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HOUSE BILL NO. 489

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 15.2-915.3, 16.1-260, 17.1-406, 18.2-57.3, 18.2-287.01, 18.2-287.4, 18.2-308, 18.2-308.1, 18.2-311, 19.2-83.1, 19.2-120.1, 19.2-386.27, 19.2-386.28, and 22.1-277.07 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 6.1, consisting of existing § 18.2-308 of the Code of Virginia and sections numbered 18.2-308.01 through 18.2-308.014, relating to reorganizing the law related to carrying concealed weapons and concealed handgun permits.

Patron—Lingamfelter

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-915.3, 16.1-260, 17.1-406, 18.2-57.3, 18.2-287.01, 18.2-287.4, 18.2-308, 18.2-308.1, 18.2-311, 19.2-83.1, 19.2-120.1, 19.2-386.27, 19.2-386.28, 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 existing § 18.2-308 of the Code of Virginia and sections numbered 18.2-308.01 through 18.2-308.014, as follows:

§ 15.2-915.3. Requiring fingerprinting for concealed handgun permit.

Notwithstanding § 15.2-915, a county or city may by ordinance require any applicant for a concealed handgun permit to submit to fingerprinting for the purpose of obtaining the applicant's state or national criminal history record; however, such ordinance shall not require fingerprinting for the renewal of an existing permit pursuant to ~~subsection I of § 18.2-308~~ § 18.2-308.07.

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H of ~~this section~~ and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may complete, sign and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to

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59 establish probable cause for the issuance of the petition.

60 An intake officer may proceed informally on a complaint alleging a child is in need of services, in
61 need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a violent
62 juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for
63 an offense that would be a felony if committed by an adult. A petition alleging that a juvenile
64 committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is
65 delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if
66 the juvenile had previously been proceeded against informally by intake or had been adjudicated
67 delinquent for an offense that would be a felony if committed by an adult.

68 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
69 the attendance officer has provided documentation to the intake officer that the relevant school division
70 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
71 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
72 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not
73 previously been proceeded against informally or adjudicated in need of supervision for failure to comply
74 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,
75 guardian or other person standing in loco parentis must agree, in writing, for the development of a
76 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,
77 guardian or other person standing in loco parentis participate in such programs, cooperate in such
78 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's
79 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer
80 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an
81 interagency interdisciplinary team approach. The team may include qualified personnel who are
82 reasonably available from the appropriate department of social services, community services board, local
83 school division, court service unit and other appropriate and available public and private agencies and
84 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
85 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
86 the intake officer shall file the petition.

87 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
88 is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for
89 the juvenile, which may include restitution and the performance of community service, based upon
90 community resources and the circumstances which resulted in the complaint, (ii) create an official record
91 of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise
92 the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the
93 complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent
94 based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241
95 will result in the filing of a petition with the court.

96 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
97 visitation or support of a child is the subject of controversy or requires determination, (ii) a person has
98 deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such
99 child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment,
100 rehabilitation or other services which are required by law, or (iv) family abuse has occurred and a
101 protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If any such
102 complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to
103 be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer
104 believes that probable cause does not exist, or that the authorization of a petition will not be in the best
105 interest of the family or juvenile or that the matter may be effectively dealt with by some agency other
106 than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a
107 person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written
108 explanation of the conditions, procedures and time limits applicable to the issuance of protective orders
109 pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1.

110 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall
111 be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be
112 in need of supervision have utilized or attempted to utilize treatment and services available in the
113 community and have exhausted all appropriate nonjudicial remedies which are available to them. When
114 the intake officer determines that the parties have not attempted to utilize available treatment or services
115 or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the
116 petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility
117 or individual to receive treatment or services, and a petition shall not be filed. Only after the intake
118 officer determines that the parties have made a reasonable effort to utilize available community
119 treatment or services may he permit the petition to be filed.

120 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an

adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter, the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), *6.1* (§ 18.2-308 et seq.) or 7 (§ ~~18.2-308~~ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;

10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or

12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the juvenile who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a violation of § 18.2-266 or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8 or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or

182 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in
183 § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as
184 provided by law for adults provided that notice of the summons to appear is mailed by the investigating
185 officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

186 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of
187 the jurisdiction granted it in § 16.1-241.

