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HOUSE BILL NO. 923

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 15.2-915.3, 16.1-260, 17.1-406, 18.2-57.3, 18.2-287.01, 18.2-308, 18.2-311, 19.2-83.1, 19.2-120.1, 19.2-386.27, and 19.2-386.28 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 sections numbered 18.2-307.1 through 18.2-308.015, relating to reorganizing and recodifying the law related to carrying concealed weapons and concealed handgun permits.

Patron—Lingamfelter

Referred to Committee for Courts of Justice

Whereas, § 18.2-308 of the Code of Virginia addresses several separate and distinct issues in the law, including the criminal prohibition against carrying concealed weapons and procedural provisions concerning the application for and issuance of concealed handgun permits; and

Whereas, the origins of § 18.2-308 prohibiting the carrying of concealed weapons and permitting a person to apply for a permit to carry a concealed weapon can be traced back to § 3780 of the 1887 Code of Virginia; and

Whereas, until 1995, the provisions related to the application for a permit to carry a concealed weapon were relatively short because judges retained complete discretion as to whether or not to issue a permit; and

Whereas, Chapter 829 of the Virginia Acts of Assembly of 1995 removed this judicial discretion and mandated that judges issue a concealed handgun permit to an applicant unless the applicant was otherwise disqualified from obtaining the permit; and

Whereas, as a result of this change, beginning in 1995 and in the years since, the General Assembly has steadily augmented the size and breadth of § 18.2-308 to include provisions relating to the detailed procedures for applying for a permit, specific disqualifications, requirements for the circuit courts in approving or denying an application, a process to obtain a temporary permit if the court does not respond in a timely manner, the appeals process, obligations related to holding a permit, reciprocity provisions, recordkeeping requirements, and several other procedural matters; and

Whereas, § 18.2-308 has become an increasingly complex, cumbersome section of the Code of Virginia that is difficult to understand, apply, and amend, and has intertwined the rights, responsibilities, and obligations of citizens, circuit courts, and state police into one lengthy provision of law; and

Whereas, the existing language of § 18.2-308 covers eleven full pages in the published version of the Code of Virginia, and any amendment to concealed handgun law requires a bill that is, at a minimum, nine pages; and

Whereas, a reorganization of this one section into several distinct sections according to a logical organization scheme will benefit private citizens and government officials in better understanding their responsibilities, rights, and obligations relating to permits to carry concealed handguns, and will assist members of the General Assembly in better understanding the law as they seek to make amendments in the future; and

Whereas, nothing in this reorganization is intended to change the substantive law related to carrying concealed weapons or obtaining a concealed handgun permit, but instead is akin to the recodification of titles of the Code of Virginia recommended to the General Assembly from time to time; now, therefore,

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, 18.2-308, 18.2-311, 19.2-83.1, 19.2-120.1, 19.2-386.27, and 19.2-386.28 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 sections numbered 18.2-307.1 through 18.2-308.015, 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~~ § 18.2-308.010.

§ 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

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59 from the Department of Social Services prior to filing a petition seeking support for a child. Complaints,
60 requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer.
61 However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own
62 motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may
63 complete, sign and file petitions and motions relating to the establishment, modification, or enforcement
64 of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney
65 may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the
66 petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints
67 alleging abuse or neglect of a child shall be referred initially to the local department of social services
68 in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other
69 subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with
70 whom the petition or motion is filed shall inquire whether the petitioner is receiving child support
71 services or public assistance. No individual who is receiving support services or public assistance shall
72 be denied the right to file a petition or motion to establish, modify or enforce an order for support of a
73 child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon
74 issuance of process, shall forward a copy of the petition or motion, together with notice of the court
75 date, to the Division of Child Support Enforcement.

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

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

90 An intake officer may proceed informally on a complaint alleging a child is in need of services, in
91 need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a violent
92 juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for
93 an offense that would be a felony if committed by an adult. A petition alleging that a juvenile
94 committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is
95 delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if
96 the juvenile had previously been proceeded against informally by intake or had been adjudicated
97 delinquent for an offense that would be a felony if committed by an adult.

