

2008 SESSION

INTRODUCED

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HOUSE BILL NO. 741

Offered January 9, 2008

Prefiled January 8, 2008

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

Patrons—Caputo, Hull, Scott, J.M. and Watts; Senators: Barker and Ticer

Referred to Committee for Courts of Justice

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 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 or involuntary outpatient treatment*, 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; 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.

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