188 § 17.1-406. Petitions for appeal; cases over which Court of Appeals does not have jurisdiction.

189 A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final
190 conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been
191 imposed, (ii) any final decision of a circuit court on an application for a concealed weapons permit
192 pursuant to ~~subsection D of § 18.2-308~~ *Article 6.1 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2*, (iii)
193 any final order of a circuit court involving involuntary treatment of prisoners pursuant to § 53.1-40.1, or
194 (iv) any final order for declaratory or injunctive relief under § 57-2.02. The Commonwealth or any
195 county, city or town may petition the Court of Appeals for an appeal pursuant to this subsection in any
196 case in which such party previously could have petitioned the Supreme Court for a writ of error under
197 § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case
198 pursuant to § 19.2-398.

199 B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court
200 from a conviction in which a sentence of death is imposed, from a final decision, judgment or order of
201 a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order,
202 or judgment of the State Corporation Commission, and from proceedings under §§ 54.1-3935 and
203 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme
204 Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings
205 described in this subsection.

206 § 18.2-57.3. Persons charged with first offense of assault and battery against a family or household
207 member may be placed on local community-based probation; conditions; education and treatment
208 programs; costs and fees; violations; discharge.

209 A. When a person is charged with a violation of § 18.2-57.2, the court may defer the proceedings
210 against such person, without a finding of guilt, and place him on probation under the terms of this
211 section.

212 B. For a person to be eligible for such deferral, the court shall find that (i) the person was an adult
213 at the time of the commission of the offense, (ii) the person has not previously been convicted of any
214 offense under this article or under any statute of the United States or of any state or any ordinance of
215 any local government relating to assault and battery against a family or household member, (iii) the
216 person has not previously had a proceeding against him for violation of such an offense dismissed as
217 provided in this section, (iv) the person pleads guilty to, or enters a plea of not guilty or nolo
218 contendere and the court finds the evidence is sufficient to find the person guilty of, a violation of
219 § 18.2-57.2, and (v) the person consents to such deferral.

220 C. The court may (i) where a local community-based probation services agency established pursuant
221 to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1 is available, order that the eligible person be
222 placed with such agency and require, as a condition of local community-based probation, the person to
223 successfully complete all treatment, education programs or services, or any combination thereof indicated
224 by an assessment or evaluation obtained by the local community-based probation services agency if such
225 assessment, treatment or education services are available; or (ii) require successful completion of
226 treatment, education programs or services, or any combination thereof, such as, in the opinion of the
227 court, may be best suited to the needs of the person.

228 D. The court shall require the person entering such education or treatment program or services under
229 the provisions of this section to pay all or part of the costs of the program or services, including the
230 costs of any assessment, evaluation, testing, education and treatment, based upon the person's ability to
231 pay. Such programs or services shall offer a sliding-scale fee structure or other mechanism to assist
232 participants who are unable to pay the full costs of the required programs or services.

233 The court shall order the person to be of good behavior for a total period of not less than two years
234 following the deferral of proceedings, including the period of supervised probation, if available.

235 The court shall, unless done at arrest, order the person to report to the original arresting
236 law-enforcement agency to submit to fingerprinting.

237 E. Upon fulfillment of the terms and conditions specified in the court order, the court shall discharge
238 the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be
239 without adjudication of guilt and is a conviction only for the purposes of applying this section in
240 subsequent proceedings. No charges dismissed pursuant to this section shall be eligible for expungement
241 under § 19.2-392.2.

242 F. Upon violation of a term or condition of supervised probation or of the period of good behavior,
243 the court may enter an adjudication of guilt and proceed as otherwise provided by law.

G. Notwithstanding any other provision of this section, whenever a court places a person on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of ~~§ 18.2-308 Article 6.1~~ (§ 18.2-308 et seq.) of Chapter 7.

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

It shall be unlawful for any person to possess or transport into any air carrier airport terminal in the Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, and (iii) any other dangerous weapon, including explosives, stun weapons as defined in § 18.2-308.1, and those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor. Any weapon possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in ~~subsection A of § 18.2-308~~ § 19.2-386.28.

