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**HOUSE BILL NO. 2652**

Offered January 10, 2007

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*A BILL to amend and reenact §§ 17.1-406, 18.2-57.3, 18.2-287.4, 18.2-308, 18.2-308.1, and 22.1-277.07 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 6.1, consisting of sections numbered 18.2-307.01 through 18.2-307.7 and by adding a section numbered 18.2-308.01, and to repeal the second enactment clause of Chapter 886 of the 2006 Acts of Assembly, relating to concealed weapons.*

Patron—Lingamfelter

Referred to Committee on Militia, Police and Public Safety

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 17.1-406, 18.2-57.3, 18.2-287.4, 18.2-308, 18.2-308.1, and 22.1-277.07 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 7 of Title 18.2 an article numbered 6.1, consisting of sections numbered 18.2-307.01 through 18.2-307.7 and by adding a section numbered 18.2-308.01, as follows:**

§ 17.1-406. Petitions for appeal; cases over which Court of Appeals does not have jurisdiction.

A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been imposed, (ii) any final decision of a circuit court on an application for a concealed weapons permit pursuant to ~~subsection D of § 18.2-308~~ *Article 6.1 (§ 18.2-307.01 et seq.) of Chapter 7 of Title 18.2*, or (iii) any final order of a circuit court involving involuntary treatment of prisoners pursuant to § 53.1-40.1. The Commonwealth or any county, city or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in which such party previously could have petitioned the Supreme Court for a writ of error under § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case pursuant to § 19.2-398.

B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court from a conviction in which a sentence of death is imposed, from a final decision, judgment or order of a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order, or judgment of the State Corporation Commission, and from proceedings under §§ 54.1-3935 and 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings described in this subsection.

§ 18.2-57.3. Persons charged with first offense of assault and battery against a family or household member may be placed on probation; conditions; education and treatment programs; costs and fees; violations; discharge.

When a person who is no younger than 18 years of age or who is considered an adult at the time of the proceeding and who has not previously been convicted of any offense under this article or under any statute of the United States or of any state or any ordinance of any local government relating to assault and battery against a family or household member or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to a violation of § 18.2-57.2, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions.

As a term or condition, the court may, where assessment or evaluation services are available, require the accused to be assessed or evaluated and, based on the results of the assessment or evaluation, require the accused to enter an education or treatment program indicated by the assessment or evaluation, if available. The court, when assessment or evaluation services are not available, may require education or treatment services such as, in the opinion of the court, may be best suited to the needs of the accused.

The court shall require the person entering such education or treatment program under the provisions of this section to pay all or part of the costs of the program, including the costs of any assessment, evaluation, testing, education and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

Following the finding of facts that would justify a finding of guilt, the court may order the defendant be placed in a local community-based probation program established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if such program is available. As a condition of local community-based probation, if available, the court shall require the accused to successfully complete all treatment and/or

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59 education programs required by the assessment or evaluation and to be of good behavior during the  
60 period of supervised probation and for a period of not less than two years following the completion of  
61 probation. The court shall order the defendant to be of good behavior for a period of not less than two  
62 years following the finding of facts that would justify a finding of guilt when no supervised probation is  
63 ordered.

64 The court shall, unless done at arrest, order the accused to report to the original arresting  
65 law-enforcement agency to submit to fingerprinting.

66 Upon violation of a term or condition of supervised probation or of the period of good behavior, the  
67 court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the  
68 terms and conditions, the court shall discharge the person and dismiss the proceedings against him.  
69 Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only  
70 for the purposes of applying this section in subsequent proceedings. As such, no charges dismissed  
71 pursuant to this section shall be eligible for expungement under § 19.2-392.2.

72 Notwithstanding any other provision of this section, whenever a court places an individual on  
73 probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction  
74 for purposes of § 18.2-308 *Article 6.1* (§ 18.2-307.01) of Chapter 7 of Title 18.2.

75 § 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.

76 It shall be unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that  
77 expels single or multiple projectiles by action of an explosion of a combustible material and is equipped  
78 at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or  
79 designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun  
80 with a magazine that will hold more than seven rounds of the longest ammunition for which it is  
81 chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in  
82 any public park or any other place of whatever nature that is open to the public (i) in any city with a  
83 population of 160,000 or more or (ii) in any county having an urban county executive form of  
84 government or any county or city surrounded thereby or adjacent thereto or in any county having a  
85 county manager form of government.

