permit. Upon
 522 denial of the application, the clerk shall provide the person with notice, in writing, of his right to an ore
 523 tenus hearing. Upon request of the applicant made within 21 days, the court shall place the matter on
 524 the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not
 525 be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's
 526 findings of fact and conclusions of law.

527 I. (Effective July 1, 2007 - see Editor's notes) If the circuit court denies the permit, the specific
 528 reasons for the denial shall be stated in the order of the court denying the permit. Upon denial of the
 529 application, the clerk shall provide the person with notice, in writing, of his right to an ore tenus
 530 hearing. Upon request of the applicant made within 21 days, the court shall place the matter on the
 531 docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be
 532 appointed, and the rules of evidence shall apply. The final order of the court shall include the court's
 533 findings of fact and conclusions of law.

534 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
 535 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and
 536 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the
 537 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a
 538 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the
 539 court having issued the permit of such disqualifying arrest, conviction or other event.

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

549 J2. An individual who has a felony charge pending or a charge pending for an offense listed in
 550 subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by

551 the court before which such charge is pending or by the court that issued the permit.

552 J3. No person shall carry a concealed handgun onto the premises of any restaurant or club as defined
553 in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has
554 been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the Code of Virginia;
555 however, nothing herein shall prohibit any sworn law-enforcement officer from carrying a concealed
556 handgun on the premises of such restaurant or club or any owner or event sponsor or his employees
557 from carrying a concealed handgun while on duty at such restaurant or club if such person has a
558 concealed handgun permit.

559 J4. Any individual for whom it would be unlawful to purchase, possess or transport a firearm under
560 § 18.2-308.1:2 or 18.2-308.1:3, who holds a concealed handgun permit, may have the permit suspended
561 by the court that issued the permit during the period of incompetency, incapacity or disability.

562 J5. (Effective July 1, 2007 - see Editor's note) The Department of State Police shall conduct a state
563 and national criminal background check through the National Instant Criminal Background Check
564 System (NICS) and the Virginia Criminal Information Network (VCIN) on all valid concealed handgun
565 permits annually. Upon receipt of a record of the arrest, conviction or occurrence of any other event that
566 would disqualify a person from obtaining a concealed handgun permit under subsections E, J1, J2 or J4,
567 the Superintendent of the Department of State Police or his designee shall revoke the permit of a
568 disqualified person. The Department of State Police shall notify the disqualified person in writing at his
569 last known address of the revocation notice. The disqualified person shall forfeit and immediately
570 surrender his permit for a concealed handgun to the Department of State Police. The Department of
571 State Police shall notify the court having issued the permit of such disqualifying information. If the
572 Department of State Police revokes the permit, the specific reasons for the revocation shall be stated in
573 the revocation notice. The person shall have the right to appeal the decision of the Department of State
574 Police with the issuing court as provided in subsection I. Any person who knowingly is in possession of
575 a revoked concealed handgun permit while in possession of a concealed handgun is guilty of a Class 6
576 felony.

577 K. No fee shall be charged for the issuance of such permit to a person who has retired from service
578 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control
579 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and
580 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the
581 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement
582 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and
583 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
584 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals
585 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching
586 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United
587 States, the District of Columbia or any of the territories of the United States, after completing 15 years
588 of service; or (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)
589 through (iv), after completing 15 years of service. The clerk shall charge a fee of \$10 for the processing
590 of an application or issuing of a permit, including his costs associated with the consultation with
591 law-enforcement agencies. The local law-enforcement agency conducting the background investigation
592 may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this
593 section. The \$35 fee shall include any amount assessed by the Federal Bureau of Investigation for
594 providing criminal history record information, and the local law-enforcement agency shall forward the
595 amount assessed by the Federal Bureau of Investigation to the State Police with the fingerprints taken
596 from the applicant. The State Police may charge a fee not to exceed \$5 to cover their costs associated
597 with processing the application. The total amount assessed for processing an application for a permit
598 shall not exceed \$50, with such fees to be paid in one sum to the person who accepts the application.
599 Payment may be made by any method accepted by that court for payment of other fees or penalties. No
600 payment shall be required until the application is accepted by the court as a complete application. The
601 order issuing such permit, or the copy of the permit application certified by the clerk as a de facto
602 permit pursuant to subsection D, shall be provided to the State Police and the law-enforcement agencies
603 of the county or city. The State Police shall enter the permittee's name and description in the Virginia
604 Criminal Information Network so that the permit's existence and current status will be made known to
605 law-enforcement personnel accessing the Network for investigative purposes.