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

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

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

It shall be unlawful for any person to carry a loaded ~~(a)~~ (i) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or ~~(b)~~ (ii) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.

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

The exemptions set forth in ~~§ 18.2-308 Article 6.1~~ (§ 18.2-308 et seq.) shall apply, mutatis mutandis, to the provisions of this section.

Article 6.1.

Concealed Weapons and Concealed Handgun Permits.

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

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of 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 clause (i) of subsection A shall not apply to a person who has a valid concealed handgun permit issued pursuant to this article. 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 Department of State (passport) upon demand by a law-enforcement officer. A person to whom a nonresident permit is issued shall have such permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and shall display the permit on demand by a law-enforcement officer. A person whose permit is extended due to deployment shall carry with him and display, upon request of a law-enforcement officer, a copy of the documents required by subsection B of § 18.2-308.07.

The granting of a concealed handgun permit pursuant to this article 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.

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

Except as provided in subsection J1, 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;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol 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 conservation police officer 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; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, 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 the agency that employs the officer 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. An officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation.

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.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired law-enforcement officer who receives proof of consultation and review pursuant to this subdivision shall have the opportunity to annually participate, at the retired law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired officer certification, valid one year from the date of issuance, indicating that the retired officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed

services of the United States, national guard, or naval militia, while such officer is called to active military duty, 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 Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

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; and

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth.

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 an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, 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.

D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be made under oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. The clerk shall enter on the application the date on which the application and all other information required to be submitted by the applicant is received. The court shall consult with either the sheriff or police department of the county or city and receive a report from the Central Criminal Records Exchange. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if required by local ordinance in the county or city where the applicant resides 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. However, no local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing concealed handgun permit issued pursuant to this section and is applying for a new five-year permit pursuant to subsection I. 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 five-year 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 five-year 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.

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, nor shall any proof of demonstrated competence expire:

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, including an electronic, video, or on-line course, 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. 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.

H1. 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. 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 new five-year permit is issued while an existing permit remains valid, the new five-year permit shall become effective upon the expiration date of the existing permit, provided that the application is received by the court at least 90 days but no more than 180 days prior to the expiration of the existing 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.

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. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

J1. 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 or any retired law-enforcement officer who meets the definition of a "qualified retired law-enforcement officer" pursuant to 18 U.S.C. § 926C and is carrying the identification required by such statute 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. The court shall revoke the permit of 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, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

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. The State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such information be withheld from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b) statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.

K1. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation of the valid permit and proof of a new address of residence by the permit holder, issue a replacement permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such fees to be paid in one sum to the person who accepts the information for the replacement permit.

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

674 mechanism.

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

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

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

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

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

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

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

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

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

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

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

726 7. Completing any firearms training or safety course or class, including an electronic, video, or
727 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

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

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

732 A photocopy of a certificate of completion of any such course or class, an affidavit from the
733 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
734 the completion of the course or class by the applicant, or a copy of any document which shows
735 completion of the course or class or evidences participation in firearms competition shall satisfy the

requirement for demonstration of competence with a handgun.

The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the background check and issuance of the permit. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the nonresident concealed handgun permit program. The Department of 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 are known to law-enforcement personnel accessing the Network for investigative purposes.

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

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

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

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

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

§ 18.2-308.01. Application for a concealed handgun permit; Virginia resident or domiciliary.

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

B. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting, if required by local ordinance of the county or city of residence pursuant to § 15.2-915.3, and provide other personal descriptive information as required on the application. However, no local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing concealed handgun permit issued pursuant to this article and is applying for a new five-year permit pursuant to § 18.2-308.07.

C. The applicant shall submit proof of competence with a handgun by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

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;

797 7. Completing any firearms training or safety course or class, including an electronic, video, or
798 online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

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

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

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

807 D. The making of a materially false statement in an application under this article shall constitute
808 perjury punishable as provided in § 18.2-434.