86 The provisions of this section shall not apply to law-enforcement officers, licensed security guards,  
87 military personnel in the performance of their lawful duties, or any person having a valid concealed  
88 handgun permit or to any person actually engaged in lawful hunting or lawful recreational shooting  
89 activities at an established shooting range or shooting contest. Any person violating the provisions of  
90 this section shall be guilty of a Class 1 misdemeanor.

91 The exemptions set forth in § 18.2-307.03 and 18.2-308 shall apply, mutatis mutandis, to the  
92 provisions of this section.

#### 93 *Article 6.1.*

#### 94 *Concealed Handgun Permits.*

##### 95 *§ 18.2-307.01. Definitions.*

96 *For purposes of this article:*

97 *"Handgun" means any pistol or revolver or other firearm, except a machine gun as defined by*  
98 *§ 18.2-288, originally designed, made and intended to fire a projectile by means of an explosion of a*  
99 *combustible material from one or more barrels when held in one hand.*

100 *"Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,*  
101 *campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement*  
102 *agents of the armed forces of the United States, the Naval Criminal Investigative Service, and federal*  
103 *agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement officer" shall*  
104 *also mean any sworn full-time law-enforcement officer employed by a law-enforcement agency of the*  
105 *United States or any state or political subdivision thereof, whose duties are substantially similar to those*  
106 *set forth in § 9.1-101.*

107 *§ 18.2-307.02. Carrying a concealed handgun with a permit.*

108 *A person issued a concealed handgun permit pursuant to this article may carry a concealed*  
109 *handgun. Such person shall have such permit on his person at all times while carrying a concealed*  
110 *handgun, and shall display the permit and a photo-identification issued by a government agency of the*  
111 *Commonwealth or by the United States Department of Defense or United States State Department*  
112 *(passport) upon demand by a law-enforcement officer.*

113 *§ 18.2-307.03. Persons to whom article does not apply.*

114 *The requirement to obtain a concealed handgun permit to lawfully carry a concealed handgun shall*  
115 *not apply to the following persons:*

116 *1. Carriers of the United States mail, while in the discharge of their official duties;*

117 *2. Conservators of the peace, while in the discharge of their official duties. However, the following*  
118 *conservators of the peace shall be required to obtain a valid permit to carry a concealed handgun: (i)*  
119 *notaries public, (ii) registrars, (iii) drivers, operators, or other persons in charge of any motor vehicle*  
120 *carrier of passengers for hire; or (iv) commissioners in chancery;*

121 3. The Harbormaster of the City of Hopewell, while in the discharge of his official duties; and  
 122 4. Any State Police officer retired from the Department of State Police, any local law-enforcement  
 123 officer, auxiliary police officer, or animal control officer retired from a police department or sheriff's  
 124 office within the Commonwealth, any special agent retired from the State Corporation Commission or  
 125 the Alcoholic Beverage Control Board, any game warden retired from the Department of Game and  
 126 Inland Fisheries, and any Virginia Marine Police officer retired from the Law Enforcement Division of  
 127 the Virginia Marine Resources Commission, other than an officer or agent terminated for cause, (i) with  
 128 a service-related disability; (ii) following at least 15 years of service with any such law-enforcement  
 129 agency, board or any combination thereof; or (iii) who has reached 55 years of age, provided such  
 130 officer carries with him written proof of consultation with and favorable review of the need to carry a  
 131 concealed handgun issued by the chief law-enforcement officer of the last such agency from which the  
 132 officer retired or, in the case of special agents, issued by the State Corporation Commission or the  
 133 Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be  
 134 forwarded by the chief or the Board to the Department of State Police for entry into the Virginia  
 135 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such  
 136 written proof if the retired law-enforcement officer otherwise meets the requirements of this section.

137 § 18.2-307.04. Application for concealed handgun permit; Virginia resident or domiciliary.