606 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
607 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
608 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if
609 an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court
610 following the hearing. The petition shall be accompanied by a copy of the original papers filed in the
611 circuit court, including a copy of the order of the circuit court denying the permit. Subject to the
612 provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final.

613 Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal,
614 taxable costs incurred by the person shall be paid by the Commonwealth.

615 M. For purposes of this section:

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

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

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

629 "Personal knowledge" means knowledge of a fact that a person has himself gained through his own
630 senses, or knowledge that was gained by a law-enforcement officer or prosecutor through the
631 performance of his official duties.

632 N. As used in this article:

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

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

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

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

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

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

- 671 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
- 672 Game and Inland Fisheries or a similar agency of another state;
- 673 2. Completing any National Rifle Association firearms safety or training course;

674 3. Completing any firearms safety or training course or class available to the general public offered
 675 by a law-enforcement agency, junior college, college, or private or public institution or organization or
 676 firearms training school utilizing instructors certified by the National Rifle Association or the
 677 Department of Criminal Justice Services or a similar agency of another state;

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

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

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

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

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

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

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

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

703 The permit to carry a concealed handgun shall contain only the following information: name,
 704 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
 705 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;
 706 the date of issuance; and the expiration date. The person to whom the permit is issued shall have such
 707 permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and
 708 shall display the permit on demand by a law-enforcement officer.

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

712 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
 713 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
 714 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
 715 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the
 716 holder of the permit is 21 years of age or older.

717 R. For the purposes of participation in concealed handgun reciprocity agreements with other
 718 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty
 719 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun
 720 permit under this section shall be deemed a concealed handgun permit.

721 S. For the purposes of understanding the law relating to the use of deadly and lethal force, the
 722 Department of State Police, in consultation with the Supreme Court on the development of the
 723 application for a concealed handgun permit under this section, shall include a reference to the Virginia
 724 Supreme Court website address or the Virginia Reports on the application.

725 § 29.1-200. Appointment of ~~game warden~~ *conservation police officers*.

726 A. The Director shall appoint regular and special ~~game warden~~ *conservation police officers* as he
 727 may deem necessary to enforce the game and inland fish laws and shall issue a certificate of
 728 appointment to each ~~game warden~~ *conservation police officer*.

729 B. All appointments to sworn law-enforcement positions above the rank of ~~game warden~~ *conservation*
 730 *police officer* within the Department shall be made by the Director of the Department from among the
 731 sworn ~~game warden~~ *conservation police officers*, except for those positions designated in subdivision 20
 732 of § 2.2-2905, or whenever the Director determines, in writing, that a position requires knowledge,
 733 skills, or abilities such that a sufficient pool of qualified candidates does not exist within the
 734 Department.

735 § 29.1-201. Bond.

736 Before entering upon the discharge of his official duties, each ~~game warden~~ *conservation police*
 737 *officer* shall post bond with a guaranty company, authorized to do business within this Commonwealth
 738 as surety, for \$1,000 payable to the Commonwealth of Virginia. The bonds shall be posted with the
 739 condition that the ~~game warden~~ *conservation police officer* will (i) account for and legally apply all
 740 money which he receives in his official capacity, (ii) pay all judgments rendered against him for
 741 malicious prosecution or for unlawful search, arrest or imprisonment, and (iii) faithfully perform all of
 742 the duties enjoined upon him by law. These bonds shall be filed with the Department and shall be
 743 subject to the approval of the Director or his designated officer. The premium on the bonds shall be
 744 paid out of the game protection fund.

745 § 29.1-204. Assisting the Director; supervision.

746 The ~~game wardens~~ *conservation police officers* shall assist the Director in discharging his official
 747 duties. Each regular and special ~~game warden~~ *conservation police officer* shall be under the supervision
 748 of certain ~~game wardens~~ *conservation police officers* specified by the Director.

749 § 29.1-205. Power to make arrests.

750 All ~~game wardens~~ *conservation police officers* are vested with the authority, upon displaying a badge
 751 or other credential of office, to issue a summons or to arrest any person found in the act of violating
 752 any of the provisions of the hunting, trapping, inland fish and boating laws.

753 Regular ~~game wardens~~ *conservation police officers* are vested with the same authority as sheriffs and
 754 other law-enforcement officers to enforce all of the criminal laws of the Commonwealth.