98 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
99 the attendance officer has provided documentation to the intake officer that the relevant school division
100 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
101 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
102 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not
103 previously been proceeded against informally or adjudicated in need of supervision for failure to comply
104 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,
105 guardian or other person standing in loco parentis must agree, in writing, for the development of a
106 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,
107 guardian or other person standing in loco parentis participate in such programs, cooperate in such
108 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's
109 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer
110 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an
111 interagency interdisciplinary team approach. The team may include qualified personnel who are
112 reasonably available from the appropriate department of social services, community services board, local
113 school division, court service unit and other appropriate and available public and private agencies and
114 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
115 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
116 the intake officer shall file the petition.

117 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
118 is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for
119 the juvenile, which may include restitution and the performance of community service, based upon
120 community resources and the circumstances which resulted in the complaint, (ii) create an official record

of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

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

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

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 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308 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 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

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

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

A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been imposed, (ii) any final decision of a circuit court on an application for a concealed weapons permit pursuant to ~~subsection D of § 18.2-308~~ *Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2*, (iii) any final order of a circuit court involving involuntary treatment of prisoners pursuant to § 53.1-40.1, or (iv) any final order for declaratory or injunctive relief under § 57-2.02. The Commonwealth or any county, city or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in which such party previously could have petitioned the Supreme Court for a writ of error under § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case pursuant to § 19.2-398.

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

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

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

B. For a person to be eligible for such deferral, the court shall find that (i) the person was an adult at the time of the commission of the offense, (ii) the person has not previously been convicted of any

offense under this article or under any statute of the United States or of any state or any ordinance of any local government relating to assault and battery against a family or household member, (iii) the person has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, (iv) the person pleads guilty to, or enters a plea of not guilty or nolo contendere and the court finds the evidence is sufficient to find the person guilty of, a violation of § 18.2-57.2, and (v) the person consents to such deferral.

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

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

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

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

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

F. Upon violation of a term or condition of supervised probation or of the period of good behavior, 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* (§ 18.2-307.1 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.

Article 6.1.

Concealed Weapons and Concealed Handgun Permits.

§ 18.2-307.1. Definitions.

As used in this article, unless the context requires a different meaning:

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

"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

305 *more barrels when held in one hand.*

306 *"Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,*
307 *campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement*
308 *agents of the armed forces of the United States, the Naval Criminal Investigative Service, and federal*
309 *agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement officer" also*
310 *means any sworn full-time law-enforcement officer employed by a law-enforcement agency of the United*
311 *States or any state or political subdivision thereof, whose duties are substantially similar to those set*
312 *forth in § 9.1-101.*

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

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

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

321 § 18.2-308. Carrying concealed weapons; exceptions; penalty.

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

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

338 C. Except as provided in subsection ~~H~~ A of § 18.2-308.012, this section shall not apply to:

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

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

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

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

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

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

354 7. Any State Police officer retired from the Department of State Police, any officer retired from the
355 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
356 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
357 retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
358 conservation police officer retired from the Department of Game and Inland Fisheries, and any Virginia
359 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
360 Commission, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii)
361 following at least 15 years of service with any such law-enforcement agency, board or any combination
362 thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such
363 law-enforcement agency or board due to a service-related injury, provided such officer carries with him
364 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
365 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency
366 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. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2 of this subsection.

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person 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 agency from which he resigned 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, Board or Commission 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 law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of subsection P § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or 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 or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned 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 or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned 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 § 18.2-308.014, 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;

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

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

C. D. 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 C 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 *this article*: (a) (i) notaries public; (b) (ii) registrars; (c) (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (d) (iv) commissioners in chancery;

5. 4. 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. 5. 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. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to applicants who have submitted complete applications, for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which there are no outstanding questions or issues concerning the application. The court clerk shall be immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010. 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. 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. Only a circuit court judge may deny issuance of a permit. 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 mail or send via electronic mail a copy of the certified application to the applicant within five business days of the expiration of the 45-day period. 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, synthetic cannabinoids, 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, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories 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 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, 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, synthetic cannabinoids, 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, of the clerk of court who has been authorized to sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection D; 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, and upon receipt by the circuit court of criminal history record information as provided in subsection D, a new five-year permit unless it is found that the applicant is subject to any of the disqualifications set forth in subsection E. Persons who previously have been issued a concealed handgun permit pursuant to subsection D shall not be required to appear in person to apply for a new five-year permit pursuant to this subsection, and the application for the new permit may be submitted via the United States mail. The circuit court that receives the application shall promptly notify an applicant if the application is incomplete or if the fee submitted for the permit pursuant to subsection K is incorrect. 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 who carries 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 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

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; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55. 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.

