

12100900D

**SENATE BILL NO. 17**

Offered January 11, 2012

Prefiled December 28, 2011

A *BILL to amend and reenact §§ 2.2-507, 2.2-2801, 3.2-1010, 9.1-101, 9.1-400, 9.1-500, 9.1-801, 15.2-915.2, 18.2-51.1, 18.2-57, 18.2-136.1, 18.2-141, 18.2-283.1, 18.2-285, 18.2-287.01, 18.2-308, 19.2-81, 28.2-106, 28.2-106.1, 29.1-100, 29.1-200 through 29.1-205, 29.1-207, 29.1-208, 29.1-209, 29.1-212, 29.1-213, 29.1-217, 29.1-218, 29.1-300.2, 29.1-337, 29.1-349, 29.1-355, 29.1-516, 29.1-517, 29.1-521.3, 29.1-530, 29.1-539, 29.1-548, 29.1-552, 29.1-553, 29.1-556, 29.1-567, 29.1-735.1, 29.1-739, 29.1-739.1, 29.1-739.2, 29.1-745, 51.1-212, 58.1-1410, 62.1-194.2, 65.2-402, and 65.2-402.1 of the Code of Virginia, relating to changing the name of the Department of Game and Inland Fisheries law-enforcement officers.*

Patron—Stuart

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 2.2-507, 2.2-2801, 3.2-1010, 9.1-101, 9.1-400, 9.1-500, 9.1-801, 15.2-915.2, 18.2-51.1, 18.2-57, 18.2-136.1, 18.2-141, 18.2-283.1, 18.2-285, 18.2-287.01, 18.2-308, 19.2-81, 28.2-106, 28.2-106.1, 29.1-100, 29.1-200 through 29.1-205, 29.1-207, 29.1-208, 29.1-209, 29.1-212, 29.1-213, 29.1-217, 29.1-218, 29.1-300.2, 29.1-337, 29.1-349, 29.1-355, 29.1-516, 29.1-517, 29.1-521.3, 29.1-530, 29.1-539, 29.1-548, 29.1-552, 29.1-553, 29.1-556, 29.1-567, 29.1-735.1, 29.1-739, 29.1-739.1, 29.1-739.2, 29.1-745, 51.1-212, 58.1-1410, 62.1-194.2, 65.2-402, and 65.2-402.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-507. Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. ~~Conservation police officers~~ *Game wardens* appointed by the Department of Game and Inland Fisheries;
10. Third impartial panel members appointed to hear a teacher's grievance pursuant to § 22.1-312;
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant

INTRODUCED

SB17

59 to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

60 12. Any emergency medical service agency that is a licensee of the Department of Health in any  
61 civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for  
62 alleged errors or omissions in the discharge of his court-appointed duties; or

63 13. Conservation officers of the Department of Conservation and Recreation.

64 Upon request of the affected individual, the Attorney General may represent personally or through  
65 one of his assistants any basic or advanced emergency medical care attendant or technician possessing a  
66 valid certificate issued by authority of the State Board of Health in any civil matter in which a defense  
67 of immunity from liability is raised pursuant to § 8.01-225.

68 C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal  
69 service to be rendered by him or one of his assistants, he may employ special counsel for this purpose,  
70 whose compensation shall be fixed by the Attorney General. The compensation for such special counsel  
71 shall be paid out of the funds appropriated for the administration of the board, commission, division or  
72 department being represented or whose members, officers, inspectors, investigators, or other employees  
73 are being represented pursuant to this section. Notwithstanding any provision of this section to the  
74 contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties  
75 in which it, or any justice, is a party.

76 § 2.2-2801. Disability to hold state office; exceptions.

77 A. Section 2.2-2800 shall not be construed to prevent:

78 1. Members of Congress from acting as visitors of the University of Virginia or the Virginia Military  
79 Institute, or from holding offices in the militia;

80 2. United States commissioners or United States census enumerators, supervisors, or the clerks under  
81 the supervisor of the United States census, or fourth-class or third-class postmasters, or United States  
82 caretakers of the Virginia National Guard, from acting as notaries, school board selection commission  
83 members, or supervisors, or from holding any district office under the government of any county, or the  
84 office of councilman of any town or city in the Commonwealth;

85 3. Any United States rural mail carrier, or star route mail carrier from being appointed and acting as  
86 notary public or holding any county or district office;

87 4. Any civilian employee of the United States government from being appointed and acting as notary  
88 public;

89 5. Any United States commissioners or United States park commissioners from holding the office of  
90 commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant  
91 commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of  
92 any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any  
93 county court or juvenile and domestic relations district court of any county, or the municipal court or  
94 court of limited jurisdiction, by whatever name designated, of any incorporated town;

95 6. Any person employed by, or holding office or a post of profit, trust or emolument, civil,  
96 legislative, executive or judicial, under the government of the United States, from being a member of  
97 the militia or holding office therein, or from being a member or director of any board, council,  
98 commission or institution of the Commonwealth who serves without compensation except one who  
99 serves on a per diem compensation basis;

100 7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or  
101 naval reservation in Virginia from holding any office under the government of any city, town or county  
102 in the Commonwealth;

103 8. Any United States government clerk from holding any office under the government of any town or  
104 city; or from being appointed as special policeman for a county by the circuit court or judge thereof as  
105 provided for in § 15.2-1737;

106 9. Any person holding an office under the United States government from holding a position under  
107 the management and control of the State Board of Health;

108 10. Any state federal director of the Commonwealth in the employment service of the United States  
109 Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;

110 11. Clerks and employees of the federal government engaged in the departmental service in  
111 Washington from acting as school trustees;

112 12. Any person, who is otherwise eligible, from serving as a member of the governing body or  
113 school board of any county, city or town, or as a member of any public body who is appointed by such  
114 governing body or school board, or as an appointive officer or employee of any county, city or town or  
115 the school board thereof;

116 13. Game management agents of the United States Fish and Wildlife Service or United States deputy  
117 game wardens from acting as special ~~conservation police officers~~ *game wardens*;

118 14. Any appointive state or local official or employee from serving, with compensation, on an  
119 advisory board of the federal government;

120 15. Any state or local law-enforcement officer from serving as a United States law-enforcement

officer; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;

16. Any United States law-enforcement officer from serving as a state or local law-enforcement officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;

17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as or performing the duties of a special assistant United States attorney or assistant United States attorney; however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or assistant attorney for the Commonwealth to receive double compensation;

18. Any assistant United States attorney from serving as or performing the duties of an assistant attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject jurisdiction; however, this subdivision shall not be construed to authorize any assistant United States attorney to receive double compensation;

19. Any elected state or local official from serving, without compensation, on an advisory board of the federal government; however, this subdivision shall not be construed to prohibit reimbursement for actual expenses;

20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and local sheriffs;

21. State judicial officers from performing acts or functions with respect to United States criminal proceedings when such acts or functions are authorized by federal law to be performed by state judicial officers; or

22. Any member of the Armed Forces of the United States from serving on the Virginia Military Advisory Council or the Virginia Offshore Wind Development Authority.

