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HOUSE BILL NO. 815

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 25, 2008)(Patrons Prior to Substitute—Albo, Caputo [HB 741], Eisenberg [HBs 1168 and 1475], Marsden [HB 1517],
Mathieson [HB 535], and Scott, J. M. [HB 1054])*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.***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~~ *involuntary admission to a facility, or his
release from an order of involuntary outpatient treatment, or his release from voluntary admission,
pursuant to § 37.2-805, following the issuance of a temporary detention order, 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, If the court determines that the person's
record and reputation are such that the person will not likely act in a manner dangerous to public
safety and that granting the petition is not contrary to the public interest, it shall grant the petition. If
the petition is denied, the person shall have the right to appeal the matter to the court of appeals, and
the court of appeals shall perform a de novo review of 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 receipt of any order issued pursuant to this chapter for involuntary admission
to a facility or an order 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 forward immediately upon receipt 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 agreed to voluntary admission pursuant to § 37.2-805.*