138 A. Any person 21 years of age or older and who resides in Virginia, or who is a member of the  
 139 United States Armed Forces and is domiciled in Virginia, may apply for a concealed handgun permit by  
 140 applying in writing to the clerk of the circuit court of the county or city in which he resides or is  
 141 domiciled. There shall be no requirement regarding the length of time an applicant has been a resident  
 142 or domiciliary of the county or city in order to apply for a permit. The application shall be made under  
 143 oath before a notary or other person qualified to take oaths, and shall be on a form prescribed by the  
 144 Department of State Police, in consultation with the Supreme Court, requiring only that information  
 145 necessary to determine eligibility for the permit.

146 B. The applicant shall submit to fingerprinting, if required by local ordinance of the county or city of  
 147 residence, and provide other personal descriptive information as required on the application.

148 C. The applicant shall submit proof of competence with a handgun by one of the following, but no  
 149 applicant shall be required to submit to any additional demonstration of competence:

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

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

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

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

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

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

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

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

169 9. Completing any other firearms training that the court deems adequate.

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

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

177 E. The social security number provided by an applicant on a permit application may be withheld  
 178 from public disclosure in response to a request to the clerk of the court to inspect or copy any such  
 179 permit application, except that such social security number shall not be withheld from any  
 180 law-enforcement officer acting in the performance of his official duties.

181 § 18.2-307.05. Fees for concealed handgun permits.

182 A. The applicant shall submit a fee to the clerk of court to apply for a concealed handgun permit.  
183 The clerk shall assess the fee, which may include the following: (i) a fee not to exceed \$10 fee for  
184 processing an application or issuing a permit, including the clerk's costs associated with the  
185 consultation with law-enforcement agencies; (ii) a fee not to exceed \$35 by the local law-enforcement  
186 agency for conducting the investigation required by this subsection, and which shall include any amount  
187 assessed by and forwarded to the Federal Bureau of Investigation by the local law-enforcement agency  
188 along with the fingerprints provided by the applicant for providing criminal history record information;  
189 and (iii) a fee not to exceed \$5 by the State Police for costs associated with processing the application.  
190 The total amount assessed for processing an application for a permit shall not exceed \$50, with such  
191 fees to be paid in one sum to the person who accepts the application. Payment may be made by any  
192 method accepted by that court for payment of other fees or penalties. No payment shall be required  
193 until the application is accepted by the court as a complete application.

194 B. No fee shall be charged for the application for and issuance of a permit to a person who has  
195 retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic  
196 Beverage Control Board or as a law-enforcement officer with the Department of State Police, the  
197 Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any  
198 political subdivision of the Commonwealth, after completing 15 years of service or after reaching age  
199 55; (iii) as a law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of  
200 Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States  
201 Citizenship and Immigration Services, Customs Service, Department of State Diplomatic Security  
202 Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of  
203 service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's  
204 department within the United States, the District of Columbia or any of the territories of the United  
205 States, after completing 15 years of service; or (v) as a law-enforcement officer with any combination of  
206 the agencies listed in clauses (ii) through (iv), after completing 15 years of service.

207 § 18.2-307.06. Processing of the application and issuance of a permit.

208 A. The clerk of court shall enter on the application the date on which the completed application is  
209 received. An application is deemed complete when the application and all other information required to  
210 be furnished by the applicant is delivered to and received by the clerk of court before or concomitant  
211 with the conduct of a state or national criminal history records check.

212 B. Upon receipt of the completed application, the court shall consult with either the sheriff or police  
213 department of the county or city and receive a report from the Central Criminal Records Exchange.

214 C. 1. If fingerprints are required pursuant to § 15.2-915.3, the clerk shall forward the fingerprint  
215 cards and the personal descriptive information through the Central Criminal Records Exchange to the  
216 Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
217 regarding the applicant, and obtaining fingerprint identification information from federal records  
218 pursuant to criminal investigations by state and local law-enforcement agencies. Where feasible and  
219 practical, the local law-enforcement agency may transfer information electronically to the State Police  
220 instead of inked fingerprint cards.