B. Nor shall § 2.2-2800 be construed to exclude:

1. A person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act.

2. Officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty.

§ 3.2-1010. Enforcement of chapter; summons.

Any ~~conservation police officer~~ *game warden* or law-enforcement officer as defined in § 9.1-101, excluding certain Alcoholic Beverage Control Board members, may enforce the provisions of this chapter and the regulations adopted hereunder as well as those who are so designated by the Commissioner. Those designated by the Commissioner may issue a summons to any person who violates any provision of this chapter to appear at a time and place to be specified in such summons.

§ 9.1-101. Definitions.

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

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

"Board" means the Criminal Justice Services Board.

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

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

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

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.2-1737, or

special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

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

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

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

"Department" means the Department of Criminal Justice Services.

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

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) ~~conservation police officer~~ *game warden* who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the State Lottery Department; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; or (viii) animal protection police officers employed under § 15.2-632. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

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

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

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city or town of the Commonwealth as an integral part of the official safety program of such county, city or town; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any regular or special ~~conservation police officer~~ *game warden* who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the

Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; or any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

§ 9.1-500. Definitions.

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

"Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Department of Conservation and Recreation, or the Department of Motor Vehicles; or the political subdivision or the campus police department of any public institution of higher education of the Commonwealth employing the law-enforcement officer.

"Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of the Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and (ii) a nonprobationary officer of one of the following agencies:

a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Department of Motor Vehicles, or the Department of Conservation and Recreation;

b. The police department, bureau or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau or force has ten or more law-enforcement officers; or

c. Any ~~conservation police officer~~ *game warden* as defined in § 9.1-101.

For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of any city or county.

§ 9.1-801. Public safety officer defined.

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of this Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or rescue squad that has been recognized by an ordinance or resolution of the governing body of any county, city or town of this Commonwealth as an integral part of the official safety program of such county, city or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any police agent appointed under the provisions of § 56-353; any regular or special ~~conservation police officer~~ *game warden* who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the State Lottery Department; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

§ 15.2-915.2. Regulation of transportation of a loaded rifle or shotgun.

The governing body of any county or city may by ordinance make it unlawful for any person to

305 transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or  
306 highway within such locality. Any violation of such ordinance shall be punishable by a fine of not more  
307 than \$100. ~~Conservation police officers~~ *Game wardens*, sheriffs and all other law-enforcement officers  
308 shall enforce the provisions of this section. No ordinance adopted pursuant to this section shall be  
309 enforceable unless the governing body adopting such ordinance so notifies the Director of the  
310 Department of Game and Inland Fisheries by registered mail prior to May 1 of the year in which such  
311 ordinance is to take effect.

312 The provisions of this section shall not apply to duly authorized law-enforcement officers or military  
313 personnel in the performance of their lawful duties, nor to any person who reasonably believes that a  
314 loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

315 § 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue  
316 personnel, or emergency medical service providers; penalty; lesser-included offense.

317 If any person maliciously causes bodily injury to another by any means including the means set out  
318 in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that  
319 such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in  
320 § 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel,  
321 as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer,  
322 firefighter, search and rescue personnel, or emergency medical services personnel, such person shall be  
323 guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30  
324 years and, subject to subdivision (g) of § 18.2-10, a fine of not more than \$100,000. Upon conviction,  
325 the sentence of such person shall include a mandatory minimum term of imprisonment of two years.

326 If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to  
327 another by any means, knowing or having reason to know such other person is a law-enforcement  
328 officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services  
329 personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter,  
330 search and rescue personnel, or emergency medical services personnel, he shall be guilty of a Class 6  
331 felony, and upon conviction, the sentence of such person shall include a mandatory minimum term of  
332 imprisonment of one year.

333 Nothing in this section shall be construed to affect the right of any person charged with a violation  
334 of this section from asserting and presenting evidence in support of any defenses to the charge that may  
335 be available under common law.

336 As used in this section, "law-enforcement officer" means any full-time or part-time employee of a  
337 police department or sheriff's office that is part of or administered by the Commonwealth or any  
338 political subdivision thereof, who is responsible for the prevention or detection of crime and the  
339 enforcement of the penal, traffic or highway laws of this Commonwealth; any conservation officer of the  
340 Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any ~~conservation~~  
341 ~~police officer~~ *game warden* appointed pursuant to § 29.1-200 and auxiliary police officers appointed or  
342 provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to  
343 § 15.2-1603.

344 As used in this section, "search and rescue personnel" means any employee or member of a search  
345 and rescue organization that is authorized by a resolution or ordinance duly adopted by the governing  
346 body of any county, city or town of the Commonwealth or any member of a search and rescue  
347 organization operating under a memorandum of understanding with the Virginia Department of  
348 Emergency Management.

349 The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

350 § 18.2-57. Assault and battery.

351 A. Any person who commits a simple assault or assault and battery shall be guilty of a Class 1  
352 misdemeanor, and if the person intentionally selects the person against whom a simple assault is  
353 committed because of his race, religious conviction, color or national origin, the penalty upon conviction  
354 shall include a term of confinement of at least six months, 30 days of which shall be a mandatory  
355 minimum term of confinement.

356 B. However, if a person intentionally selects the person against whom an assault and battery resulting  
357 in bodily injury is committed because of his race, religious conviction, color or national origin, the  
358 person shall be guilty of a Class 6 felony, and the penalty upon conviction shall include a term of  
359 confinement of at least six months, 30 days of which shall be a mandatory minimum term of  
360 confinement.

361 C. In addition, if any person commits an assault or an assault and battery against another knowing or  
362 having reason to know that such other person is a judge, a law-enforcement officer as defined  
363 hereinafter, a correctional officer as defined in § 53.1-1, a person employed by the Department of  
364 Corrections directly involved in the care, treatment or supervision of inmates in the custody of the  
365 Department, a firefighter as defined in § 65.2-102, or a volunteer firefighter or lifesaving or rescue squad  
366 member who is a member of a bona fide volunteer fire department or volunteer rescue or emergency

medical squad regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or members as employees, engaged in the performance of his public duties, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time teacher, principal, assistant principal, or guidance counselor of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he shall be guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Department of Alcoholic Beverage Control, ~~conservation police officers~~ *game wardens* appointed pursuant to § 29.1-200, and full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

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

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any teacher, teacher aide, principal, assistant principal, guidance counselor, school security officer, school bus driver or school bus aide, while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a teacher, teacher aide, principal, assistant principal, guidance counselor, school security officer, school bus driver, or school bus aide at the time of the event.

§ 18.2-136.1. Enforcement of §§ 18.2-131 through 18.2-135.

~~Conservation police officers~~ *Game wardens*, sheriffs and all other law-enforcement officers shall

428 enforce the provisions of §§ 18.2-131, 18.2-132, 18.2-133, 18.2-134 and 18.2-135.

429 § 18.2-141. Cutting or destroying trees; carrying axe, saw, etc., while hunting.