755 Any special ~~game warden~~ *conservation police officer* shall have general police power while
 756 performing his duty on properties owned or controlled by the Board.

757 Any commissioned, warrant or petty officers of the United States Coast Guard and of the United
 758 States Coast Guard Reserve while engaged on active duty, in the conduct of their official duties in
 759 uniform, and any officers of the customs as defined by 19 U.S.C. § 1709 (b), in the conduct of their
 760 official duties in uniform, shall have the same power to make arrests under Chapter 7 (§ 29.1-700 et
 761 seq.) of Title 29.1 as ~~game wardens~~ *conservation police officers*.

762 § 29.1-207. Impeding ~~game warden~~ *conservation police officer*, etc., in discharge of his duty.

763 If any person, by threats or force, attempts to intimidate or impede any law-enforcement officer
 764 enforcing the game, inland fish and boating laws, he shall be guilty of a Class 2 misdemeanor and shall
 765 be subject to arrest by the officer and to the procedures set forth in § 29.1-210.

766 § 29.1-208. Searches and seizures.

767 All ~~game wardens~~ *conservation police officers* are vested with the authority to search any person
 768 arrested as provided in § 29.1-205 together with any box, can, package, barrel or other container,
 769 hunting bag, coat, suit, trunk, grip, satchel or fish basket carried by, in the possession of, or belonging
 770 to such person. ~~Game wardens~~ *Conservation police officers* shall also have the authority, immediately
 771 subsequent to such arrest, to enter and search any refrigerator, building, vehicle, or other place in which
 772 the officer making the search has reasonable ground to believe that the person arrested has concealed or
 773 placed any wild bird, wild animal or fish, which will furnish evidence of a violation of the hunting,
 774 trapping and inland fish laws. Such a search may be made without a warrant, except that a dwelling
 775 may not be searched without a warrant. Should any container as described in this section reveal any
 776 wild bird, wild animal or fish, or any part thereof, which has been illegally taken, possessed, sold,
 777 purchased or transported, the ~~game warden~~ *conservation police officer* shall seize and hold as evidence
 778 the container, together with such wild bird, wild animal or fish, and any unlawful gun, net, or other
 779 device of any kind for taking wild birds, wild animals or fish which he may find.

780 § 29.1-212. Precaution against fire.

781 The ~~game warden~~ *conservation police officer* shall caution persons of the danger from fires and, if
 782 possible, extinguish all fires left burning by anyone. When possible, he shall notify any interested
 783 persons of fires raging beyond his control, so that the fires may be extinguished.

784 § 29.1-213. Taking samples of water believed to be polluted.

785 Any ~~game warden~~ *conservation police officer* appointed under the provisions of this title may, and
 786 shall when requested by a member of the governing body of a county, city or town, take samples of
 787 water from any stream in this Commonwealth when he has reason to believe that the water may be
 788 polluted. Any ~~game warden~~ *conservation police officer* collecting any water sample shall take the sample
 789 in a clean container, seal it, and send it to the State Water Control Board. With the sample, the ~~game~~
 790 ~~warden~~ *conservation police officer* shall enclose a signed statement showing in reasonable detail the time
 791 and place at which the sample was taken. The ~~warden~~ *officer* shall keep the original of the statement and
 792 send the copy with the sample.

793 § 29.1-217. Special ~~game wardens~~ *conservation police officers* receiving no compensation from
 794 Commonwealth.

795 A. On request of any employer owning more than 500 acres in this Commonwealth, the Director
 796 may appoint as special ~~game wardens~~ *conservation police officers* persons employed by the owner. No

797 such special ~~game warden~~*conservation police officer* shall receive any compensation from the
 798 Commonwealth for his services as such. Any such special ~~game warden~~*conservation police officer* shall
 799 give the bond required by § 29.1-201 prior to serving. The powers and authority of such special ~~game~~
 800 ~~warden~~*conservation police officer* shall not extend beyond the lands of his employer. The Director may
 801 require any special ~~game warden~~*conservation police officer* to perform duties on such lands as are
 802 required for the enforcement of this chapter.

803 B. On request of two or more adjoining landowners who own 1,000 or more contiguous acres in this
 804 Commonwealth, the Director may appoint as special ~~game wardens~~*conservation police officers* persons
 805 employed by one or more of the landowners. No such special ~~game warden~~*conservation police officer*
 806 shall receive any compensation from the Commonwealth for his services as such. Any such special
 807 ~~game warden~~*conservation police officer* shall give the bond required by § 29.1-201 prior to serving. The
 808 powers and authority of such special ~~game warden~~*conservation police officer* shall not extend beyond
 809 the lands of the adjoining landowners requesting the appointment of the special ~~game~~
 810 ~~warden~~*conservation police officer*. The Director may require any special ~~game warden~~*conservation*
 811 *police officer* to perform duties on such lands as are required for the enforcement of this chapter.

