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HOUSE BILL NO. 2454

Offered January 20, 2011

A BILL to amend and reenact §§ 9.1-101 and 18.2-308 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-320.1, relating to Medicaid Fraud Control Unit; appointment of investigators.

Patron—Loupassi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101 and 18.2-308 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-320.1 as follows:

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision

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59 thereof, and who is responsible for the prevention and detection of crime and the enforcement of the
60 penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the
61 Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353;
62 (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn
63 member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator
64 who is a full-time sworn member of the security division of the State Lottery Department; (vi)
65 conservation officer of the Department of Conservation and Recreation commissioned pursuant to
66 § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor
67 Vehicles appointed pursuant to § 46.2-217; ~~or~~ (viii) animal protection police officers employed under
68 § 15.2-632; or (ix) persons designated as investigators by the Attorney General pursuant to
69 § 32.1-320.1. Part-time employees are those compensated officers who are not full-time employees as
70 defined by the employing police department or sheriff's office.

71 "School resource officer" means a certified law-enforcement officer hired by the local
72 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
73 and secondary schools.

74 "School security officer" means an individual who is employed by the local school board for the
75 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school
76 board policies, and detaining students violating the law or school board policies on school property or at
77 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of
78 all students, faculty, staff, and visitors in the assigned school.

79 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

80 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,
81 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any
82 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,
83 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more
84 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun
85 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,
86 having at least two points or pointed blades which is designed to be thrown or propelled and which may
87 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this
88 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a
89 conviction under this section subsequent to any conviction under any substantially similar ordinance of
90 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such
91 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be
92 deemed to be hidden from common observation when it is observable but is of such deceptive
93 appearance as to disguise the weapon's true nature.

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

96 Except as provided in subsection J1, this section shall not apply to:

97 1. Any person while in his own place of business;

98 2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the
99 Commonwealth;

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

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

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

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

112 7. Any State Police officer retired from the Department of State Police, any officer retired from the
113 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
114 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
115 retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
116 conservation police officer retired from the Department of Game and Inland Fisheries, and any Virginia
117 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
118 Commission, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii)
119 following at least 15 years of service with any such law-enforcement agency, board or any combination
120 thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such

121 law-enforcement agency or board due to a service-related injury, provided such officer carries with him
 122 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
 123 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency
 124 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or
 125 the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall
 126 be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia
 127 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such
 128 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An
 129 officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a
 130 concealed handgun shall surrender such proof of consultation upon return to work or upon termination
 131 of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the
 132 Department of State Police for entry into the Virginia Criminal Information Network. However, if such
 133 officer retires on disability because of the service-related injury, and would be eligible under clause (i)
 134 of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the
 135 previously issued written proof of consultation. A retired law-enforcement officer who receives proof of
 136 consultation and favorable review pursuant to this subdivision is authorized to carry a concealed
 137 handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun
 138 pursuant to subdivision 2 of this subsection.

139 7a. Any person who is eligible for retirement with at least 20 years of service with a
 140 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from
 141 such law-enforcement agency or board to accept a position covered by a retirement system that is
 142 authorized under Title 51.1, provided such person carries with him written proof of consultation with
 143 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement
 144 officer of the agency from which he resigned or, in the case of special agents, issued by the State
 145 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation
 146 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State
 147 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall
 148 not without cause withhold such written proof if the law-enforcement officer otherwise meets the
 149 requirements of this section.

150 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege
 151 to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of
 152 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
 153 permit.

154 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired
 155 or resigned law-enforcement officer who receives proof of consultation and review pursuant to
 156 subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or
 157 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is
 158 required of active law-enforcement officers in the Commonwealth. If such retired or resigned
 159 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
 160 shall issue the retired or resigned officer certification, valid one year from the date of issuance,
 161 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

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

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

174 9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such
 175 attorney may travel in the Commonwealth; and

176 10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal,
 177 private motor vehicle or vessel and such handgun is secured in a container or compartment in the
 178 vehicle or vessel.