K2. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission of a notarized statement by the permit holder that the permit was lost or destroyed, issue a replacement permit. The replacement permit shall have the same expiration date as the permit that was lost or destroyed. The clerk shall issue the replacement permit within 10 business days of receiving the notarized statement, and may charge a fee not to exceed \$5.

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.

"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.

"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.

"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 mechanism.

"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.

O. The granting of a concealed handgun permit 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.

P. 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 section. 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 section; (b) maintain a registry of such states on the Virginia Criminal Information Network (VCIN); 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.

P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency 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. The application shall be made under oath before a notary or other person qualified to take oaths on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to the provisions of this subsection.

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

1. Completing a hunter education or hunter safety course approved by the Virginia 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 or a similar agency of another state;

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 approved by the Department of State Police 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 on-line 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 that the Virginia Department of State Police deems
802 adequate.

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

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

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

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

823 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
824 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
825 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
826 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth; and (ii) the
827 holder of the permit is 21 years of age or older.

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

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

836 § 18.2-308.01. Carrying a concealed handgun with a permit.

837 A. The prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308
838 shall not apply to a person who has a valid concealed handgun permit issued pursuant to this article.
839 The person issued the permit shall have such permit on his person at all times during which he is
840 carrying a concealed handgun and shall display the permit and a photo identification issued by a
841 government agency of the Commonwealth or by the United States Department of Defense or United
842 States Department of State (passport) upon demand by a law-enforcement officer. A person to whom a
843 nonresident permit is issued shall have such permit on his person at all times when he is carrying a
844 concealed handgun in the Commonwealth and shall display the permit on demand by a law-enforcement
845 officer. A person whose permit is extended due to deployment shall carry with him and display, upon
846 request of a law-enforcement officer, a copy of the documents required by subsection B of
847 § 18.2-308.010.

848 B. The granting of a concealed handgun permit pursuant to this article shall not thereby authorize
849 the possession of any handgun or other weapon on property or in places where such possession is
850 otherwise prohibited by law or is prohibited by the owner of private property.

851 § 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

852 A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the
853 county or city in which he resides, or if he is a member of the United States Armed Forces, the county
854 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no
855 requirement regarding the length of time an applicant has been a resident or domiciliary of the county
856 or city. The application shall be made under oath before a notary or other person qualified to take
857 oaths and shall be made only on a form prescribed by the Department of State Police, in consultation
858 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 § 18.2-308.010.

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;

7. Completing any firearms training or safety course or class, including an electronic, video, or online 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 that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

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

E. 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.

F. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of the court before or concomitant with the conduct of a state or national criminal history records check.

§ 18.2-308.03. Fees for concealed handgun permits.

A. The applicant shall submit a fee with the application for a concealed handgun permit. The clerk shall assess the fee to include the following: (i) a clerk's fee of \$10 for the processing of an application or issuing of a permit, including the clerk's costs associated with the consultation with law-enforcement agencies; (ii) a fee not to exceed \$35 by the local law-enforcement agency conducting the background investigation to cover the cost of conducting an investigation pursuant to this article, and which shall include any amount assessed by and forwarded to the Federal Bureau of Investigation for providing criminal history record information, along with any fingerprints taken from the applicant; and (iii) a fee not to exceed \$5 by the State Police 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.

B. 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; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55.

§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.

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

B. Upon receipt of the completed application, 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.

C. The clerk shall forward personal descriptive information, along with the applicant's fingerprints if required by § 15.2-915.3, 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. 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 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 be in accordance with § 18.2-308.08. 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. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to applicants who have submitted complete applications, for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which there are no outstanding questions or issues concerning the application. The court clerk shall be immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review pursuant to this article unless the clerk was grossly negligent or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

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, of the clerk of court who has been authorized to sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection E; 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.

§ 18.2-308.05. Issuance of a de facto permit.