809 E. The clerk of court may withhold from public disclosure the social security number contained in a
810 permit application in response to a request to inspect or copy any such permit application, except that
811 such social security number shall not be withheld from any law-enforcement officer acting in the
812 performance of his official duties.

813 F. An application is deemed complete when all information required to be furnished by the applicant
814 is delivered to and received by the clerk of the court before or concomitant with the conduct of a state
815 or national criminal history records check.

816 § 18.2-308.02. Fees for concealed handgun permits.

817 A. The applicant shall submit a fee with the application for a concealed handgun permit. The clerk
818 shall assess the fee to include the following: (i) a clerk's fee of \$10 for the processing of an application
819 or issuing of a permit, including the clerk's costs associated with the consultation with law-enforcement
820 agencies; (ii) a fee not to exceed \$35 by the local law-enforcement agency conducting the background
821 investigation to cover the cost of conducting an investigation pursuant to this article, and which shall
822 include any amount assessed by and forwarded to the Federal Bureau of Investigation for providing
823 criminal history record information, along with any fingerprints taken from the applicant; and (iii) a fee
824 not to exceed \$5 by the State Police to cover their costs associated with processing the application. The
825 total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to
826 be paid in one sum to the person who accepts the application. Payment may be made by any method
827 accepted by that court for payment of other fees or penalties. No payment shall be required until the
828 application is accepted by the court as a complete application.

829 B. No fee shall be charged for the issuance of such permit to a person who has retired from service
830 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control
831 Board or as a law-enforcement officer with the Department of State Police, the Department of Game
832 and Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of
833 the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a
834 law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol,
835 Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States
836 Citizenship and Immigration Services, Customs Service, Department of State Diplomatic Security
837 Service, U.S. Marshals Service or Naval Criminal Investigative Service, after completing 15 years of
838 service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's
839 department within the United States, the District of Columbia or any of the territories of the United
840 States, after completing 15 years of service; or (v) as a law-enforcement officer with any combination of
841 the agencies listed in clauses (ii) through (iv), after completing 15 years of service.

842 § 18.2-308.03. Processing of the application and issuance of a concealed handgun permit.

843 A. The clerk of court shall enter on the application the date on which the application and all other
844 information required to be submitted by the applicant is received.

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

847 C. The clerk shall forward personal descriptive information, along with the applicant's fingerprints if
848 required by § 15.2-915.3, through the Central Criminal Records Exchange to the Federal Bureau of
849 Investigation for the purpose of obtaining criminal history record information regarding the applicant,
850 and obtaining fingerprint identification information from federal records pursuant to criminal
851 investigations by state and local law-enforcement agencies. Where feasible and practical, the local
852 law-enforcement agency may transfer information electronically to the State Police instead of inked
853 fingerprint cards.

854 Upon completion of the criminal history records check, the State Police shall return the fingerprint
855 cards to the submitting local agency or, in the case of scanned fingerprints, destroy the electronic
856 record. The local agency shall then promptly notify the person that he has 21 days from the date of the
857 notice to request return of the fingerprint cards, if any. All fingerprint cards not claimed by the
858 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 article shall not be copied, held or used for any other purposes.

D. 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 § 18.2-308.06. If the applicant is later found by the court to be disqualified after a five-year permit has been issued, the permit shall be revoked.

E. 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 § 18.2-308, until the court issues a five-year 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.

F. 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.

G. The order issuing such permit, or the copy of the permit application certified by the clerk as a de facto permit, 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. The State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such information be withheld from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection shall be construed to prohibit the release of (i) records by the State Police concerning permits issued to nonresidents of the Commonwealth pursuant to § 18.2-308.010 or (ii) statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.

§ 18.2-308.04. Change of address of permittee.

The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation of the valid permit and proof of a new address of residence by the permit holder, issue a replacement permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount assessed for processing a replacement permit pursuant to this section shall not exceed \$10, with such fees to be paid in one sum to the person who accepts the information for the replacement permit.

§ 18.2-308.05. Disqualifications for a concealed handgun permit.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

972 § 18.2-308.06. Denial of a concealed handgun permit; appeal.

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

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

980 C. Any person denied a permit to carry a concealed handgun by the circuit court may present a
981 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 applicant shall be paid by the Commonwealth.