430 It shall be unlawful for any person while hunting for game or wildlife on the property of another to  
431 carry any axe other than a belt axe with a handle less than twenty inches, saw or other tool or  
432 instrument customarily used for the purpose of cutting, felling, mutilating or destroying trees without  
433 obtaining prior permission of the landowner. Any person violating the provisions of this section shall be  
434 guilty of a Class 3 misdemeanor.

435 ~~Conservation police officers~~ Game wardens, sheriffs and all law-enforcement officers shall enforce the  
436 provisions of this section.

437 § 18.2-283.1. Carrying weapon into courthouse.

438 It shall be unlawful for any person to possess in or transport into any courthouse in this  
439 Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of  
440 any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a  
441 dangerous weapon and (iii) any other dangerous weapon, including explosives, stun weapons as defined  
442 in § 18.2-308.1, and those weapons specified in subsection A of § 18.2-308. Any such weapon shall be  
443 subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1  
444 misdemeanor.

445 The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or  
446 official, ~~conservation police officer~~ game warden, conservator of the peace, magistrate, court officer, or  
447 judge while in the conduct of such person's official duties.

448 § 18.2-285. Hunting with firearms while under influence of intoxicant or narcotic drug; penalty.

449 It shall be unlawful for any person to hunt wildlife with a firearm, bow and arrow, or crossbow in  
450 the Commonwealth of Virginia while he is (i) under the influence of alcohol; (ii) under the influence of  
451 any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any  
452 combination of such drugs, to a degree that impairs his ability to hunt with a firearm, bow and arrow, or  
453 crossbow safely; or (iii) under the combined influence of alcohol and any drug or drugs to a degree that  
454 impairs his ability to hunt with a firearm, bow and arrow, or crossbow safely. Any person who violates  
455 the provisions of this section is guilty of a Class 1 misdemeanor. ~~Conservation police officers~~ Game  
456 wardens, sheriffs and all other law-enforcement officers shall enforce the provisions of this section.

457 § 18.2-287.01. Carrying weapon in air carrier airport terminal.

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

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

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

477 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

478 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,  
479 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any  
480 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,  
481 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more  
482 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun  
483 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,  
484 having at least two points or pointed blades which is designed to be thrown or propelled and which may  
485 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this  
486 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a  
487 conviction under this section subsequent to any conviction under any substantially similar ordinance of  
488 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such  
489 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be



deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

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

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

1. Any person while in his own place of business;  
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

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

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

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

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

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any ~~conservation police officer~~ *game warden* retired from the Department of Game and Inland Fisheries, and any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. 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, 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

551 permit.

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

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

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

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

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

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

- 579 1. Carriers of the United States mail;  
580 2. Officers or guards of any state correctional institution;  
581 3. [Repealed.]

582 4. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for  
583 the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, the following  
584 conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a  
585 permit as provided in subsection D hereof: (a) notaries public; (b) registrars; (c) drivers, operators or  
586 other persons in charge of any motor vehicle carrier of passengers for hire; or (d) commissioners in  
587 chancery;

588 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the  
589 Director of the Department of Corrections pursuant to § 53.1-29; and

590 6. Harbormaster of the City of Hopewell.

591 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the  
592 county or city in which he resides, or if he is a member of the United States Armed Forces, the county  
593 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no  
594 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or  
595 city. The application shall be made under oath before a notary or other person qualified to take oaths  
596 and shall be made only on a form prescribed by the Department of State Police, in consultation with the  
597 Supreme Court, requiring only that information necessary to determine eligibility for the permit. The  
598 clerk shall enter on the application the date on which the application and all other information required  
599 to be submitted by the applicant is received. The court shall consult with either the sheriff or police  
600 department of the county or city and receive a report from the Central Criminal Records Exchange. As a  
601 condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if  
602 required by local ordinance in the county or city where the applicant resides and provide personal  
603 descriptive information to be forwarded with the fingerprints through the Central Criminal Records  
604 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record  
605 information regarding the applicant, and obtaining fingerprint identification information from federal  
606 records pursuant to criminal investigations by state and local law-enforcement agencies. However, no  
607 local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing  
608 concealed handgun permit issued pursuant to this section and is applying for a new five-year permit  
609 pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may transfer  
610 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the  
611 criminal history records check, the State Police shall return the fingerprint cards to the submitting local  
612 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

674 cannabinoids, or any controlled substance.

675 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local  
676 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other  
677 state, the District of Columbia, the United States, or its territories within the three-year period  
678 immediately preceding the application, or who is a habitual drunkard as determined pursuant to  
679 § 4.1-333.

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

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

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

684 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by  
685 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief  
686 of police, or attorney for the Commonwealth may submit to the court a sworn written statement  
687 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based  
688 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is  
689 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief  
690 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such  
691 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the  
692 specific acts, or upon a written statement made under oath before a notary public of a competent person  
693 having personal knowledge of the specific acts.

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

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

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

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

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

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

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

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

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

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

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

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

734 4. Completing any law-enforcement firearms safety or training course or class offered for security  
735 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

797 revocation.

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

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

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

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

820 K. No fee shall be charged for the issuance of such permit to a person who has retired from service  
821 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control  
822 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and  
823 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the  
824 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement  
825 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and  
826 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and  
827 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals  
828 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching  
829 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United  
830 States, the District of Columbia or any of the territories of the United States, after completing 15 years  
831 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)  
832 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or  
833 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching  
834 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,  
835 including his costs associated with the consultation with law-enforcement agencies. The local  
836 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to  
837 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any  
838 amount assessed by the Federal Bureau of Investigation for providing criminal history record  
839 information, and the local law-enforcement agency shall forward the amount assessed by the Federal  
840 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State  
841 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.  
842 The total amount assessed for processing an application for a permit shall not exceed \$50, with such  
843 fees to be paid in one sum to the person who accepts the application. Payment may be made by any  
844 method accepted by that court for payment of other fees or penalties. No payment shall be required until  
845 the application is accepted by the court as a complete application. The order issuing such permit, or the  
846 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall  
847 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police  
848 shall enter the permittee's name and description in the Virginia Criminal Information Network so that  
849 the permit's existence and current status will be made known to law-enforcement personnel accessing the  
850 Network for investigative purposes. The State Police shall withhold from public disclosure permittee  
851 information submitted to the State Police for purposes of entry into the Virginia Criminal Information  
852 Network, except that such information shall not be withheld from any law-enforcement agency, officer,  
853 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such  
854 information be withheld from an entity that has a valid contract with any local, state, or federal  
855 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.  
856 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State  
857 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)  
858 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

920 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant  
921 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified  
922 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card  
923 provided by the Department of State Police for the purpose of obtaining the applicant's state or national  
924 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall  
925 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive  
926 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the  
927 Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
928 regarding the applicant and obtaining fingerprint identification information from federal records pursuant  
929 to criminal investigations by state and local law-enforcement agencies. The application shall be made  
930 under oath before a notary or other person qualified to take oaths on a form provided by the Department  
931 of State Police, requiring only that information necessary to determine eligibility for the permit. If the  
932 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked  
933 and the person shall return the permit after being so notified by the Department of State Police. The  
934 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to  
935 the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

978 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the  
979 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform  
980 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9  
981 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the



holder of the permit is 21 years of age or older.