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

181 1. Carriers of the United States mail;

182 2. Officers or guards of any state correctional institution;
183 3. [Repealed.]
184 4. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for
185 the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, the following
186 conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a
187 permit as provided in subsection D hereof: (a) notaries public; (b) registrars; (c) drivers, operators or
188 other persons in charge of any motor vehicle carrier of passengers for hire; or (d) commissioners in
189 chancery;
190 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the
191 Director of the Department of Corrections pursuant to § 53.1-29; ~~and~~
192 6. Harbormaster of the City of Hopewell; *and*
193 7. *Persons designated as investigators by the Attorney General pursuant to § 32.1-320.1.*
194 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the
195 county or city in which he resides, or if he is a member of the United States Armed Forces, the county
196 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no
197 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or
198 city. The application shall be made under oath before a notary or other person qualified to take oaths
199 and shall be made only on a form prescribed by the Department of State Police, in consultation with the
200 Supreme Court, requiring only that information necessary to determine eligibility for the permit. The
201 clerk shall enter on the application the date on which the application and all other information required
202 to be submitted by the applicant is received. The court shall consult with either the sheriff or police
203 department of the county or city and receive a report from the Central Criminal Records Exchange. As a
204 condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if
205 required by local ordinance in the county or city where the applicant resides and provide personal
206 descriptive information to be forwarded with the fingerprints through the Central Criminal Records
207 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record
208 information regarding the applicant, and obtaining fingerprint identification information from federal
209 records pursuant to criminal investigations by state and local law-enforcement agencies. However, no
210 local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing
211 concealed handgun permit issued pursuant to this section and is applying for a new five-year permit
212 pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may transfer
213 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the
214 criminal history records check, the State Police shall return the fingerprint cards to the submitting local
215 agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then
216 promptly notify the person that he has 21 days from the date of the notice to request return of the
217 fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days of notification
218 by the local agency shall be destroyed. All optically scanned fingerprints shall be destroyed upon
219 completion of the criminal history records check without requiring that the applicant be notified.
220 Fingerprints taken for the purposes described in this section shall not be copied, held or used for any
221 other purposes. The court shall issue the permit and notify the State Police of the issuance of the permit
222 within 45 days of receipt of the completed application unless it is determined that the applicant is
223 disqualified. A court may authorize the clerk to issue concealed handgun permits, without judicial
224 review, to applicants who have submitted complete applications, for whom the criminal history records
225 check does not indicate a disqualification and, after consulting with either the sheriff or police
226 department of the county or city, about which there are no outstanding questions or issues concerning
227 the application. The court clerk shall be immune from suit arising from any acts or omissions relating to
228 the issuance of concealed handgun permits without judicial review pursuant to this section unless the
229 clerk was grossly negligent or engaged in willful misconduct. This subsection shall not be construed to
230 limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to
231 affect any cause of action accruing prior to July 1, 2010. Upon denial of the application, the clerk shall
232 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the
233 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.
234 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of
235 evidence shall apply. The final order of the court shall include the court's findings of fact and
236 conclusions of law. Any order denying issuance of the permit shall state the basis for the denial of the
237 permit and the applicant's right to and the requirements for perfecting an appeal of such order pursuant
238 to subsection L. Only a circuit court judge may deny issuance of a permit. An application is deemed
239 complete when all information required to be furnished by the applicant is delivered to and received by
240 the clerk of court before or concomitant with the conduct of a state or national criminal history records
241 check. If the court has not issued the permit or determined that the applicant is disqualified within 45
242 days of the date of receipt noted on the application, the clerk shall certify on the application that the
243 45-day period has expired, and send a copy of the certified application to the applicant. The certified

244 application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be
 245 recognized as a valid concealed handgun permit when presented with a valid government-issued photo
 246 identification pursuant to subsection H, until the court issues a five-year permit or finds the applicant to
 247 be disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the
 248 applicant shall surrender the de facto permit to the court and the disqualification shall be deemed a
 249 denial of the permit and a revocation of the de facto permit. If the applicant is later found by the court
 250 to be disqualified after a five-year permit has been issued, the permit shall be revoked. The clerk of
 251 court may withhold from public disclosure the social security number contained in a permit application
 252 in response to a request to inspect or copy any such permit application, except that such social security
 253 number shall not be withheld from any law-enforcement officer acting in the performance of his official
 254 duties.