§ 18.2-308.07. *Renewal of concealed handgun permit.*

A. Persons who previously have held a concealed handgun permit shall be issued, upon application as provided in § 18.2-308.01, a new five-year permit unless there is good cause shown for refusing to reissue a permit. If the new five-year permit is issued while an existing permit remains valid, the new five-year permit shall become effective upon the expiration date of the existing permit, provided that the application is received by the court at least 90 days but no more than 180 days prior to the expiration of the existing 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.

B. 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.

§ 18.2-308.08. *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 or any retired law-enforcement officer who meets the definition of a "qualified retired law-enforcement officer" pursuant to 18 U.S.C. § 926C and is carrying the identification required by such statute 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.

§ 18.2-308.09. *Suspension or revocation of permit.*

A. Any person convicted of an offense that would disqualify that person from obtaining a permit under § 18.2-308.05 or who violates § 18.2-308.01 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 § 18.2-308.05, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this section, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

B. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15 of § 18.2-308.05, 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.

C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,

1043 possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State
1044 Police and the person whose permit was revoked of the revocation.

1045 § 18.2-308.010. Nonresident concealed handgun permits.

1046 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
1047 Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a
1048 nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the
1049 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided
1050 by the Department of State Police for the purpose of obtaining the applicant's state or national criminal
1051 history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
1052 fingerprinting by his local or state law-enforcement agency and provide personal descriptive information
1053 to be forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal
1054 Bureau of Investigation for the purpose of obtaining criminal history record information regarding the
1055 applicant and obtaining fingerprint identification information from federal records pursuant to criminal
1056 investigations by state and local law-enforcement agencies. The application shall be made under oath
1057 before a notary or other person qualified to take oaths on a form provided by the Department of State
1058 Police, requiring only that information necessary to determine eligibility for the permit. If the permittee
1059 is later found by the Department of State Police to be disqualified, the permit shall be revoked and the
1060 person shall return the permit after being so notified by the Department of State Police. The permit
1061 requirement and restriction provisions of subsection D of § 18.2-308.01 and § 18.2-308.05 shall apply,
1062 *mutatis mutandis*, to the provisions of this section.

1063 B. The applicant shall demonstrate competence with a handgun by one of the following:

1064 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
1065 Game and Inland Fisheries or a similar agency of another state;

1066 2. Completing any National Rifle Association firearms safety or training course;

1067 3. Completing any firearms safety or training course or class available to the general public offered
1068 by a law-enforcement agency, junior college, college, or private or public institution or organization or
1069 firearms training school utilizing instructors certified by the National Rifle Association or the
1070 Department of Criminal Justice Services or a similar agency of another state;

1071 4. Completing any law-enforcement firearms safety or training course or class offered for security
1072 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
1073 enforcement;

1074 5. Presenting evidence of equivalent experience with a firearm through participation in organized
1075 shooting competition approved by the Department of State Police or current military service or proof of
1076 an honorable discharge from any branch of the armed services;

1077 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
1078 locality thereof, unless such license has been revoked for cause;

1079 7. Completing any firearms training or safety course or class, including an electronic, video, or
1080 online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

1081 8. Completing any governmental police agency firearms training course and qualifying to carry a
1082 firearm in the course of normal police duties; or

1083 9. Completing any other firearms training that the Virginia Department of State Police deems
1084 adequate.

1085 A photocopy of a certificate of completion of any such course or class, an affidavit from the
1086 instructor, school, club, organization, or group that conducted or taught such course or class attesting
1087 to the completion of the course or class by the applicant, or a copy of any document that shows
1088 completion of the course or class or evidences participation in firearms competition shall satisfy the
1089 requirement for demonstration of competence with a handgun.

1090 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
1091 background check and issuance of the permit. Any fees collected shall be deposited in a special account
1092 to be used to offset the costs of administering the nonresident concealed handgun permit program. The
1093 Department of State Police shall enter the permittee's name and description in the Virginia Criminal
1094 Information Network so that the permit's existence and current status are known to law-enforcement
1095 personnel accessing the Network for investigative purposes.