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

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

§ 19.2-81. Arrest without warrant authorized in certain cases.

A. The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth;  
2. Sheriffs of the various counties and cities, and their deputies;  
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth;

4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900;

5. Regular ~~conservation police officers~~ *game wardens* appointed pursuant to § 29.1-200;

6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests;

7. The special policemen of the counties as provided by § 15.2-1737, provided such officers are in uniform, or displaying a badge of office;

8. Conservation officers appointed pursuant to § 10.1-115;

9. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; and

10. Special agents of the Department of Alcoholic Beverage Control.

B. Such officers may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-712 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a capias, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a capias, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a capias, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or capias for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

§ 28.2-106. Virginia Marine Police; law-enforcement responsibilities; qualifications; oath.

A. The law-enforcement division of the Commission shall be designated as the Virginia Marine Police. It shall exercise such powers and duties as the General Assembly may confer upon it by law and as provided in regulations adopted pursuant to law, including but not limited to:

1. Patrolling the tidal waters and shoreline of the Chesapeake Bay, its tidal tributaries, and territorial sea;

2. Enforcing marine fishery and habitat conservation laws and regulations;

3. Enforcing health laws pertaining to the harvesting of seafood from condemned areas;

4. Enforcing or assisting other agencies in enforcing laws pertaining to the removal of obstructions and abandoned vessels from the water, to boating operation and navigation, and to larceny on the water;

5. Providing for water-borne safety;

6. Conducting search and rescue activities; and

7. Protecting from terrorist attack federal and state water-related installations and other water-related locations within the tidal waters of the Commonwealth as may be designated by federal or state officials as important to national security.

B. Officers of the Virginia Marine Police shall have the same powers as (i) sheriffs and other law-enforcement officers to enforce all of the criminal laws of the Commonwealth, and (ii) regular ~~conservation police officers~~ *game wardens* appointed pursuant to Chapter 2 (§ 29.1-200 et seq.) of Title 29.1.

C. A person shall be (i) at least ~~twenty-one~~ 21 years old and (ii) a high school graduate or equivalent to qualify for appointment as an officer.

D. Each officer shall qualify before the clerk of the circuit court of the county or city in which he resides, or in which his district may be, by taking the oaths prescribed by law.

§ 28.2-106.1. Patrol and enforcement of federal safety zones and restricted areas.

Pursuant to federal authorization or upon request from a federal agency, the Virginia Marine Police, ~~conservation police officers~~ *game wardens* of the Department of Game and Inland Fisheries, and the marine patrol divisions of police departments located in Tidewater Virginia may patrol and enforce all federal security zones, federal safety zones, and federal restricted areas located within the tidal waters of the Commonwealth.

§ 29.1-100. Definitions.

As used in and for the purposes of this title only, or in any of the regulations of the Board, unless the context clearly requires a different meaning:

"Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken, caught, or possessed during a period fixed by the Board.

"Board" means the Board of Game and Inland Fisheries.

"Closed season" means that period of time fixed by the Board during which wild animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.

~~"Conservation police officers"~~ *"Game wardens"* means supervising officers, and regular and special ~~conservation police officers~~ *game wardens*.

"Department" means the Department of Game and Inland Fisheries.

"Director" means the Director of the Department of Game and Inland Fisheries.

"Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

"Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon the inland waters of this Commonwealth.

"Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

"Game" means wild animals and wild birds that are commonly hunted for sport or food.

"Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.

"Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in streams which are blocked from access from tidewaters by dams.

"Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The Board of Game and Inland Fisheries may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.

"Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the Board which the Director is empowered to enforce.

"Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails, snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

"Muzzleloading pistol" means a firearm originally designed, made or intended to fire a projectile (bullet) from one or more barrels when held in one hand and that is loaded from the muzzle or forward end of the cylinder.

"Muzzleloading rifle" means a firearm firing a single projectile that is loaded along with the propellant from the muzzle of the gun.

"Muzzleloading shotgun" means a firearm with a smooth bore firing multiple projectiles that are loaded along with the propellant from the muzzle of the gun.

"Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced into the Commonwealth by the Board.

"Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows, starlings, or those species designated as such by regulations of the Board, and those species found committing or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other property or when concentrated in numbers and manners as to constitute a health hazard or other nuisance. However, the term nuisance does not include (i) animals designated as endangered or threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566, (ii) animals classified as game or fur-bearing animals, and (iii) those species protected by state or federal law.

"Open season" means that period of time fixed by the Board during which wild animals, wild birds and fish may be taken, captured, killed, pursued, trapped or possessed.

"Pistol" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having one or more chambers as an integral part of or permanently aligned with the bore and a short stock at an angle to and extending below the line of the bore that is designed to be gripped by one hand.

"Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal, or any part of the carcass thereof.

"Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in any other activity permitted under this title, in and upon the lands and inland waters of this Commonwealth, has upon his person all the licenses, permits and stamps required by law.

"Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the provisions of this title.

"Revolver" means a projectile weapon of the pistol type, having a breechloading chambered cylinder arranged so that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

"Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore or rifled shotgun barrel either a number of ball shot or a single projectile for each single pull of the trigger.

"Transportation" means the transportation, either upon the person or by any other means, of any wild animal or wild bird or fish.

"Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of this Commonwealth.

§ 29.1-200. Appointment of game wardens.

A. The Director shall appoint regular and special ~~conservation police officers~~ *game wardens* as he may deem necessary to enforce the game and inland fish laws and shall issue a certificate of appointment to each ~~conservation police officer~~ *game warden*. Any special ~~conservation police officer~~ *game warden* initially appointed after October 1, 2009, shall have a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services.

1166 B. All appointments to sworn law-enforcement positions above the rank of ~~conservation police~~  
1167 ~~officer~~ *game warden* within the Department shall be made by the Director of the Department from  
1168 among the sworn ~~conservation police officers~~ *game wardens*, except for those positions designated in  
1169 subdivision 20 of § 2.2-2905, or whenever the Director determines, in writing, that a position requires  
1170 knowledge, skills, or abilities such that a sufficient pool of qualified candidates does not exist within the  
1171 Department.

1172 § 29.1-201. Bond.

1173 Before entering upon the discharge of his official duties, each ~~conservation police officer~~ *game*  
1174 *warden* shall post bond with a guaranty company, authorized to do business within this Commonwealth  
1175 as surety, for \$1,000 payable to the Commonwealth of Virginia. The bonds shall be posted with the  
1176 condition that the ~~conservation police officer~~ *game warden* will (i) account for and legally apply all  
1177 money which he receives in his official capacity, (ii) pay all judgments rendered against him for  
1178 malicious prosecution or for unlawful search, arrest or imprisonment, and (iii) faithfully perform all of  
1179 the duties enjoined upon him by law. These bonds shall be filed with the Department and shall be  
1180 subject to the approval of the Director or his designated officer. The premium on the bonds shall be  
1181 paid out of the game protection fund.

1182 § 29.1-202. Ex officio game wardens.

1183 All sheriffs, police officers or other peace officers of this Commonwealth shall be ex officio  
1184 ~~conservation police officers~~ *game wardens*.

