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HOUSE BILL NO. 1168

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact §§ 18.2-308.1:3 and 37.2-819 of the Code of Virginia, relating to temporary detention orders; voluntary and involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.

Patron—Eisenberg

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:3 and 37.2-819 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:3. Purchase, possession or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person involuntarily ~~committed~~ admitted to a facility or ordered to involuntary outpatient treatment pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, or who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805, to purchase, possess or transport a firearm during the period of such person's commitment. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from ~~commitment~~ an involuntary admission to a facility, involuntary outpatient treatment, or voluntary admission, petition the circuit court in the city or county in which he resides to restore his right to purchase, possess or transport a firearm. The court may, in its discretion and for good cause shown, grant the petition. The clerk shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

§ 37.2-819. Order of involuntary admission or involuntary outpatient treatment forwarded to CCRE; certain voluntary admissions forwarded to CCRE; firearm background check.

~~The~~ Immediately upon entry of any order issued pursuant to this chapter for involuntary admission to a facility or for involuntary outpatient treatment, the clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any the order for involuntary admission to a facility. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

The clerk of court shall also immediately forward to the Central Criminal Records Exchange information regarding any person who has been the subject of a temporary detention order pursuant to § 37.2-809, and who subsequently agrees to voluntary admission pursuant to § 37.2-805.

INTRODUCED

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