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

256 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or
 257 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

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

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

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

267 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
 268 § 18.2-308.1:4 from purchasing or transporting a firearm.

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

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

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

278 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
 279 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
 280 state, the District of Columbia, the United States, or its territories within the three-year period
 281 immediately preceding the application, or who is a habitual drunkard as determined pursuant to
 282 § 4.1-333.

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

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

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

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

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

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

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

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

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

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

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

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

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

325 G. The court shall require proof that the applicant has demonstrated competence with a handgun and
326 the applicant may demonstrate such competence by one of the following, but no applicant shall be
327 required to submit to any additional demonstration of competence, nor shall any proof of demonstrated
328 competence expire:

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

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

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

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

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

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

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

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

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

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

354 H. The permit to carry a concealed handgun shall specify only the following information: name,
355 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;
356 the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such
357 permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits
358 pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed
359 handgun shall be no larger than two inches wide by three and one-fourth inches long and shall be of a
360 uniform style prescribed by the Department of State Police. The person issued the permit shall have
361 such permit on his person at all times during which he is carrying a concealed handgun and shall
362 display the permit and a photo-identification issued by a government agency of the Commonwealth or
363 by the United States Department of Defense or United States State Department (passport) upon demand
364 by a law-enforcement officer.

365 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
366 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an

367 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
 368 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
 369 validity of the permit, such a permittee shall carry with him and display, upon request of a
 370 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
 371 permittee's commanding officer that order the permittee to travel outside of his county or city of
 372 residence and that indicate the start and end date of such deployment.

373 I. Persons who previously have held a concealed handgun permit shall be issued, upon application as
 374 provided in subsection D, and upon receipt by the circuit court of criminal history record information as
 375 provided in subsection D, a new five-year permit unless it is found that the applicant is subject to any
 376 of the disqualifications set forth in subsection E. Persons who previously have been issued a concealed
 377 handgun permit pursuant to subsection D shall not be required to appear in person to apply for a new
 378 five-year permit pursuant to this subsection, and the application for the new permit may be submitted
 379 via the United States mail. The circuit court that receives the application shall promptly notify an
 380 applicant if the application is incomplete or if the fee submitted for the permit pursuant to subsection K
 381 is incorrect. If the new five-year permit is issued while an existing permit remains valid, the new
 382 five-year permit shall become effective upon the expiration date of the existing permit, provided that the
 383 application is received by the court at least 90 days but no more than 180 days prior to the expiration of
 384 the existing permit. If the circuit court denies the permit, the specific reasons for the denial shall be
 385 stated in the order of the court denying the permit. Upon denial of the application, the clerk shall
 386 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the
 387 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.
 388 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of
 389 evidence shall apply. The final order of the court shall include the court's findings of fact and
 390 conclusions of law.

391 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
 392 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and
 393 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the
 394 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a
 395 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the
 396 court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of
 397 such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this
 398 subsection, and shall promptly notify the State Police and the person whose permit was revoked of the
 399 revocation.

400 J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or
 401 illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor.
 402 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the
 403 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
 404 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
 405 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
 406 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
 407 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
 408 for a concealed handgun permit for a period of five years.

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

412 J3. No person who carries a concealed handgun onto the premises of any restaurant or club as
 413 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises
 414 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the
 415 Code of Virginia may consume an alcoholic beverage while on the premises. A person who carries a
 416 concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is
 417 guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or
 418 local law-enforcement officer.