1185 § 29.1-203. Jurisdiction; power to serve process.

1186 A. ~~Conservation police officers~~ *Game wardens* shall have jurisdiction throughout the Commonwealth  
1187 to enforce the hunting, trapping and inland fish laws and may serve process in all matters arising from  
1188 violations of such laws.

1189 B. ~~Conservation police officers~~ *Game wardens* shall enforce the State Water Control Board's  
1190 regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage.

1191 § 29.1-204. Assisting the Director; supervision.

1192 The ~~conservation police officers~~ *game wardens* shall assist the Director in discharging his official  
1193 duties. Each regular and special ~~conservation police officer~~ *game warden* shall be under the supervision  
1194 of certain ~~conservation police officers~~ *game wardens* specified by the Director.

1195 § 29.1-205. Power to make arrests.

1196 All ~~conservation police officers~~ *game wardens* are vested with the authority, upon displaying a badge  
1197 or other credential of office, to issue a summons or to arrest any person found in the act of violating  
1198 any of the provisions of the hunting, trapping, inland fish and boating laws.

1199 Regular ~~conservation police officers~~ *game wardens* are vested with the same authority as sheriffs and  
1200 other law-enforcement officers to enforce all of the criminal laws of the Commonwealth.

1201 Any special ~~conservation police officer~~ *game warden* shall have general police power while  
1202 performing his duty on properties owned or controlled by the Board.

1203 Any commissioned, warrant or petty officers of the United States Coast Guard and of the United  
1204 States Coast Guard Reserve while engaged on active duty, in the conduct of their official duties in  
1205 uniform, and any officers of the customs as defined by 19 U.S.C. § 1709(b), in the conduct of their  
1206 official duties in uniform, shall have the same power to make arrests under Chapter 7 (§ 29.1-700 et  
1207 seq.) of Title 29.1 as ~~conservation police officers~~ *game wardens*.

1208 § 29.1-207. Impeding game warden, etc., in discharge of his duty.

1209 If any person, by threats or force, attempts to intimidate or impede any law-enforcement officer  
1210 enforcing the game, inland fish and boating laws, he shall be guilty of a Class 2 misdemeanor and shall  
1211 be subject to arrest by the officer and to the procedures set forth in § 29.1-210.

1212 § 29.1-208. Searches and seizures.

1213 All ~~conservation police officers~~ *game wardens* are vested with the authority to search any person  
1214 arrested as provided in § 29.1-205 together with any box, can, package, barrel or other container,  
1215 hunting bag, coat, suit, trunk, grip, satchel or fish basket carried by, in the possession of, or belonging  
1216 to such person. ~~Conservation police officers~~ *Game wardens* shall also have the authority, immediately  
1217 subsequent to such arrest, to enter and search any refrigerator, building, vehicle, or other place in which  
1218 the officer making the search has reasonable ground to believe that the person arrested has concealed or  
1219 placed any wild bird, wild animal or fish, which will furnish evidence of a violation of the hunting,  
1220 trapping and inland fish laws. Such a search may be made without a warrant, except that a dwelling  
1221 may not be searched without a warrant. Should any container as described in this section reveal any  
1222 wild bird, wild animal or fish, or any part thereof, which has been illegally taken, possessed, sold,  
1223 purchased or transported, the ~~conservation police officer~~ *game warden* shall seize and hold as evidence  
1224 the container, together with such wild bird, wild animal or fish, and any unlawful gun, net, or other  
1225 device of any kind for taking wild birds, wild animals or fish which he may find.

1226 § 29.1-209. Inspection of game and fish without arrest.

1227 In order to see that bag or creel limits are being observed, ~~conservation police officers~~ *game wardens*

shall also have the power to inspect game, fur-bearing animals and fish taken by any person found hunting, trapping or fishing without arresting the person.

§ 29.1-212. Precaution against fire.

The ~~conservation police officer~~ *game warden* shall caution persons of the danger from fires and, if possible, extinguish all fires left burning by anyone. When possible, he shall notify any interested persons of fires raging beyond his control, so that the fires may be extinguished.

§ 29.1-213. Taking samples of water believed to be polluted.

Any ~~conservation police officer~~ *game warden* appointed under the provisions of this title may, and shall when requested by a member of the governing body of a county, city or town, take samples of water from any stream in this Commonwealth when he has reason to believe that the water may be polluted. Any ~~conservation police officer~~ *game warden* collecting any water sample shall take the sample in a clean container, seal it, and send it to the State Water Control Board. With the sample, the ~~conservation police officer~~ *game warden* shall enclose a signed statement showing in reasonable detail the time and place at which the sample was taken. The officer shall keep the original of the statement and send the copy with the sample.

§ 29.1-217. Special game wardens receiving no compensation from Commonwealth.

A. On request of any employer owning more than 500 acres in this Commonwealth, the Director may appoint as special ~~conservation police officers~~ *game wardens* persons employed by the owner. No such special ~~conservation police officer~~ *game warden* shall receive any compensation from the Commonwealth for his services as such. Any such special ~~conservation police officer~~ *game warden* shall give the bond required by § 29.1-201 prior to serving. The powers and authority of such special ~~conservation police officer~~ *game warden* shall not extend beyond the lands of his employer. The Director may require any special ~~conservation police officer~~ *game warden* to perform duties on such lands as are required for the enforcement of this chapter.

B. On request of two or more adjoining landowners who own 1,000 or more contiguous acres in this Commonwealth, the Director may appoint as special ~~conservation police officers~~ *game wardens* persons employed by one or more of the landowners. No such special ~~conservation police officer~~ *game warden* shall receive any compensation from the Commonwealth for his services as such. Any such special ~~conservation police officer~~ *game warden* shall give the bond required by § 29.1-201 prior to serving. The powers and authority of such special ~~conservation police officer~~ *game warden* shall not extend beyond the lands of the adjoining landowners requesting the appointment of the special ~~conservation police officer~~ *game warden*. The Director may require any special ~~conservation police officer~~ *game warden* to perform duties on such lands as are required for the enforcement of this chapter.

C. The Commonwealth and the Department shall not be liable in any manner for the acts or omissions of special ~~conservation police officers~~ *game wardens* appointed pursuant to this section occurring during the performance of their duties as special ~~conservation police officers~~ *game wardens*.

D. Each request for appointment of a special ~~conservation police officer~~ *game warden* shall be accompanied by a nonrefundable fee of \$100 to defray the cost of processing the request.

§ 29.1-218. Defense of game warden prosecuted on criminal charge.

If any ~~conservation police officer~~ *game warden* appointed by the Director is prosecuted on any criminal charge arising out of any act committed in performing his official duties, the Director may employ special counsel approved by the Governor to defend the officer. The compensation for special counsel employed pursuant to this section, shall, subject to the approval of the Governor, be paid out of the funds appropriated for the administration of the Department.

§ 29.1-300.2. Hunter education program.

The Department shall provide for a course of instruction in hunter safety, principles of conservation, and sportsmanship, and for this purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.

The Board shall establish six full-time hunter education coordinator positions. Each coordinator will be assigned to a ~~conservation police officer~~ *game warden* district and have the responsibility for providing hunter education training in that district.

