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SENATE BILL NO. 379

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-308.1:01, relating to transfers of firearms; penalties.*

Patron—McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.1:01 as follows:

§ 18.2-308.1:01. Firearm transfers.

A. Any person other than a licensed dealer who sells, rents, trades, or transfers any firearm to any person other than a licensed dealer is guilty of a Class 2 misdemeanor.

B. Any person other than a licensed dealer who buys, rents, trades, or transfers any firearm from any person other than a licensed dealer is guilty of a Class 2 misdemeanor.

C. Notwithstanding subsection A or B, unless otherwise prohibited by state or federal law, any person may transfer a firearm to any other person if:

1. The transfer is a bona fide gift made by or to a member of a person's immediate family as defined in § 6.2-1300;

2. The transfer occurs by operation of law;

3. The transferor is an executor or administrator of an estate, or is a trustee of a trust created by a will;

4. The transfer is temporary and occurs within the home of the transferor when:

a. The transferee is not prohibited by any other law from possessing a firearm; and

b. The transfer is necessary to prevent imminent death or great bodily harm; or

5. The transfer is temporary and occurs (i) at a shooting range, (ii) at a target shooting competition, or (iii) while the transferor and transferee are engaged in lawful hunting.

D. If neither party to a prospective firearms transfer is a licensed dealer, the parties to the transaction shall complete the transfer through a licensed dealer.

INTRODUCED

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