419 J4. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,
 420 possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State
 421 Police and the person whose permit was revoked of the revocation.

422 K. No fee shall be charged for the issuance of such permit to a person who has retired from service
 423 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control
 424 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and
 425 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the
 426 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement
 427 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and

428 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
429 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals
430 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching
431 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United
432 States, the District of Columbia or any of the territories of the United States, after completing 15 years
433 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)
434 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or
435 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching
436 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,
437 including his costs associated with the consultation with law-enforcement agencies. The local
438 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to
439 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any
440 amount assessed by the Federal Bureau of Investigation for providing criminal history record
441 information, and the local law-enforcement agency shall forward the amount assessed by the Federal
442 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State
443 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.
444 The total amount assessed for processing an application for a permit shall not exceed \$50, with such
445 fees to be paid in one sum to the person who accepts the application. Payment may be made by any
446 method accepted by that court for payment of other fees or penalties. No payment shall be required until
447 the application is accepted by the court as a complete application. The order issuing such permit, or the
448 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall
449 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police
450 shall enter the permittee's name and description in the Virginia Criminal Information Network so that
451 the permit's existence and current status will be made known to law-enforcement personnel accessing the
452 Network for investigative purposes. The State Police shall withhold from public disclosure permittee
453 information submitted to the State Police for purposes of entry into the Virginia Criminal Information
454 Network, except that such information shall not be withheld from any law-enforcement agency, officer,
455 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such
456 information be withheld from an entity that has a valid contract with any local, state, or federal
457 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.
458 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State
459 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)
460 statistical summaries, abstracts, or other records containing information in an aggregate form that does
461 not identify any individual permittees.

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

469 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
470 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
471 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if
472 an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court
473 following the hearing. The petition shall be accompanied by a copy of the original papers filed in the
474 circuit court, including a copy of the order of the circuit court denying the permit. Subject to the
475 provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final.
476 Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal,
477 taxable costs incurred by the person shall be paid by the Commonwealth.

478 M. For purposes of this section:

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

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

489 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the

490 privilege of residing permanently in the United States as an immigrant in accordance with the
491 immigration laws, such status not having changed.

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

495 N. As used in this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

575 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
576 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
577 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
578 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the
579 holder of the permit is 21 years of age or older.

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

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

588 § 32.1-320.1. Powers and duties of Unit Investigators.

589 A. *The Attorney General may designate persons in the unit established pursuant to § 32.1-320 as*
590 *investigators. Any person designated as an investigator shall be sworn to enforce the provisions of this*
591 *article and the criminal laws of the Commonwealth, and shall be considered a law-enforcement officer*
592 *pursuant to the definition set forth at § 9.1-101.*

593 B. *Investigators' powers and duties shall include, but not be limited to:*

594 1. *The authority to investigate all allegations of fraud in the administration of the Plan for Medical*
595 *Assistance administered by the Department of Medical Assistance Services, the provision of medical*
596 *assistance, or the activities of providers of medical assistance under the Plan for Medical Assistance.*

597 2. *The authority to investigate allegations of abuse or neglect of adults, and misappropriation of*
598 *patients' private funds while such patients are in the care and custody of others, and other offenses*
599 *authorized by law.*

600 3. *The authority to investigate any violation of the criminal laws of the Commonwealth that are*
601 *ancillary to any allegation included within subdivisions 1 and 2.*

602 C. *The Attorney General or his designee may request that the Director of the Department of*
603 *Criminal Justice Services exempt a unit investigator from the compulsory minimum training standards*
604 *set forth in subdivision 2 of § 9.1-102 based upon the investigator's prior experience.*

605 D. *The Attorney General shall have the authority to issue a badge of the Attorney General's*
606 *choosing to each person designated as an investigator. The Attorney General shall be authorized to*
607 *incorporate the Seal of the Commonwealth in the design of the badge.*