The Department may designate as a hunter safety instructor any person found by it to be competent to give instruction in the courses required by this article. A person so appointed shall give such course of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of competency as provided by the Board in hunter safety, principles of conservation, and sportsmanship.

The Board shall prescribe a minimum level of skill and knowledge to be required of all hunter safety instructors, and may limit the number of students per instructor in all required classes.

The Board may revoke the certificate of any instructor when, in the opinion of the Board, it is in the best interest of the Commonwealth to do so.

The Board shall promulgate rules and regulations in order to administer and enforce the provisions of

1289 §§ 29.1-300.1 through 29.1-300.3.

1290 § 29.1-337. Displaying license upon request.

1291 A. Every person who is issued a hunting, trapping or fishing license and is carrying such a license  
1292 when hunting, trapping or fishing shall present it immediately upon demand of any officer whose duty it  
1293 is to enforce the game and inland fish laws. Refusing to exhibit the license upon demand of any  
1294 ~~conservation police officer~~ *game warden* or other officer shall be a Class 3 misdemeanor.

1295 B. In accordance with § 18.2-133, the hunting, trapping or fishing license shall also be shown upon  
1296 the demand of any owner or lessee, or of any employee or representative of such owner or lessee, upon  
1297 whose lands or waters the person may be hunting, fishing or trapping.

1298 C. The Director may supply buttons or license holders and require the license or button to be  
1299 displayed in a manner he may determine.

1300 § 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

1301 A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth  
1302 from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected  
1303 stationary blind of another without the consent of the licensee, except when in active pursuit of a visible  
1304 crippled waterfowl which was legally shot by the person.

1305 B. No person shall erect a stationary blind in the public waters within 500 yards of any other  
1306 licensed blind without the consent of the licensee. Any person who violates this subsection shall be  
1307 guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore,  
1308 the trial court shall immediately revoke the blind owner's license for the stationary blind where the  
1309 offense was committed. The blind owner may be eligible for a license in the following open season  
1310 upon the same conditions that would apply to a new applicant. When a license for a stationary blind has  
1311 been revoked, the blind shall be destroyed by the former licensee or by the ~~conservation police officer~~  
1312 *game warden*.

1313 § 29.1-355. Disposition of funds.

1314 All moneys received from the sale of the special stamps shall be paid into the local treasury to the  
1315 credit of a special damage stamp fund and identified by the year in which the moneys were collected.  
1316 The special fund shall be used for the following purposes:

1317 1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock,  
1318 livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment  
1319 that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

1320 2. Payment of the actual and necessary costs of the administration of the provisions of this article,  
1321 including the printing and distribution of the required stamps and the payment of reasonable fees to  
1322 persons designated by a local governing body to inspect, evaluate, and confirm reported claims and  
1323 adjust such claims; and

1324 3. In the discretion of the local governing body, payment of the costs of law enforcement directly  
1325 related to and incidental to carrying out the provisions of this article and the general game laws of the  
1326 Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved  
1327 for such employment by the director and appointed to be a special ~~conservation police officer~~ *game*  
1328 *warden* in accordance with the Board's standards and policies governing such appointment; and

1329 4. In the discretion of the local governing body, administrative expenses related to the special  
1330 stamps, support of a county volunteer fire prevention and suppression program when the program  
1331 includes fire fighting on big game hunting lands open to the public, and support of local volunteer  
1332 rescue squads whose services are available to hunters in distress. However, the money appropriated from  
1333 the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar  
1334 year, an amount equal to 25 percent of the amount paid into the special damage stamp fund during the  
1335 fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local  
1336 governing body must continue to use that selected period of time in determining the amount of money  
1337 to be appropriated from the special damage stamp fund.

1338 § 29.1-516. Game animals.

1339 The following provisions shall apply to the killing and hunting of the particular game animals listed:

1340 Black bear. - Black bear may be killed by any person when (i) it is inflicting or attempting to inflict  
1341 injury to a person, or (ii) when a person is in pursuit of the bear commenced immediately after the  
1342 commission of such offense. Any person killing a bear under this provision shall immediately report the  
1343 killing to a state ~~conservation police officer~~ *game warden*.

1344 Deer. - It shall be unlawful for a person to kill or attempt to kill a deer in the water of any stream,  
1345 lake or pond. It shall be unlawful to hunt deer with dogs in the counties west of the Blue Ridge  
1346 Mountains.

1347 Fox. - There shall be a continuous open season for hunting with dogs only. The hunting or pursuit of  
1348 foxes shall mean the actual following of the dogs while in pursuit of a fox or foxes or managing the  
1349 dog or dogs while the fox or foxes are being hunted or pursued. Foxes may be killed at any time by the  
1350 owner or tenant of any land when such animals are doing damage to domestic stock or fowl.

Rabbits and squirrels. - It shall be unlawful to kill rabbits and squirrels during the closed season; however, the following persons may kill rabbits or squirrels for their own use during the closed season:

1. A landowner and members of his immediate family;

2. Resident members of hunt clubs who own the land in fee, either jointly or through a holding company;

3. Tenants residing on the premises, with the written permission of the landowner.

When such animals are committing substantial damage to fruit trees, gardens, crops, or other property, the owner of the premises may kill the animals or have them killed under a permit obtained from the ~~conservation police officer~~ *game warden*.

§ 29.1-517. Fur-bearing animals.

A landowner may shoot fur-bearing animals except muskrats or raccoons, upon his own land during closed season. When muskrats or raccoons are damaging crops or dams, the owner of the premises may kill them or have them killed under a permit obtained from the ~~conservation police officer~~ *game warden*.

§ 29.1-521.3. Shooting wild birds and wild animals from stationary vehicles by disabled persons.

Any person, upon application to a ~~conservation police officer~~ *game warden* and the presentation of a medical doctor's written statement based on a physical examination that such person is permanently unable to walk due to impaired mobility, may, in the discretion of the ~~conservation police officer~~ *game warden*, be issued a permit to shoot wild birds and wild animals from a stationary automobile or other vehicle during established open hunting seasons and in accordance with other laws and regulations. Permits issued pursuant to this section shall (i) be issued on a form provided by the Department, (ii) not authorize shooting from a stationary vehicle less than 50 feet from nor in or across any public road or highway subject to the provisions of § 29.1-526, (iii) be issued for the lifetime of the permittee and be issued only to those persons who are properly licensed to hunt, and (iv) be nontransferable. Any permit found in the possession of any person not entitled to such permit shall be subject to confiscation by a ~~conservation police officer~~ *game warden*.

§ 29.1-530. Open and closed season for trapping, bag limits, etc.

A. There shall be a continuous open season for trapping nuisance species and a continuous closed trapping season on all other species of wild birds and wild animals, except as provided by Board regulations. However, a landowner or his agent may trap and dispose of, except by sale, squirrels creating a nuisance on his property at any time in any area where the use of firearms for such purpose is prohibited by law or local ordinance.