1096 D. The permit to carry a concealed handgun shall contain only the following information: name,
1097 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
1098 permittee; the signature of the Superintendent of the Virginia Department of State Police or his
1099 designee; the date of issuance; and the expiration date.

1100 E. The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative
1101 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a
1102 nonresident concealed handgun permit.

1103 § 18.2-308.011. Reciprocity.

1104 A. 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 article. 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 subsection, (b) maintain a registry of such states on the Virginia Criminal Information Network, 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.

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

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

§ 18.2-308.012. Inclusion of Supreme Court website on application.

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

§ 18.2-308.013. Exclusions.

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

B. Except as provided in subsection A of § 18.2-308.08, this article 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;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol 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 conservation police officer 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; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, 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 the agency that employs the officer 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

1166 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such
1167 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An
1168 officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a
1169 concealed handgun shall surrender such proof of consultation upon return to work or upon termination
1170 of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the
1171 Department of State Police for entry into the Virginia Criminal Information Network. However, if such
1172 officer retires on disability because of the service-related injury, and would be eligible under clause (i)
1173 of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the
1174 previously issued written proof of consultation.

1175 For purposes of applying the reciprocity provisions of § 18.2-308.011, any person granted the
1176 privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of
1177 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
1178 permit.

1179 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired
1180 law-enforcement officer who receives proof of consultation and review pursuant to this subdivision shall
1181 have the opportunity to annually participate, at the retired law-enforcement officer's expense, in the
1182 same training and testing to carry firearms as is required of active law-enforcement officers in the
1183 Commonwealth. If such retired law-enforcement officer meets the training and qualification standards,
1184 the chief law-enforcement officer shall issue the retired officer certification, valid one year from the date
1185 of issuance, indicating that the retired officer has met the standards of the agency to carry a firearm;

1186 8. Any State Police officer who is a member of the organized reserve forces of any of the armed
1187 services of the United States, national guard, or naval militia, while such officer is called to active
1188 military duty, provided such officer carries with him written proof of consultation with and favorable
1189 review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof
1190 of consultation and favorable review shall be valid as long as the officer is on active military duty and
1191 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
1192 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
1193 Superintendent of State Police shall not without cause withhold such written proof if the officer is in
1194 good standing and is qualified to carry a weapon while on active law-enforcement duty.

1195 For purposes of applying the reciprocity provisions of § 18.2-308.011, any person granted the
1196 privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of
1197 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
1198 permit; and

1199 9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such
1200 attorney may travel in the Commonwealth.

1201 C. This article shall also not apply to any of the following individuals while in the discharge of their
1202 official duties, or while in transit to or from such duties:

1203 1. Carriers of the United States mail;

1204 2. Officers or guards of any state correctional institution;

1205 3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for
1206 the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, the following
1207 conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a
1208 permit as provided in § 18.2-308.01: (i) notaries public; (ii) registrars; (iii) drivers, operators or other
1209 persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in
1210 chancery;

1211 4. Noncustodial employees of the Department of Corrections designated to carry weapons by the
1212 Director of the Department of Corrections pursuant to § 53.1-29; and

1213 5. Harbormaster of the City of Hopewell.

1214 § 18.2-308.014. Definitions.

1215 For purposes of this article:

1216 "Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated
1217 mechanism.

1218 "Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed,
1219 made and intended to fire a projectile by means of an explosion of a combustible material from one or
1220 more barrels when held in one hand.

1221 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the
1222 privilege of residing permanently in the United States as an immigrant in accordance with the
1223 immigration laws, such status not having changed.

1224 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,
1225 campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement
1226 agents of the Armed Forces of the United States, the Naval Criminal Investigative Service, and federal
1227 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.

"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.

§ 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 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 ~~§ 18.2-308~~ Article 6.1 (§ 18.2-308 *et seq.*) 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 device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 18.2-311. Prohibiting the selling or having in possession blackjacks, etc.

If any person sells or barter, or exhibits for sale or for barter, or gives or furnishes, or causes to be sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving or furnishing, any blackjack, brass or metal knucks, any disc of whatever configuration having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, switchblade knife, ballistic knife *as defined in § 18.2-308.014*, or like weapons, such person shall be guilty of a Class 4 misdemeanor. The having in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish the same.