812 C. The Commonwealth and the Department shall not be liable in any manner for the acts or
 813 omissions of special ~~game wardens~~*conservation police officers* appointed pursuant to this section
 814 occurring during the performance of their duties as special ~~game wardens~~*conservation police officers*.

815 D. Each request for appointment of a special ~~game warden~~*conservation police officer* shall be
 816 accompanied by a nonrefundable fee of \$100 to defray the cost of processing the request.

817 § 29.1-218. Defense of ~~game warden~~*conservation police officer* prosecuted on criminal charge.

818 If any ~~game warden~~*conservation police officer* appointed by the Director is prosecuted on any
 819 criminal charge arising out of any act committed in performing his official duties, the Director may
 820 employ special counsel approved by the Governor to defend the officer. The compensation for special
 821 counsel employed pursuant to this section, shall, subject to the approval of the Governor, be paid out of
 822 the funds appropriated for the administration of the Department.

823 § 29.1-300.2. Hunter education program.

824 The Department shall provide for a course of instruction in hunter safety, principles of conservation,
 825 and sportsmanship, and for this purpose may cooperate with any reputable association or organization
 826 having as one of its objectives the promotion of hunter safety, principles of conservation, and
 827 sportsmanship.

828 The Board shall establish six full-time hunter education coordinator positions. Each coordinator will
 829 be assigned to a ~~game warden~~*conservation police officer* district and have the responsibility for
 830 providing hunter education training in that district.

831 The Department may designate as a hunter safety instructor any person found by it to be competent
 832 to give instruction in the courses required by this article. A person so appointed shall give such course
 833 of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of
 834 competency as provided by the Board in hunter safety, principles of conservation, and sportsmanship.

835 The Board shall prescribe a minimum level of skill and knowledge to be required of all hunter safety
 836 instructors, and may limit the number of students per instructor in all required classes.

837 The Board may revoke the certificate of any instructor when, in the opinion of the Board, it is in the
 838 best interest of the Commonwealth to do so.

839 The Board shall promulgate rules and regulations in order to administer and enforce the provisions of
 840 §§ 29.1-300.1 through 29.1-300.3.

841 § 29.1-337. Displaying license upon request.

842 A. Every person who is issued a hunting, trapping or fishing license and is carrying such a license
 843 when hunting, trapping or fishing shall present it immediately upon demand of any officer whose duty it
 844 is to enforce the game and inland fish laws. Refusing to exhibit the license upon demand of any ~~game~~
 845 ~~warden~~*conservation police officer* or other officer shall be a Class 3 misdemeanor.

846 B. In accordance with § 18.2-133, the hunting, trapping or fishing license shall also be shown upon
 847 the demand of any owner or lessee, or of any employee or representative of such owner or lessee, upon
 848 whose lands or waters the person may be hunting, fishing or trapping.

849 C. The Director may supply buttons or license holders and require the license or button to be
 850 displayed in a manner he may determine.

851 § 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

852 A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth
 853 from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected
 854 stationary blind of another without the consent of the licensee, except when in active pursuit of a visible
 855 crippled waterfowl which was legally shot by the person.

856 B. No person shall erect a stationary blind in the public waters within 500 yards of any other
 857 licensed blind without the consent of the licensee. Any person who violates this subsection shall be
 858 guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore,

859 the trial court shall immediately revoke the blind owner's license for the stationary blind where the
860 offense was committed. The blind owner may be eligible for a license in the following open season
861 upon the same conditions that would apply to a new applicant. When a license for a stationary blind has
862 been revoked, the blind shall be destroyed by the former licensee or by the ~~game warden~~*conservation*
863 *police officer*.

864 § 29.1-355. Disposition of funds.