B. In addition, the following general rules shall be applicable to any person trapping in the Commonwealth:

1. The trapper shall be responsible for all damage done by an illegally set trap, and any person finding a trap set contrary to law may report it to the landowner upon whose land the trap is located or to any ~~conservation police officer~~ *game warden* who may destroy or otherwise make the trap inoperable.

2. A landowner may trap furbearing animals, except beaver, muskrat and raccoons, upon his own land during closed season.

3. Licensed trappers may shoot wild animals caught in traps on any day of the week during the seasons prescribed in subsection A in order to dispatch such animal. No additional licenses are required other than a valid Virginia trapping license.

4. It shall be lawful to trap wild animals within the daily bag and season limits, if any, during the open season provided by Board regulations.

§ 29.1-539. Keeping deer or bear struck by motor vehicle; procedure to be followed by driver.

Any person driving a motor vehicle who collides with a deer or bear may, upon compliance with the provisions of this section, keep the deer or bear for his own use as if the animal had been killed by that person during hunting season for the animal.

Any person so killing any deer or bear shall immediately report the accident to the ~~conservation police officer~~ *game warden* or other law-enforcement officer of the county or city where the accident occurred. The ~~conservation police officer~~ *game warden* or other law-enforcement officer shall view the deer or bear and if he believes that the deer or bear was killed by the collision with the motor vehicle or injured to such an extent as to require its death, he shall award the animal to the person claiming the deer or bear, and shall give the person a certificate to that effect on forms furnished by the Department.

§ 29.1-548. Killing deer illegally.

Any person killing a deer in violation of Board regulations, or who exceeds the bag limit for deer, or who kills a deer during the closed season shall be guilty of a Class 2 misdemeanor. However, any person who kills a deer illegally during the open season shall be guilty of a Class 3 misdemeanor if such person immediately delivers the complete carcass in good condition to the ~~conservation police officer~~ *game warden* of the county or city in which it was killed. At that time it shall be confiscated and disposed of by the ~~conservation police officer~~ *game warden* or as otherwise provided. Any such person

1412 delivering such carcass to the ~~conservation police officer~~ *game warden* shall be exempt from  
1413 replacement cost as provided in § 29.1-551.

1414 § 29.1-552. Killing wild turkey during closed season.

1415 Any person who kills a wild turkey during the closed season, or who kills a beardless turkey during  
1416 an open hunting season prescribed by the Board for bearded turkeys only, shall be guilty of a Class 2  
1417 misdemeanor for each such turkey killed. However, if a person kills a beardless turkey when only the  
1418 hunting of bearded turkeys is permitted, and immediately delivers the complete carcass in good  
1419 condition to a ~~conservation police officer~~ *game warden* or game checking station authorized by the  
1420 Board, it shall be confiscated and disposed of as otherwise provided, and the person delivering the  
1421 carcass shall be exempt from replacement cost provided in § 29.1-551.

1422 § 29.1-553. Selling or offering for sale; penalty.

1423 A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild  
1424 animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class  
1425 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by  
1426 any person totals \$200 or more during any 90-day period, that person shall be guilty of a Class 6  
1427 felony.

1428 B. Whether or not criminal charges have been placed, when any property is taken possession of by a  
1429 ~~conservation police officer~~ *game warden* for the purpose of being used as evidence of a violation of this  
1430 section or for confiscation, the ~~conservation police officer~~ *game warden* making such seizure shall  
1431 immediately report the seizure to the Attorney for the Commonwealth.

1432 C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or  
1433 any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild  
1434 animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of  
1435 the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had  
1436 been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild  
1437 animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred,  
1438 the date on which the alleged offense occurred, the name of the accused, the name of the arresting  
1439 officer or investigating officer, the date of the photograph, and the name of the photographer. The  
1440 photographs shall be identified by the signature of the photographer.

1441 D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an  
1442 auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the  
1443 provisions of this section and subdivision A 11 of § 29.1-521.

1444 § 29.1-556. Unlawful devices to be destroyed.

1445 Any firearm, trap, net, or other device of any kind or nature for taking wild birds, wild animals, or  
1446 fish, except as specifically permitted by law, shall be considered unlawful. Any person who violates the  
1447 provisions of this section shall be guilty of a Class 3 misdemeanor, and the device shall be forfeited to  
1448 the Commonwealth. Nets, traps or other such devices, excluding firearms, shall be destroyed by the  
1449 ~~conservation police officer~~ *game warden* if the owner or user of the device cannot be located within  
1450 ~~thirty~~ 30 days. Unlawful fixed devices may be destroyed by the ~~conservation police officer~~ *game warden*  
1451 at the place where the devices are found.

1452 § 29.1-567. Penalties; authority of game wardens and police officers; disposition of property seized.

1453 A. Any person who violates the provisions of § 29.1-564 or § 29.1-566, or any regulations issued  
1454 pursuant to these sections, or whoever violates any regulation or permit issued under § 29.1-568 shall be  
1455 guilty of a Class 1 misdemeanor; however, the sale, offering for sale, purchasing or offering to purchase  
1456 within the Commonwealth of any fish or wildlife appearing on a list of threatened or endangered species  
1457 as prohibited by § 29.1-564 shall be punishable as provided in § 29.1-553.

1458 B. Any judicial officer, *game warden* or other officer authorized to issue criminal warrants shall have  
1459 authority to issue a warrant for the search and seizure of any goods, business records, merchandise or  
1460 fish or wildlife taken, employed or used in connection with a violation of any provision of this article.  
1461 All such search warrants shall be issued and executed pursuant to Chapter 5 (§ 19.2-52 et seq.) of Title  
1462 19.2.

1463 C. Goods, merchandise, fish or wildlife or records seized under the provisions of subsection B of this  
1464 section shall be held by an officer or agent of the Department at the direction of the judge or court  
1465 pending disposition of court proceedings, and thereafter be forfeited to the Commonwealth for  
1466 destruction or disposition as the Director may deem appropriate. However, prior to forfeiture, the  
1467 Director may direct the transfer of fish or wildlife so seized to a qualified zoological, educational, or  
1468 scientific institution for safekeeping, with costs assessable to the defendant. The Board is authorized to  
1469 issue regulations to implement this section.

1470 § 29.1-735.1. Board authorized to promulgate regulations for seaplanes.

1471 The Board may promulgate regulations governing the takeoff, landing and taxi of seaplanes on  
1472 impoundments located in the inland waters of the Commonwealth, so as to reduce the risks of collision,  
1473 personal injury and property damage as a result of such operation. Such regulations shall not be



inconsistent with regulations of the Federal Aviation Administration. ~~Conservation police officers~~ *Game wardens* shall report any alleged violations of federal or state regulations regarding the operation of seaplanes or aircraft to the appropriate federal authorities responsible for regulating the operation of seaplanes and aircraft.

§ 29.1-739. Duty of operator involved in collision, accident or other casualty; immunity from liability; report of collision, etc.; summons in lieu of arrest.