221 2. Upon completion of the criminal history records check, the State Police shall return the  
222 fingerprint cards, if required, to the submitting local agency. The local agency shall then promptly notify  
223 the person that he has 21 days from the date of the notice to request return of the fingerprint cards, if  
224 any. All fingerprint cards not claimed by the applicant within 21 days of notification by the local agency  
225 shall be destroyed. All optically scanned fingerprints shall be destroyed upon completion of the criminal  
226 history records check without requiring that the applicant be notified. Fingerprints taken for the  
227 purposes described in this section shall not be copied, held, or used for any other purposes.

228 D. The court shall issue the permit and notify the State Police of the issuance of the permit within  
229 45 days of receipt of the completed application unless it is determined that the applicant is disqualified  
230 pursuant to § 18.2-307.08.

231 E. If the court has not issued the permit or determined that the applicant is disqualified within 45  
232 days of the date of receipt noted on the application, the clerk shall certify on the application that the  
233 45-day period has expired, and send a copy of the certified application to the applicant. The certified  
234 application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be  
235 recognized as a valid concealed handgun permit when presented with a valid government-issued photo  
236 identification in accordance with § 18.2-307.02, until the court issues a permit or finds the applicant to  
237 be disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the  
238 applicant shall surrender the de facto permit to the court upon notification and the disqualification shall  
239 be deemed a denial of the permit and a revocation of the de facto permit.

240 F. The permit to carry a concealed handgun shall specify only the following information: name,  
241 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the  
242 permittee; the signature of the judge issuing the permit, or of the clerk of court who has been  
243 authorized to sign such permits by the issuing judge; and the date of issuance. The permit to carry a

concealed handgun shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the Department of State Police.

§ 18.2-307.07. Change of address.

Whenever any concealed handgun permit-holder moves from the address shown on the concealed handgun permit, he shall, within 30 days, notify the issuing court of his change of address. The court shall issue a new concealed handgun permit with the new address and provide the Department of State Police with the updated permit information.

§ 18.2-307.08. Disqualifications for a concealed handgun permit.

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

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

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

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

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

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

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

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

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

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

10. An alien other than an alien lawfully admitted for permanent residence in the United States. For purposes of this subdivision, "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts. For purposes of this subdivision, "personal knowledge" means knowledge of a fact that a person has himself gained through his own senses, or knowledge that was gained by a law-enforcement official or prosecutor through the performance of his official duties.

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

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the

conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions."

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

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

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

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

B. Any person convicted of an offense that would disqualify that person from obtaining a permit under subsection A or who carries a concealed handgun while under the influence in violation of subsection A of § 18.2-307.2 shall forfeit his permit for a concealed handgun and surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a concealed handgun permit, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction or other event.

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

D. A person holding a concealed handgun permit who has a felony charge pending or a charge pending for an offense listed in subdivision A 14 or A 15 may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.

§ 18.2-307.09. Denial of a concealed handgun permit; appeal.

A. Any order denying issuance of the permit shall state the reasons for the denial of the permit and provide notice, in writing, of the applicant's right to an ore tenus hearing and the requirements for perfecting an appeal of such order.

B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's findings of facts and conclusions of law.

C. Any person denied a permit to carry a concealed handgun under the provisions of this section may present a petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed on appeal, taxable costs incurred by the person shall be paid by the Commonwealth.

§ 18.2-307.1. Annual background check; revocation of permit.

A. The Department of State Police shall conduct a state and national criminal background check through the National Instant Criminal Background Check System (NICS) and the Virginia Criminal Information Network (VCIN) on all valid concealed handgun permits annually.

B. Upon receipt of a record of the arrest, conviction, or occurrence of any other event that would disqualify a person from obtaining a concealed handgun permit under § 18.2-307.4, the Superintendent of the Department of State Police or his designee shall revoke the permit of a disqualified person. The Department of State Police shall notify the disqualified person in writing at his last known address of the revocation notice. The disqualified person shall forfeit and immediately surrender his permit for a concealed handgun to the Department of State Police. The Department of State Police shall notify the court having issued the permit of such disqualifying information.

C. If the Department of State Police revokes the permit, the specific reasons for the revocation shall be stated in the revocation notice. The person shall have the right to appeal the decision of the Department of State Police with the issuing court as provided in § 18.2-307.05.

D. Any person who knowingly is in possession of a revoked concealed handgun permit while in possession of a concealed handgun is guilty of a Class 6 felony.