If a court has not issued a permit pursuant to § 18.2-308.04 or determined that the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk of the court shall certify on the application that the 45-day period has expired, and mail or send via email a copy of the certified application to the applicant within five days of the expiration of the 45-day period. 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, 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

1082 *revocation of the de facto permit.*

1083 *§ 18.2-308.06. Nonresident concealed handgun permits.*

1084 *A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia*
 1085 *Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a*
 1086 *nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the*
 1087 *Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided*
 1088 *by the Department of State Police for the purpose of obtaining the applicant's state or national criminal*
 1089 *history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to*
 1090 *fingerprinting by his local or state law-enforcement agency and provide personal descriptive information*
 1091 *to be forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal*
 1092 *Bureau of Investigation for the purpose of obtaining criminal history record information regarding the*
 1093 *applicant and obtaining fingerprint identification information from federal records pursuant to criminal*
 1094 *investigations by state and local law-enforcement agencies. The application shall be made under oath*
 1095 *before a notary or other person qualified to take oaths on a form provided by the Department of State*
 1096 *Police, requiring only that information necessary to determine eligibility for the permit. If the permittee*
 1097 *is later found by the Department of State Police to be disqualified, the permit shall be revoked and the*
 1098 *person shall return the permit after being so notified by the Department of State Police. The permit*
 1099 *requirement and restriction provisions of subsection D of § 18.2-308.02 and § 18.2-308.09 shall apply,*
 1100 *mutatis mutandis, to the provisions of this section.*

1101 *B. The applicant shall demonstrate competence with a handgun by one of the following:*

1102 *1. Completing a hunter education or hunter safety course approved by the Virginia Department of*
 1103 *Game and Inland Fisheries or a similar agency of another state;*

1104 *2. Completing any National Rifle Association firearms safety or training course;*

1105 *3. Completing any firearms safety or training course or class available to the general public offered*
 1106 *by a law-enforcement agency, junior college, college, or private or public institution or organization or*
 1107 *firearms training school utilizing instructors certified by the National Rifle Association or the*
 1108 *Department of Criminal Justice Services or a similar agency of another state;*

1109 *4. Completing any law-enforcement firearms safety or training course or class offered for security*
 1110 *guards, investigators, special deputies, or any division or subdivision of law enforcement or security*
 1111 *enforcement;*

1112 *5. Presenting evidence of equivalent experience with a firearm through participation in organized*
 1113 *shooting competition approved by the Department of State Police or current military service or proof of*
 1114 *an honorable discharge from any branch of the armed services;*

1115 *6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a*
 1116 *locality thereof, unless such license has been revoked for cause;*

1117 *7. Completing any firearms training or safety course or class, including an electronic, video, or*
 1118 *online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;*

1119 *8. Completing any governmental police agency firearms training course and qualifying to carry a*
 1120 *firearm in the course of normal police duties; or*

1121 *9. Completing any other firearms training that the Virginia Department of State Police deems*
 1122 *adequate.*

1123 *A photocopy of a certificate of completion of any such course or class, an affidavit from the*
 1124 *instructor, school, club, organization, or group that conducted or taught such course or class attesting*
 1125 *to the completion of the course or class by the applicant, or a copy of any document that shows*
 1126 *completion of the course or class or evidences participation in firearms competition shall satisfy the*
 1127 *requirement for demonstration of competence with a handgun.*

1128 *C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the*
 1129 *background check and issuance of the permit. Any fees collected shall be deposited in a special account*
 1130 *to be used to offset the costs of administering the nonresident concealed handgun permit program.*

1131 *D. The permit to carry a concealed handgun shall contain only the following information: name,*
 1132 *address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the*
 1133 *permittee; the signature of the Superintendent of the Virginia Department of State Police or his*
 1134 *designee; the date of issuance; and the expiration date.*

1135 *E. The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative*
 1136 *Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a*
 1137 *nonresident concealed handgun permit.*

1138 *§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.*

1139 *A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, or the copy of the permit*
 1140 *application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, shall be provided to*
 1141 *the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The*
 1142 *State Police shall enter the permittee's name and description in the Virginia Criminal Information*

1043 Network so that the permit's existence and current status will be made known to law-enforcement
1044 personnel accessing the Network for investigative purposes.

1045 B. The Department of State Police shall enter the name and description of a person issue a
1046 nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the
1047 permit's existence and current status are known to law-enforcement personnel accessing the Network for
1048 investigative purposes.