865 All moneys received from the sale of the special stamps shall be paid into the local treasury to the
866 credit of a special damage stamp fund and identified by the year in which the moneys were collected.
867 The special fund shall be used for the following purposes:

868 1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock,
869 livestock, colonies of bees, bee equipment and appliances, as defined in § 3.1-610.1, or farm equipment
870 that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

871 2. Payment of the actual and necessary costs of the administration of the provisions of this article,
872 including the printing and distribution of the required stamps and the payment of reasonable fees to
873 persons designated by a local governing body to inspect, evaluate, and confirm reported claims and
874 adjust such claims; and

875 3. In the discretion of the local governing body, payment of the costs of law enforcement directly
876 related to and incidental to carrying out the provisions of this article and the general game laws of the
877 Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved
878 for such employment by the director and appointed to be a special ~~game warden~~*conservation police*
879 *officer* in accordance with the Board's standards and policies governing such appointment; and

880 4. In the discretion of the local governing body, administrative expenses related to the special
881 stamps, support of a county volunteer fire prevention and suppression program when the program
882 includes fire fighting on big game hunting lands open to the public, and support of local volunteer
883 rescue squads whose services are available to hunters in distress. However, the money appropriated from
884 the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar
885 year, an amount equal to 25 percent of the amount paid into the special damage stamp fund during the
886 fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local
887 governing body must continue to use that selected period of time in determining the amount of money
888 to be appropriated from the special damage stamp fund.

889 § 29.1-516. Game animals.

890 The following provisions shall apply to the killing and hunting of the particular game animals listed:

891 Black bear. - Black bear may be killed by any person when (i) it is inflicting or attempting to inflict
892 injury to a person, or (ii) when a person is in pursuit of the bear commenced immediately after the
893 commission of such offense. Any person killing a bear under this provision shall immediately report the
894 killing to a state ~~game warden~~*conservation police officer*.

895 Deer. - It shall be unlawful for a person to kill or attempt to kill a deer in the water of any stream,
896 lake or pond. It shall be unlawful to hunt deer with dogs in the counties west of the Blue Ridge
897 Mountains.

898 Fox. - There shall be a continuous open season for hunting with dogs only. The hunting or pursuit of
899 foxes shall mean the actual following of the dogs while in pursuit of a fox or foxes or managing the
900 dog or dogs while the fox or foxes are being hunted or pursued. Foxes may be killed at any time by the
901 owner or tenant of any land when such animals are doing damage to domestic stock or fowl.

902 Rabbits and squirrels. - It shall be unlawful to kill rabbits and squirrels during the closed season;
903 however, the following persons may kill rabbits or squirrels for their own use during the closed season:

904 1. A landowner and members of his immediate family;

905 2. Resident members of hunt clubs who own the land in fee, either jointly or through a holding
906 company;

907 3. Tenants residing on the premises, with the written permission of the landowner.

908 When such animals are committing substantial damage to fruit trees, gardens, crops, or other
909 property, the owner of the premises may kill the animals or have them killed under a permit obtained
910 from the ~~game warden~~*conservation police officer*.

911 § 29.1-517. Fur-bearing animals.

912 A landowner may shoot fur-bearing animals except muskrats or raccoons, upon his own land during
913 closed season. When muskrats or raccoons are damaging crops or dams, the owner of the premises may
914 kill them or have them killed under a permit obtained from the ~~game warden~~*conservation police officer*.

915 § 29.1-521.3. Shooting wild birds and wild animals from stationary vehicles by disabled persons.

916 Any person, upon application to a ~~game warden~~*conservation police officer* and the presentation of a
917 medical doctor's written statement based on a physical examination that such person is permanently
918 unable to walk due to impaired mobility, may, in the discretion of the ~~game warden~~*conservation police*
919 *officer*, be issued a permit to shoot wild birds and wild animals from a stationary automobile or other

920 vehicle during established open hunting seasons and in accordance with other laws and regulations.
 921 Permits issued pursuant to this section shall (i) be issued on a form provided by the Department, (ii) not
 922 authorize shooting from a stationary vehicle less than 50 feet from nor in or across any public road or
 923 highway subject to the provisions of § 29.1-526, (iii) be issued for the lifetime of the permittee and be
 924 issued only to those persons who are properly licensed to hunt, and (iv) be nontransferable. Any permit
 925 found in the possession of any person not entitled to such permit shall be subject to confiscation by a
 926 ~~game warden~~ *conservation police officer*.

927 § 29.1-530. Open and closed season for trapping, bag limits, etc.

928 A. There shall be a continuous open season for trapping nuisance species and a continuous closed
 929 trapping season on all other species of wild birds and wild animals, except as provided by Board
 930 regulations. However, a landowner or his agent may trap and dispose of, except by sale, squirrels
 931 creating a nuisance on his property at any time in any area where the use of firearms for such purpose
 932 is prohibited by law or local ordinance.