A. It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to minimize any danger caused by the collision, accident, or other casualty, and also give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. Any person who complies with this subsection or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

B. In case of collision, accident, or other casualty involving a vessel, the operator of the vessel, if the collision, accident, or other casualty is of such a nature as to be reportable pursuant to regulations adopted by the Board, shall notify within a reasonable time a law-enforcement officer of the Commonwealth, ~~conservation police officer~~ *game warden*, or Marine Resources Commission inspector.

The operator shall file with the Department a full report of the collision, accident, or other casualty, as the regulations of the Board may require. The report shall be without prejudice, shall be for the information of the Department only, and shall not be open to public inspection. The fact that such a report has been made shall be admissible in evidence solely to show compliance with this section and applicable regulations, but no such report nor any statement contained in the report shall be admissible as evidence for any other purpose in any trial.

C. Any officer investigating any collision, accident or other casualty shall have authority, in lieu of arresting any person charged with violating any of the provisions of this chapter, to issue a written summons to the person (stating name, address, boat number, offense charged, etc.) to appear in court as in § 46.2-936.

§ 29.1-739.1. Disregarding signal by law-enforcement officer to stop; attempts to elude; penalty.

A. Any person who, having received a visible or audible signal of a flashing light or siren from any ~~conservation police officer~~ *game warden* or other law-enforcement officer to bring his motorboat or other vessel, or seaplane to a stop, fails to do so promptly shall be guilty of a Class 3 misdemeanor.

B. Any person who, having received a visible or audible signal of a flashing light or siren from any ~~conservation police officer~~ *game warden* or other law-enforcement officer to bring his motorboat or other vessel, or seaplane to a stop, (i) operates or navigates such motorboat or other vessel, or seaplane in willful or wanton disregard of such signal so as to endanger the life of the law-enforcement officer or other persons or to interfere with the operation of a law-enforcement vessel, or (ii) increases his speed and attempts to escape or elude a law-enforcement officer shall be guilty of a Class 1 misdemeanor.

§ 29.1-739.2. Game wardens to patrol lakes.

The Department shall have an enhanced enforcement effort that is commensurate with the level of boating activity from Memorial Day through Labor Day in the waters of those Virginia lakes that (i) are of a size comparable to or greater than Smith Mountain Lake and (ii) have a comparable number of reported boating accidents during the last five years as Smith Mountain Lake.

§ 29.1-745. Enforcement of chapter; vessels displaying Coast Guard inspection decal.

Every ~~conservation police officer~~ *game warden*, Marine Resources Commission inspector, and every other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to enforce the provisions of this chapter and shall have authority to stop, board and inspect any vessel subject to this chapter after having identified himself in his official capacity. Except for enforcement of § 29.1-738 and the requirement of having the registration certificate on board, the provisions of this section shall not apply to any vessel of twenty-six feet or more in length on which is displayed a current valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

§ 51.1-212. Definitions.

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

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23, (iii) ~~conservation police officer~~ *game warden* in the Department of Game and Inland Fisheries appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Department

1535 of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.), (v)  
 1536 law-enforcement officer employed by the Virginia Marine Resources Commission as described in  
 1537 § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers  
 1538 employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) any parole officer  
 1539 appointed pursuant to § 53.1-143, and (viii) any commercial vehicle enforcement officer employed by  
 1540 the Department of State Police.

1541 "Member" means any person included in the membership of the Retirement System as provided in  
 1542 this chapter.

1543 "Normal retirement date" means a member's sixtieth birthday.

1544 "Retirement System" means the Virginia Law Officers' Retirement System.

1545 § 58.1-1410. Disposition of funds.

1546 Funds collected hereunder by the Tax Commissioner shall be paid into the general fund of the state  
 1547 treasury and allocated to the game protection fund in the following manner:

1548 For Fiscal Year	Percentage of Collections
1549 1996	50%
1550 1997	50%
1551 1998	50%
1552 1999	75%
1553 2000 and thereafter	100%

1554 Not later than thirty days after the close of each quarter, the Comptroller shall transfer to the game  
 1555 protection fund the appropriate percentage of collections to be dedicated to such fund. The Comptroller  
 1556 may make such adjustments as necessary in subsequent quarters subject to the audit report of the  
 1557 Auditor of Public Accounts.

1558 Such funds shall be made available only to the Department of Game and Inland Fisheries for the  
 1559 following: boating-related activities and expenses, and to enhance and improve recreation opportunities  
 1560 for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for  
 1561 boating access to the waters of the Commonwealth; boating safety law enforcement, including salaries,  
 1562 benefits, equipment and overtime expenses for ~~conservation police officers~~ *game wardens* so assigned;  
 1563 boating and other aquatic resource educational activities, including personnel, and education and safety  
 1564 materials; boating-related expenses for required reporting to federal and state officials; information  
 1565 management costs, including personnel, hardware, and software needed to better serve boating  
 1566 customers; and related administrative costs for boating-related activities, including human resources,  
 1567 accounting, public relations, administration and facilities to support and house necessary boating-related  
 1568 personnel and equipment.

1569 § 62.1-194.2. Throwing trash, etc., into or obstructing river, creek, stream or swamp.

1570 It shall be unlawful for any person to throw or otherwise dispose of trash, debris, tree laps, logs, or  
 1571 fell timber or make or cause to be made any obstruction which exists for more than a week (excepting a  
 1572 lawfully constructed dam) in, under, over or across any river, creek, stream, or swamp, so as to obstruct  
 1573 the free passage of boats, canoes, or other floating vessels, or fish in such waters. The provisions of this  
 1574 section shall be enforceable by duly authorized state and local law-enforcement officials and by  
 1575 ~~conservation police officers~~ *game wardens* whose general police power under § 29.1-205 and forest  
 1576 wardens whose general police powers under § 10.1-1135 shall be deemed to include enforcement of the  
 1577 provisions of this section. Violations of this section shall be punishable as a misdemeanor under  
 1578 § 18.2-12; and each day for which any violation continues without removal of such obstruction, on and  
 1579 after the tenth day following service of process on the violator in accordance with § 19.2-75, shall  
 1580 constitute a separate offense punishable as a misdemeanor under § 18.2-12.

1581 § 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart  
 1582 disease, cancer.

1583 A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of  
 1584 Emergency Management hazardous materials officers or (ii) any health condition or impairment of such  
 1585 firefighters or Department of Emergency Management hazardous materials officers resulting in total or  
 1586 partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are  
 1587 covered by this title unless such presumption is overcome by a preponderance of competent evidence to  
 1588 the contrary.

1589 B. Hypertension or heart disease causing the death of, or any health condition or impairment  
 1590 resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State  
 1591 Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv)  
 1592 sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers,  
 1593 (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police  
 1594 officers, (viii) ~~conservation police officers~~ *game wardens* who are full-time sworn members of the  
 1595 enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x)

special agents of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, and (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed twelve years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C of this section shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer lifesaving and rescue squad members, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, the term "firefighter" shall include special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

§ 65.2-402.1. Presumption as to death or disability from infectious disease.

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of any (i) salaried or volunteer firefighter, paramedic or emergency medical technician, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) ~~conservation police officer~~ *game warden* who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, or (xiv) sworn officer

of the police force established and maintained by the Virginia Port Authority, who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A of this section shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A of this section shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.