§ 18.2-307.2. Prohibited conduct.

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

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

§ 18.2-307.3. Nonresident concealed handgun permits.

Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be made under oath before a notary or other person qualified to take oaths on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsection D of § 18.2-307.04 and § 18.2-307.08 shall apply, mutatis mutandis, to the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

A photocopy of a certificate of completion of any such course or class, an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting



428 to the completion of the course or class by the applicant, or a copy of any document that shows  
429 completion of the course or class or evidences participation in firearms competition shall satisfy the  
430 requirement for demonstration of competence with a handgun.

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

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

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

446 § 18.2-307.4. Reciprocity.

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

460 B. A valid concealed handgun permit issued by the State of Maryland shall be valid in the  
461 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform  
462 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9  
463 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the  
464 holder of the permit is 21 years of age or older.

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

469 D. For purposes of participation in concealed handgun reciprocity agreements with other  
470 jurisdictions, any retired law-enforcement officer granted the privilege to carry a concealed handgun  
471 pursuant to subdivision 4 of § 18.2-307.3, while carrying the proof of consultation and favorable review  
472 required, shall be deemed to have been issued a concealed handgun permit.

473 § 18.2-307.5. Inclusion of Supreme Court website on application.

474 For the purposes of understanding the law relating to the use of deadly and lethal force, the  
475 Department of State Police, in consultation with the Supreme Court on the development of the  
476 application for a concealed handgun permit under this article, shall include a reference to the Virginia  
477 Supreme Court website address or the Virginia Reports on the application.

478 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

479 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,  
480 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any  
481 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,  
482 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more  
483 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun  
484 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,  
485 having at least two points or pointed blades which is designed to be thrown or propelled and which may  
486 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this  
487 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a  
488 conviction under this section subsequent to any conviction under any substantially similar ordinance of  
489 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such



violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

B. *The prohibition against carrying a concealed handgun in subdivision (i) of subsection A shall not apply to a person who has a valid concealed handgun permit issued pursuant to Article 6.1 (§ 18.2-307.01 et seq.), and who carries the permit with a valid government-issued photo identification while carrying the concealed handgun, in accordance with § 18.2-307.02.*

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

D. Except as provided in ~~subsection H~~ *subsection A of § 18.2-307.2*, this section shall not apply to:

1. Any person while in his own place of business;  
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

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

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

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

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

7. *Officers or guards of state correctional institutions, while in the discharge of their official duties; and*

8. *Noncustodial employees of the Department of Corrections, while in the discharge of their official duties, designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29.*