933 B. In addition, the following general rules shall be applicable to any person trapping in the
 934 Commonwealth:

935 1. The trapper shall be responsible for all damage done by an illegally set trap, and any person
 936 finding a trap set contrary to law may report it to the landowner upon whose land the trap is located or
 937 to any ~~game warden~~ *conservation police officer* who may destroy or otherwise make the trap inoperable.

938 2. A landowner may trap furbearing animals, except beaver, muskrat and raccoons, upon his own
 939 land during closed season.

940 3. Licensed trappers may shoot wild animals caught in traps on any day of the week during the
 941 seasons prescribed in subsection A in order to dispatch such animal. No additional licenses are required
 942 other than a valid Virginia trapping license.

943 4. It shall be lawful to trap wild animals within the daily bag and season limits, if any, during the
 944 open season provided by Board regulations.

945 § 29.1-539. Keeping deer or bear struck by motor vehicle; procedure to be followed by driver.

946 Any person driving a motor vehicle who collides with a deer or bear may, upon compliance with the
 947 provisions of this section, keep the deer or bear for his own use as if the animal had been killed by that
 948 person during hunting season for the animal.

949 Any person so killing any deer or bear shall immediately report the accident to the ~~game~~
 950 ~~warden~~ *conservation police officer* or other law-enforcement officer of the county or city where the
 951 accident occurred. The ~~game warden~~ *conservation police officer* or other law-enforcement officer shall
 952 view the deer or bear and if he believes that the deer or bear was killed by the collision with the motor
 953 vehicle or injured to such an extent as to require its death, he shall award the animal to the person
 954 claiming the deer or bear, and shall give the person a certificate to that effect on forms furnished by the
 955 Department.

956 § 29.1-548. Killing deer illegally.

957 Any person killing a deer in violation of Board regulations, or who exceeds the bag limit for deer, or
 958 who kills a deer during the closed season shall be guilty of a Class 2 misdemeanor. However, any
 959 person who kills a deer illegally during the open season shall be guilty of a Class 3 misdemeanor if
 960 such person immediately delivers the complete carcass in good condition to the ~~game~~
 961 ~~warden~~ *conservation police officer* of the county or city in which it was killed. At that time it shall be
 962 confiscated and disposed of by the ~~game warden~~ *conservation police officer* or as otherwise provided.
 963 Any such person delivering such carcass to the ~~game warden~~ *conservation police officer* shall be exempt
 964 from replacement cost as provided in § 29.1-551.

965 § 29.1-552. Killing wild turkey during closed season.

966 Any person who kills a wild turkey during the closed season, or who kills a beardless turkey during
 967 an open hunting season prescribed by the Board for bearded turkeys only, shall be guilty of a Class 2
 968 misdemeanor for each such turkey killed. However, if a person kills a beardless turkey when only the
 969 hunting of bearded turkeys is permitted, and immediately delivers the complete carcass in good
 970 condition to a ~~game warden~~ *conservation police officer* or game checking station authorized by the
 971 Board, it shall be confiscated and disposed of as otherwise provided, and the person delivering the
 972 carcass shall be exempt from replacement cost provided in § 29.1-551.

973 § 29.1-553. Selling or offering for sale; penalty.

974 A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild
 975 animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class
 976 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by
 977 any person totals \$200 or more during any 90-day period, that person shall be guilty of a Class 6
 978 felony.

979 B. Whether or not criminal charges have been placed, when any property is taken possession of by a
 980 ~~game warden~~ *conservation police officer* for the purpose of being used as evidence of a violation of this
 981 section or for confiscation, the ~~game warden~~ *conservation police officer* making such seizure shall

982 immediately report the seizure to the Attorney for the Commonwealth.

983 C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or
984 any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild
985 animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of
986 the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had
987 been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild
988 animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred,
989 the date on which the alleged offense occurred, the name of the accused, the name of the arresting
990 officer or investigating officer, the date of the photograph, and the name of the photographer. The
991 photographs shall be identified by the signature of the photographer.

992 D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an
993 auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the
994 provisions of this section and subdivision A 11 of § 29.1-521.

995 § 29.1-556. Unlawful devices to be destroyed.