1049 C. The State Police shall withhold from public disclosure permittee information submitted to the
1050 State Police pursuant to subsection A for purposes of entry into the Virginia Criminal Information
1051 Network, except that such information shall not be withheld from any law-enforcement agency, officer,
1052 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such
1053 information be withheld from an entity that has a valid contract with any local, state, or federal
1054 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.
1055 However, nothing in this subsection shall be construed to prohibit the release of (i) records by the State
1056 Police concerning permits issued to nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii)
1057 statistical summaries, abstracts, or other records containing information in an aggregate form that does
1058 not identify any individual permittees.

1059 § 18.2-308.08. Denial of a concealed handgun permit; appeal.

1060 A. Only a circuit court judge may deny issuance of a concealed handgun permit to a Virginia
1061 resident who has applied for a permit pursuant to § 18.2-308.04. Any order denying issuance of a
1062 concealed handgun permit shall state the reason for the denial of the permit and the clerk shall provide
1063 notice, in writing, of the applicant's right to an ore tenus hearing and the requirements for perfecting an
1064 appeal of such order.

1065 B. Upon request of the applicant made within 21 days of the denial, the court shall place the matter
1066 on the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall
1067 not be appointed, and the rules of evidence shall apply. The final order of the court shall include the
1068 court's findings of fact and conclusions of law.

1069 C. Any person denied a permit to carry a concealed handgun by the circuit court may present a
1070 petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the
1071 expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested,
1072 within 60 days of the entry of the final order of the circuit court following the hearing. The petition
1073 shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the
1074 order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the
1075 decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if
1076 the decision to deny the permit is reversed on appeal, taxable costs incurred by the applicant shall be
1077 paid by the Commonwealth.

1078 § 18.2-308.09. Disqualifications for a concealed handgun permit.

1079 The following persons shall be deemed disqualified from obtaining a permit:

1080 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or
1081 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

1082 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
1083 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
1084 the date of his application for a concealed handgun permit.

1085 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
1086 competency or capacity was restored pursuant to § 37.2-1012 less than five years before the date of his
1087 application for a concealed handgun permit.

1088 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
1089 from commitment less than five years before the date of this application for a concealed handgun
1090 permit.

1091 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
1092 § 18.2-308.1:4 from purchasing or transporting a firearm.

1093 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
1094 that a permit may be obtained in accordance with subsection C of that section.

1095 7. An individual who has been convicted of two or more misdemeanors within the five-year period
1096 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
1097 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
1098 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
1099 disqualification.

1100 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic
1101 cannabinoids, or any controlled substance.

1102 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
1103 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
1104 state, the District of Columbia, the United States, or its territories 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 article, 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.) or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, 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 article, 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.) or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, 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.

§ 18.2-308.010. Renewal of concealed handgun permit.

A. 1. Persons who previously have held a concealed handgun permit shall be issued, upon application as provided in § 18.2-308.02, a new five-year permit unless the applicant is subject to any of the disqualifications set forth in § 18.2-308.09. Persons who previously have been issued a concealed handgun permit pursuant to this article shall not be required to appear in person to apply for a new five-year permit pursuant to this section, and the application for the new permit may be submitted via the United States mail. The circuit court that receives the application shall promptly notify the applicant if the application is incomplete or if the fee submitted for the permit pursuant to § 18.2-308.03 is incorrect.

2. If a 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.

3. Any order denying issuance of the new permit shall be in accordance with § 18.2-308.08.

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

1166 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
1167 permittee's commanding officer that order the permittee to travel outside of his county or city of
1168 residence and that indicate the start and end date of such deployment.

1169 § 18.2-308.011. Replacement permits.

1170 A. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation
1171 of the valid permit and proof of a new address of residence by the permit holder, issue a replacement
1172 permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's
1173 new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and
1174 the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount
1175 assessed for processing a replacement permit pursuant to this section shall not exceed \$10, with such
1176 fees to be paid in one sum to the person who accepts the information for the replacement permit.

1177 B. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission
1178 of a notarized statement by the permit holder that the permit was lost or destroyed, issue a replacement
1179 permit. The replacement permit shall have the same expiration date as the permit that was lost or
1180 destroyed. The clerk shall issue the replacement permit within 10 business days of receiving the
1181 notarized statement, and may charge a fee not to exceed \$5.

1182 § 18.2-308.012. Prohibited conduct.