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

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

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

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

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

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

6. Harbormaster of the City of Hopewell.

551 D. (Effective until July 1, 2007 - see Editor's notes) Any person 21 years of age or older may apply  
552 in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a  
553 member of the United States Armed Forces, the county or city in which he is domiciled, for a five-year  
554 permit to carry a concealed handgun. There shall be no requirement regarding the length of time an  
555 applicant has been a resident or domiciliary of the county or city. The application shall be made under  
556 oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed  
557 by the Department of State Police, in consultation with the Supreme Court, requiring only that  
558 information necessary to determine eligibility for the permit. The clerk shall enter on the application the  
559 date on which the application and all other information required to be submitted by the applicant is  
560 received. The court shall consult with either the sheriff or police department of the county or city and  
561 receive a report from the Central Criminal Records Exchange. As a condition for issuance of a  
562 concealed handgun permit, the applicant shall submit to fingerprinting if required by local ordinance in  
563 the county or city where the applicant resides and provide personal descriptive information to be  
564 forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of  
565 Investigation for the purpose of obtaining criminal history record information regarding the applicant,  
566 and obtaining fingerprint identification information from federal records pursuant to criminal  
567 investigations by state and local law-enforcement agencies. Where feasible and practical, the local  
568 law-enforcement agency may transfer information electronically to the State Police instead of inked  
569 fingerprint cards. Upon completion of the criminal history records check, the State Police shall return the  
570 fingerprint cards to the submitting local agency or, in the case of scanned fingerprints, destroy the  
571 electronic record. The local agency shall then promptly notify the person that he has 21 days from the  
572 date of the notice to request return of the fingerprint cards, if any. All fingerprint cards not claimed by  
573 the applicant within 21 days of notification by the local agency shall be destroyed. All optically scanned  
574 fingerprints shall be destroyed upon completion of the criminal history records check without requiring  
575 that the applicant be notified. Fingerprints taken for the purposes described in this section shall not be  
576 copied, held or used for any other purposes. The court shall issue the permit and notify the State Police  
577 of the issuance of the permit within 45 days of receipt of the completed application unless it is  
578 determined that the applicant is disqualified. Any order denying issuance of the permit shall state the  
579 basis for the denial of the permit and the applicant's right to and the requirements for perfecting an  
580 appeal of such order pursuant to subsection L. An application is deemed complete when all information  
581 required to be furnished by the applicant is delivered to and received by the clerk of court before or  
582 concomitant with the conduct of a state or national criminal history records check. If the court has not  
583 issued the permit or determined that the applicant is disqualified within 45 days of the date of receipt  
584 noted on the application, the clerk shall certify on the application that the 45-day period has expired,  
585 and send a copy of the certified application to the applicant. The certified application shall serve as a de  
586 facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid concealed  
587 handgun permit when presented with a valid government-issued photo identification pursuant to  
588 subsection H, until the court issues a five-year permit or finds the applicant to be disqualified. If the  
589 applicant is found to be disqualified after the de facto permit is issued, the applicant shall surrender the  
590 de facto permit to the court and the disqualification shall be deemed a denial of the permit and a  
591 revocation of the de facto permit. If the applicant is later found by the court to be disqualified after a  
592 five-year permit has been issued, the permit shall be revoked. The clerk of court may withhold from  
593 public disclosure the social security number contained in a permit application in response to a request to  
594 inspect or copy any such permit application, except that such social security number shall not be  
595 withheld from any law-enforcement officer acting in the performance of his official duties.

596 D. (Effective July 1, 2007 - see Editor's notes) Any person 21 years of age or older may apply in  
597 writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member  
598 of the United States Armed Forces, the county or city in which he is domiciled, for a permit to carry a  
599 concealed handgun. There shall be no requirement regarding the length of time an applicant has been a  
600 resident or domiciliary of the county or city. The application shall be made under oath before a notary  
601 or other person qualified to take oaths and shall be made only on a form prescribed by the Department  
602 of State Police, in consultation with the Supreme Court, requiring only that information necessary to  
603 determine eligibility for the permit. The clerk shall enter on the application the date on which the  
604 application and all other information required to be submitted by the applicant is received. The court  
605 shall consult with either the sheriff or police department of the county or city and receive a report from  
606 the Central Criminal Records Exchange. As a condition for issuance of a concealed handgun permit, the  
607 applicant shall submit to fingerprinting if required by local ordinance in the county or city where the  
608 applicant resides and provide personal descriptive information to be forwarded with the fingerprints  
609 through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose  
610 of obtaining criminal history record information regarding the applicant, and obtaining fingerprint  
611 identification information from federal records pursuant to criminal investigations by state and local  
612 law-enforcement agencies. Where feasible and practical, the local law-enforcement agency may transfer

information electronically to the State Police instead of inked fingerprint cards. Upon completion of the criminal history records check, the State Police shall return the fingerprint cards to the submitting local agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then promptly notify the person that he has 21 days from the date of the notice to request return of the fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days of notification by the local agency shall be destroyed. All optically scanned fingerprints shall be destroyed upon completion of the criminal history records check without requiring that the applicant be notified. Fingerprints taken for the purposes described in this section shall not be copied, held or used for any other purposes. The court shall issue the permit and notify the State Police of the issuance of the permit within 45 days of receipt of the completed application unless it is determined that the applicant is disqualified. Any order denying issuance of the permit shall state the basis for the denial of the permit and the applicant's right to and the requirements for perfecting an appeal of such order pursuant to subsection L. An application is deemed complete when all information required to be furnished by the applicant is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check. If the court has not issued the permit or determined that the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk shall certify on the application that the 45-day period has expired, and send a copy of the certified application to the applicant. The certified application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid concealed handgun permit when presented with a valid government-issued photo identification pursuant to subsection H, until the court issues a permit or finds the applicant to be disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the applicant shall surrender the de facto permit to the court and the disqualification shall be deemed a denial of the permit and a revocation of the de facto permit. If the applicant is later found by the court to be disqualified after a permit has been issued, the permit shall be revoked. The clerk of court may withhold from public disclosure the social security number contained in a permit application in response to a request to inspect or copy any such permit application, except that such social security number shall not be withheld from any law-enforcement officer acting in the performance of his official duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

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

15. An individual who has been convicted of stalking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JI. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public

intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

J2. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.

