

13103088D

HOUSE BILL NO. 1557

Offered January 9, 2013

Prefiled January 4, 2013

A BILL to amend and reenact §§ 9.1-102, 9.1-184, 18.2-282, 18.2-308, and 18.2-308.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-279.10, relating to school boards; training for persons designated to carry concealed handguns on school property.

Patrons—Marshall, R.G., Fariss, Gilbert, Webert and Wright; Senator: Black

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-184, 18.2-282, 18.2-308, and 18.2-308.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-279.10 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of

INTRODUCED

HB1557

59 duties to be performed by the auxiliary police officers. Such training standards shall not apply to
60 auxiliary police officers exempt pursuant to § 15.2-1731;

61 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
62 and federal governmental agencies, and with universities, colleges, community colleges, and other
63 institutions, whether located in or outside the Commonwealth, concerning the development of police
64 training schools and programs or courses of instruction;

65 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
66 for school operation for the specific purpose of training law-enforcement officers; but this shall not
67 prevent the holding of any such school whether approved or not;

68 14. Establish and maintain police training programs through such agencies and institutions as the
69 Board deems appropriate;

70 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
71 criminal justice training schools approved by the Department;

72 16. Conduct and stimulate research by public and private agencies which shall be designed to
73 improve police administration and law enforcement;

74 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

75 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
76 record information, nominate one or more of its members to serve upon the council or committee of any
77 such system, and participate when and as deemed appropriate in any such system's activities and
78 programs;

79 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
80 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
81 submit information, reports, and statistical data with respect to its policy and operation of information
82 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
83 information and correctional status information, and such criminal justice agencies shall submit such
84 information, reports, and data as are reasonably required;

85 20. Conduct audits as required by § 9.1-131;

86 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
87 criminal history record information and correctional status information;

88 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
89 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
90 and correctional status information;

91 23. Maintain a liaison with any board, commission, committee, or other body which may be
92 established by law, executive order, or resolution to regulate the privacy and security of information
93 collected by the Commonwealth or any political subdivision thereof;

94 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
95 dissemination of criminal history record information and correctional status information, and the privacy,
96 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
97 court orders;

98 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
99 justice information system, produce reports, provide technical assistance to state and local criminal
100 justice data system users, and provide analysis and interpretation of criminal justice statistical
101 information;

102 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
103 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
104 update that plan;

105 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
106 Commonwealth, and units of general local government, or combinations thereof, including planning
107 district commissions, in planning, developing, and administering programs, projects, comprehensive
108 plans, and other activities for improving law enforcement and the administration of criminal justice
109 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

110 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
111 activities for the Commonwealth and units of general local government, or combinations thereof, in the
112 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
113 justice at every level throughout the Commonwealth;

114 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
115 revisions or alterations to such programs, projects, and activities for the purpose of improving law
116 enforcement and the administration of criminal justice;

117 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
118 Commonwealth and of the units of general local government, or combination thereof, including planning
119 district commissions, relating to the preparation, adoption, administration, and implementation of
120 comprehensive plans to strengthen and improve law enforcement and the administration of criminal

121 justice;

122 31. Do all things necessary on behalf of the Commonwealth and its units of general local
123 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
124 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
125 programs for strengthening and improving law enforcement, the administration of criminal justice, and
126 delinquency prevention and control;

127 32. Receive, administer, and expend all funds and other assistance available to the Board and the
128 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
129 Streets Act of 1968, as amended;

130 33. Apply for and accept grants from the United States government or any other source in carrying
131 out the purposes of this chapter and accept any and all donations both real and personal, and grants of
132 money from any governmental unit or public agency, or from any institution, person, firm or
133 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section
134 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,
135 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section
136 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall
137 have the power to comply with conditions and execute such agreements as may be necessary;

138 34. Make and enter into all contracts and agreements necessary or incidental to the performance of
139 its duties and execution of its powers under this chapter, including but not limited to, contracts with the
140 United States, units of general local government or combinations thereof, in Virginia or other states, and
141 with agencies and departments of the Commonwealth;

142 35. Adopt and administer reasonable regulations for the planning and implementation of programs
143 and activities and for the allocation, expenditure and subgranting of funds available to the
144 Commonwealth and to units of general local government, and for carrying out the purposes of this
145 chapter and the powers and duties set forth herein;

146 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

147 37. Establish training standards and publish a model policy for law-enforcement personnel in the
148 handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for
149 determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
150 provide technical support and assistance to law-enforcement agencies in carrying out the requirements
151 set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation
152 of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

153 38. Establish training standards and publish a model policy for law-enforcement personnel in
154 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

155 39. Establish compulsory training standards for basic training and the recertification of
156 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
157 biased policing;

158 40. Review and evaluate community-policing programs in the Commonwealth, and recommend where
159 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such
160 programs, including sensitivity to and awareness of cultural diversity and the potential for biased
161 policing;

162 41. Publish and disseminate a model policy or guideline that may be used by state and local agencies
163 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the
164 potential for biased policing;

165 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
166 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
167 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
168 may provide accreditation assistance and training, resource material, and research into methods and
169 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
170 accreditation status;

171 43. Promote community policing philosophy and practice throughout the Commonwealth by
172 providing community policing training and technical assistance statewide to all law-enforcement
173 agencies, community groups, public and private organizations and citizens; developing and distributing
174 innovative policing curricula and training tools on general community policing philosophy and practice
175 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
176 organizations with specific community policing needs; facilitating continued development and
177 implementation of community policing programs statewide through discussion forums for community
178 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
179 initiative; and serving as a statewide information source on the subject of community policing including,
180 but not limited to periodic newsletters, a website and an accessible lending library;