1183 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or
1184 illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor.
1185 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the
1186 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
1187 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
1188 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
1189 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
1190 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
1191 for a concealed handgun permit for a period of five years.

1192 B. No person who carries a concealed handgun onto the premises of any restaurant or club as
1193 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premise
1194 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the
1195 Code of Virginia may consume an alcoholic beverage while on the premises. A person who carries a
1196 concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is
1197 guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or
1198 local law-enforcement officer.

1199 § 18.2-308.013. Suspension or revocation of permit.

1200 A. Any person convicted of an offense that would disqualify that person from obtaining a permit
1201 under § 18.2-308.09 or who violates subsection D of § 18.2-308.02 shall forfeit his permit for a
1202 concealed handgun and surrender it to the court. Upon receipt by the Central Criminal Records
1203 Exchange of a record of the arrest, conviction or occurrence of any other event that would disqualify a
1204 person from obtaining a concealed handgun permit under § 18.2-308.09, the Central Criminal Records
1205 Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction or other
1206 event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person
1207 disqualified pursuant to this section, and shall promptly notify the State Police and the person whose
1208 permit was revoked of the revocation.

1209 B. An individual who has a felony charge pending or a charge pending for an offense listed in
1210 subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed handgun, may have the permit
1211 suspended by the court before which such charge is pending or by the court that issued the permit.

1212 C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,
1213 possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State
1214 Police and the person whose permit was revoked of the revocation.

1215 § 18.2-308.014. Reciprocity.

1216 A. A valid concealed handgun or concealed weapon permit or license issued by another state shall
1217 authorize the holder of such permit or license who is at least 21 years of age to carry a concealed
1218 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous
1219 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a
1220 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be
1221 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a
1222 permit or license by persons who would be denied a permit in the Commonwealth under this article.
1223 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General
1224 determine whether states meet the requirements and qualifications of this subsection, (b) maintain a
1225 registry of such states on the Virginia Criminal Information Network, and (c) make the registry
1226 available to law-enforcement officers for investigative purposes. The Superintendent of the State Police,
1227 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.

§ 18.2-308.015. 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.

§ 18.2-311. 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 § 18.2-307.1, or like weapons, such person shall be is 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.

B. 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, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any public school division in this Commonwealth for:

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 (§ 18.2-307.1 et seq.) or 7 (§ 18.2-308 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; or

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

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

A. In addition to the presumption against the admission to bail under subsection B of § 19.2-120, the judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1, subsection C of § 17.1-805, any offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 except any offense under subsection A of § 18.2-57.2, any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under Article 2 (§ 18.2-266 et seq.), or any local ordinance substantially similar thereto, 4 (§ 18.2-279 et seq.),

1289 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), *6.1 (§ 18.2-307.1 et seq.)*, or 7 (§ ~~18.2-308~~ 18.2-308.1 et
1290 seq.) of Chapter 7 of Title 18.2; and (ii) the person has been identified as being illegally present in the
1291 United States by the United States Immigration and Customs Enforcement.

1292 B. Notwithstanding subsection A, no presumption shall exist under this section as to any
1293 misdemeanor offense, or any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title
1294 18.2, unless the United States Immigration and Customs Enforcement has guaranteed that, in all such
1295 cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agree
1296 to reimburse for the cost of incarceration from the time of the issuance of the detainer.

1297 § 19.2-386.27. Forfeiture of firearms carried in violation of Article 6.1 (§ 18.2-308 et seq.) of
1298 Chapter 7 of Title 18.2.

1299 Any weapon used in the commission of a violation of ~~§ 18.2-308~~ *Article 6.1 (§ 18.2-307.1 et seq.) of*
1300 *Chapter 7 of Title 18.2* shall be forfeited to the Commonwealth and may be seized by an officer as
1301 forfeited, and such as may be needed for police officers, conservators of the peace, and the Department
1302 of Forensic Science shall be devoted to that purpose, subject to any registration requirements of federal
1303 law, and the remainder shall be disposed of as provided in § 19.2-386.29.

1304 § 19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in violation
1305 of law.

1306 Any firearm, stun weapon as defined by § 18.2-308.1, or any weapon concealed, possessed,
1307 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,
1308 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
1309 ~~§ 18.2-308.8~~ shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

1310 **2. That the provisions of this act are declaratory of existing law.**