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

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

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

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

L. Any person denied a permit to carry a concealed handgun under the provisions of this section

may present a petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be paid by the Commonwealth.

M. For purposes of this section:

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

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

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

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

N. As used in this article:

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

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

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

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

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



920 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to  
921 the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

964 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the  
965 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform  
966 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9  
967 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth; and (ii) the  
968 holder of the permit is 21 years of age or older.

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

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

977 § 18.2-308.01. Definitions.

978 As used in this article:

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

981 "Spring stick" means a spring-loaded metal stick activated by pushing a button that rapidly and

*forcefully telescopes the weapon to several times its original length.*

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited.

A. If any person possesses any (i) stun weapon or taser as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony; however, if the person possesses any firearm within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in §§ 18.2-307.3 and 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; or (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five milliamp 60 hertz shock and (ii) used for the purpose of temporarily incapacitating a person; and

"Taser" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile and (ii) used for the purpose of temporarily incapacitating a person.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1; to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994, and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the

1043 Department of Education an application requesting such assistance. Applications for assistance shall  
1044 include:

1045 1. Documentation that the local school board has adopted and implemented student conduct policies  
1046 in compliance with this section; and

1047 2. A description of the circumstances pertaining to expulsions imposed under this section, including  
1048 (i) the schools from which students were expelled under this section, (ii) the number of students  
1049 expelled from each such school in the school division during the school year, and (iii) the types of  
1050 firearms involved in the expulsions.

1051 D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the  
1052 JROTC program from conducting marksmanship training when such training is a normal element of  
1053 such programs. Such programs may include training in the use of pneumatic guns. The administration of  
1054 a school operating a JROTC program shall cooperate with the JROTC staff in implementing such  
1055 marksmanship training.

1056 E. As used in this section:

1057 "Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket  
1058 having a propellant charge of more than four ounces, missile having an explosive or incendiary charge  
1059 of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a  
1060 shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name  
1061 known that will, or may be readily converted to, expel a projectile by the action of an explosive or  
1062 other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is  
1063 homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any  
1064 sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian  
1065 ownership by federal law; and (iii) any combination of parts either designed or intended for use in  
1066 converting any device into any destructive device described in this subsection and from which a  
1067 destructive device may be readily assembled. "Destructive device" shall not include any device that is  
1068 not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon  
1069 and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device,  
1070 nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

1071 "Firearm" means any weapon prohibited on school property or at a school-sponsored activity  
1072 pursuant to § 18.2-308.1, or any weapon, including a starter gun, that will, or is designed or may readily  
1073 be converted to, expel single or multiple projectiles by the action of an explosion of a combustible  
1074 material or the frame or receiver of any such weapon. "Firearm" shall not include any pneumatic gun, as  
1075 defined in subsection E of § 15.2-915.4.

1076 "One year" means 365 calendar days as required in federal regulations.

1077 "School property" means any real property owned or leased by the school board or any vehicle  
1078 owned or leased by the school board or operated by or on behalf of the school board.

1079 F. The exemptions set out in § 18.2-307.3 and 18.2-308 regarding concealed weapons shall apply,  
1080 mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to  
1081 persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other  
1082 programs sponsored by the schools in the school division or any organization permitted by the school to  
1083 use its premises or to any law-enforcement officer while engaged in his duties as such.

1084 G. This section shall not be construed to diminish the authority of the Board of Education or the  
1085 Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the  
1086 federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate  
1087 and provide policy direction on official communications between the Commonwealth and the United  
1088 States government.

1089 **2. That the second enactment clause of Chapter 886 of the 2006 Acts of Assembly is repealed.**