§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as practicable. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

1289 B. Every state official or agency and every sheriff, police officer, or other local law-enforcement
1290 officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as
1291 practicable, with the division superintendent of the school division in which the student is enrolled upon
1292 arresting a person who is known or discovered by the arresting official to be a student age 18 or older
1293 in any public school division in this Commonwealth for:

1294 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
1295 et seq.), *6.1* (§ 18.2-308 et seq.) or 7 (~~§ 18.2-308~~ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

1296 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

1297 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
1298 Title 18.2;

1299 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

1300 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
1301 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

1302 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter
1303 7 of Title 18.2;

1304 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

1305 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

1306 9. Robbery pursuant to § 18.2-58;

1307 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or

1308 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

1309 § 19.2-120.1. Presumption of no bail for illegal aliens charged with certain crimes.

1310 A. In addition to the presumption against the admission to bail under subsection B of § 19.2-120, the
1311 judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will
1312 reasonably assure the appearance of the person or the safety of the public if (i) the person is currently
1313 charged with an offense listed in subsection A of § 19.2-297.1, subsection C of § 17.1-805, any offense
1314 under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 except any offense under subsection A of § 18.2-57.2,
1315 any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under
1316 Article 2 (§ 18.2-266 et seq.), or any local ordinance substantially similar thereto, 4 (§ 18.2-279 et seq.),
1317 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), *6.1* (§ 18.2-308 et seq.) or 7 (~~§ 18.2-308~~ 18.2-308.1 et
1318 seq.) of Chapter 7 of Title 18.2, and (ii) the person has been identified as being illegally present in the
1319 United States by the United States Immigration and Customs Enforcement.

1320 B. Notwithstanding subsection A, no presumption shall exist under this section as to any
1321 misdemeanor offense, or any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title
1322 18.2, unless the United States Immigration and Customs Enforcement has guaranteed that, in all such
1323 cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agree
1324 to reimburse for the cost of incarceration from the time of the issuance of the detainer.

1325 § 19.2-386.27. Forfeiture of firearms carried in violation of Article 6.1 (§ 18.2-308 et seq.) of
1326 Chapter 7 of Title 18.2.

1327 Any weapon used in the commission of a violation of ~~§ 18.2-308~~ Article 6.1 (§ 18.2-308 et seq.) of
1328 Chapter 7 of Title 18.2 shall be forfeited to the Commonwealth and may be seized by an officer as
1329 forfeited, and such as may be needed for police officers, conservators of the peace, and the Department
1330 of Forensic Science shall be devoted to that purpose, subject to any registration requirements of federal
1331 law, and the remainder shall be disposed of as provided in § 19.2-386.29.

1332 § 19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in violation
1333 of law.

1334 Any firearm, stun weapon as defined by § 18.2-308.1, or any weapon concealed, possessed,
1335 transported or carried in violation of §§ 18.2-283.1, *18.2-287.01*, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3,
1336 18.2-308.1:4, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.7, or
1337 § 18.2-308.8 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

1338 § 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

1339 A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free
1340 Schools Act of 1994), a school board shall expel from school attendance for a period of not less than
1341 one year any student whom such school board has determined, in accordance with the procedures set
1342 forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as
1343 prohibited by § 18.2-308.1; to have possessed a firearm or destructive device as defined in subsection E,
1344 a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on
1345 school property or at a school-sponsored activity. A school administrator, pursuant to school board
1346 policy, or a school board may, however, determine, based on the facts of a particular situation, that
1347 special circumstances exist and no disciplinary action or another disciplinary action or another term of
1348 expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes
1349 special circumstances. In addition, a school board may, by regulation, authorize the division
1350 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 Department of Education an application requesting such assistance. Applications for assistance shall include:

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

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

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

E. As used in this section:

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

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

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

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

F. The exemptions set out in ~~§ 18.2-308 Article 6.1~~ (*§ 18.2-308 et seq.*) of Chapter 7 of Title 18.2 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

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