996 Any firearm, trap, net, or other device of any kind or nature for taking wild birds, wild animals, or
997 fish, except as specifically permitted by law, shall be considered unlawful. Any person who violates the
998 provisions of this section shall be guilty of a Class 3 misdemeanor, and the device shall be forfeited to
999 the Commonwealth. Nets, traps or other such devices, excluding firearms, shall be destroyed by the
1000 ~~game warden~~ *conservation police officer* if the owner or user of the device cannot be located within
1001 thirty days. Unlawful fixed devices may be destroyed by the ~~game warden~~ *conservation police officer* at
1002 the place where the devices are found.

1003 § 29.1-739. Duty of operator involved in collision, accident or other casualty; immunity from
1004 liability; report of collision, etc.; summons in lieu of arrest.

1005 A. It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty,
1006 so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render
1007 persons affected by the collision, accident, or other casualty such assistance as may be practicable and as
1008 may be necessary in order to minimize any danger caused by the collision, accident, or other casualty,
1009 and also give his name, address, and identification of his vessel in writing to any person injured and to
1010 the owner of any property damaged in the collision, accident, or other casualty. Any person who
1011 complies with this subsection or who gratuitously and in good faith renders assistance at the scene of a
1012 vessel collision, accident, or other casualty without objection of any person assisted, shall not be held
1013 liable for any civil damages as a result of the rendering of assistance or for any act or omission in
1014 providing or arranging salvage, towage, medical treatment or other assistance where the assisting person
1015 acts as an ordinary, reasonably prudent person would have acted under the same or similar
1016 circumstances.

1017 B. In case of collision, accident, or other casualty involving a vessel, the operator of the vessel, if
1018 the collision, accident, or other casualty is of such a nature as to be reportable pursuant to regulations
1019 adopted by the Board, shall notify within a reasonable time a law-enforcement officer of the
1020 Commonwealth, ~~game warden~~ *conservation police officer*, or Marine Resources Commission inspector.

1021 The operator shall file with the Department a full report of the collision, accident, or other casualty,
1022 as the regulations of the Board may require. The report shall be without prejudice, shall be for the
1023 information of the Department only, and shall not be open to public inspection. The fact that such a
1024 report has been made shall be admissible in evidence solely to show compliance with this section and
1025 applicable regulations, but no such report nor any statement contained in the report shall be admissible
1026 as evidence for any other purpose in any trial.

1027 C. Any officer investigating any collision, accident or other casualty shall have authority, in lieu of
1028 arresting any person charged with violating any of the provisions of this chapter, to issue a written
1029 summons to the person (stating name, address, boat number, offense charged, etc.) to appear in court as
1030 in § 46.2-936.

1031 § 29.1-739.1. Disregarding signal by law-enforcement officer to stop; attempts to elude; penalty.

1032 A. Any person who, having received a visible or audible signal of a flashing light or siren from any
1033 ~~game warden~~ *conservation police officer* or other law-enforcement officer to bring his motorboat or other
1034 vessel, or seaplane to a stop, fails to do so promptly shall be guilty of a Class 3 misdemeanor.

1035 B. Any person who, having received a visible or audible signal of a flashing light or siren from any
1036 ~~game warden~~ *conservation police officer* or other law-enforcement officer to bring his motorboat or other
1037 vessel, or seaplane to a stop, (i) operates or navigates such motorboat or other vessel, or seaplane in
1038 willful or wanton disregard of such signal so as to endanger the life of the law-enforcement officer or
1039 other persons or to interfere with the operation of a law-enforcement vessel, or (ii) increases his speed
1040 and attempts to escape or elude a law-enforcement officer shall be guilty of a Class 1 misdemeanor.

1041 § 29.1-739.2. ~~Game wardens~~ *Conservation police officers* to patrol lakes.

1042 The Department shall have at least one ~~game warden~~ *conservation police officer* whose primary

1043 responsibility shall be to patrol during the daylight hours from Memorial Day through Labor Day in the
 1044 waters of those Virginia lakes that (i) are of a size comparable to or greater than Smith Mountain Lake
 1045 and (ii) have a comparable number of reported boating accidents during the last five years as Smith
 1046 Mountain Lake.

1047 § 29.1-745. Enforcement of chapter; vessels displaying Coast Guard inspection decal.

1048 Every ~~game warden~~*conservation police officer*, Marine Resources Commission inspector, and every
 1049 other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to
 1050 enforce the provisions of this chapter and shall have authority to stop, board and inspect any vessel
 1051 subject to this chapter after having identified himself in his official capacity. Except for enforcement of
 1052 § 29.1-738 and the requirement of having the registration certificate on board, the provisions of this
 1053 section shall not apply to any vessel of twenty-six feet or more in length on which is displayed a current
 1054 valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

1055 § 51.1-212. Definitions.

1056 As used in this chapter, unless the context requires a different meaning:

1057 "Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii)
 1058 campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23, (iii)
 1059 ~~game warden~~*conservation police officer* in the Department of Game and Inland Fisheries appointed
 1060 under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Department
 1061 of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.), (v)
 1062 law-enforcement officer employed by the Virginia Marine Resources Commission as described in
 1063 § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers
 1064 employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) any parole officer
 1065 appointed pursuant to § 53.1-143, and (viii) any commercial vehicle enforcement officer employed by
 1066 the Department of State Police.

1067 "Member" means any person included in the membership of the Retirement System as provided in
 1068 this chapter.

1069 "Normal retirement date" means a member's sixtieth birthday.

1070 "Retirement System" means the Virginia Law Officers' Retirement System.

1071 § 65.2-402.1. Presumption as to death or disability from infectious disease.

1072 A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health
 1073 condition or impairment resulting in total or partial disability of any (i) salaried or volunteer firefighter,
 1074 paramedic or emergency medical technician, (ii) member of the State Police Officers' Retirement
 1075 System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v)
 1076 Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city
 1077 sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) ~~game warden~~*conservation*
 1078 *police officer* who is a full-time sworn member of the enforcement division of the Department of Game
 1079 and Inland Fisheries, (ix) Capitol Police officer, or (x) special agent of the Department of Alcoholic
 1080 Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1 who has a
 1081 documented occupational exposure to blood or body fluids shall be presumed to be occupational
 1082 diseases, suffered in the line of government duty, that are covered by this title unless such presumption
 1083 is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an
 1084 occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person
 1085 covered under this section gave notice, written or otherwise, of the occupational exposure to his
 1086 employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented"
 1087 without regard to whether the person gave notice, written or otherwise, of the occupational exposure to
 1088 his employer.

1089 B. As used in this section:

1090 "Blood or body fluids" means blood and body fluids containing visible blood and other body fluids
 1091 to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as
 1092 established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis,
 1093 meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory,
 1094 salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which
 1095 infectious airborne or blood-borne organisms can be transmitted between persons.

1096 "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other
 1097 strain of hepatitis generally recognized by the medical community.

1098 "HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or
 1099 type II, causing immunodeficiency syndrome.

1100 "Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV,
 1101 means an exposure that occurs during the performance of job duties that places a covered employee at
 1102 risk of infection.

1103 C. Persons covered under this section who test positive for exposure to the enumerated occupational
 1104 diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to

1105 make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical
1106 examination to measure the progress of the condition, if any, and any other medical treatment,
1107 prophylactic or otherwise.

1108 D. Whenever any standard, medically-recognized vaccine or other form of immunization or
1109 prophylaxis exists for the prevention of a communicable disease for which a presumption is established
1110 under this section, if medically indicated by the given circumstances pursuant to immunization policies
1111 established by the Advisory Committee on Immunization Practices of the United States Public Health
1112 Service, a person subject to the provisions of this section may be required by such person's employer to
1113 undergo the immunization or prophylaxis unless the person's physician determines in writing that the
1114 immunization or prophylaxis would pose a significant risk to the person's health. Absent such written
1115 declaration, failure or refusal by a person subject to the provisions of this section to undergo such
1116 immunization or prophylaxis shall disqualify the person from any presumption established by this
1117 section.

1118 E. The presumptions described in subsection A of this section shall only apply if persons entitled to
1119 invoke them have, if requested by the appointing authority or governing body employing them,
1120 undergone preemployment physical examinations that (i) were conducted prior to the making of any
1121 claims under this title that rely on such presumptions, (ii) were performed by physicians whose
1122 qualifications are as prescribed by the appointing authority or governing body employing such persons,
1123 (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or
1124 governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal
1125 meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in
1126 subsection A of this section shall not be effective until six months following such examinations, unless
1127 such persons entitled to invoke such presumption can demonstrate a documented exposure during the
1128 six-month period.

1129 F. Persons making claims under this title who rely on such presumption shall, upon the request of
1130 appointing authorities or governing bodies employing such persons, submit to physical examinations (i)
1131 conducted by physicians selected by such appointing authorities or governing bodies or their
1132 representatives and (ii) consisting of such tests and studies as may reasonably be required by such
1133 physicians. However, a qualified physician, selected and compensated by the claimant, may, at the
1134 election of such claimant, be present at such examination.