181 44. Establish, in consultation with the Department of Education and the Virginia State Crime

182 Commission, compulsory minimum standards for employment and job-entry and in-service training
183 curricula and certification requirements for school security officers, which training and certification shall
184 be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards
185 shall include, but shall not be limited to, the role and responsibility of school security officers, relevant
186 state and federal laws, school and personal liability issues, security awareness in the school environment,
187 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.
188 The Department shall establish an advisory committee consisting of local school board representatives,
189 principals, superintendents, and school security personnel to assist in the development of these standards
190 and certification requirements;

191 45. Establish training standards and publish a model policy and protocols for local and regional
192 sexual assault response teams;

193 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
194 Article 11 (§ 9.1-185 et seq.);

195 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

196 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
197 justice agencies regarding the investigation, registration, and dissemination of information requirements
198 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

199 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
200 and (iii) certification requirements for campus security officers. Such training standards shall include, but
201 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
202 school and personal liability issues, security awareness in the campus environment, and disaster and
203 emergency response. The Department shall provide technical support and assistance to campus police
204 departments and campus security departments on the establishment and implementation of policies and
205 procedures, including but not limited to: the management of such departments, investigatory procedures,
206 judicial referrals, the establishment and management of databases for campus safety and security
207 information sharing, and development of uniform record keeping for disciplinary records and statistics,
208 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
209 advisory committee consisting of college administrators, college police chiefs, college security
210 department chiefs, and local law-enforcement officials to assist in the development of the standards and
211 certification requirements and training pursuant to this subdivision;

212 50. Establish compulsory training standards and publish a model policy for law-enforcement
213 personnel regarding death notification;

214 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
215 pursuant to § 9.1-187;

216 52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for
217 questioning individuals suspected of driving while intoxicated concerning the physical location of that
218 individual's last consumption of an alcoholic beverage and for communicating that information to the
219 Alcoholic Beverage Control Board;

220 53. Establish training standards and publish a model policy for law-enforcement personnel assigned
221 to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
222 calls;

223 54. Establish training standards and publish a model policy for law-enforcement personnel involved
224 in criminal investigations that embody current best practices for conducting photographic and live
225 lineups;

226 55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
227 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
228 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

229 56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
230 § 46.2-117; ~~and~~

231 57. *Establish minimum training standards for the training and certification of any person designated*
232 *under § 22.1-279.10 by a school board to carry a concealed handgun on school property to be*
233 *administered by the Virginia Center for School Safety pursuant to § 9.1-184 or by the National Rifle*
234 *Association. Such training standards shall include, but not be limited to, situational assessments*
235 *pertaining to the use or display of a firearm, the safe carrying and storage of a concealed firearm, the*
236 *use of a firearm, the proper response to emergency situations on school grounds until the arrival of law*
237 *enforcement to the scene, and the laws pertaining to the carrying and use of concealed firearms. The*
238 *Department shall establish an advisory committee consisting of local school board representatives,*
239 *principals, superintendents, and school security personnel to assist in the development of these standards*
240 *and certification requirements; and*

241 58. Perform such other acts as may be necessary or convenient for the effective performance of its
242 duties.

243 **§ 9.1-184. Virginia Center for School Safety created; duties.**

244 A. From such funds as may be appropriated, the Virginia Center for School Safety (the Center) is
245 hereby established within the Department. The Center shall:

246 1. Provide training for Virginia public school personnel in school safety, on evidence-based
247 antibullying tactics, and in the effective identification of students who may be at risk for violent
248 behavior and in need of special services or assistance;

249 2. Serve as a resource and referral center for Virginia school divisions by conducting research,
250 sponsoring workshops, and providing information regarding current school safety concerns, such as
251 conflict management and peer mediation, bullying, school facility design and technology, current state
252 and federal statutory and regulatory school safety requirements, and legal and constitutional issues
253 regarding school safety and individual rights;

254 3. Maintain and disseminate information to local school divisions on effective school safety
255 initiatives in Virginia and across the nation;

256 4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit
257 information submitted to it pursuant to § 22.1-279.8, collected by the Department;

258 5. Encourage the development of partnerships between the public and private sectors to promote
259 school safety in Virginia;

260 6. Provide technical assistance to Virginia school divisions in the development and implementation of
261 initiatives promoting school safety;

262 7. Develop a memorandum of understanding between the Director of the Department of Criminal
263 Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of
264 roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;
265 and

266 8. Provide training for and certification of school security officers, as defined in § 9.1-101 and
267 consistent with § 9.1-110; and

268 9. *Provide training for and certification of any person designated under § 22.1-279.10 by a school*
269 *board to carry concealed handguns on school property.*

270 B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the
271 Center in the performance of its duties and responsibilities.

272 **§ 18.2-282. Pointing, holding, or brandishing firearm, air or gas operated weapon or object**
273 **similar in appearance; penalty.**

274 A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas
275 operated weapon or any object similar in appearance, whether capable of being fired or not, in such
276 manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated
277 weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being
278 shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable
279 self-defense. *This section shall also not apply to any person designated under § 22.1-279.10 who uses a*
280 *concealed handgun in accordance with his training and certification for the purpose of excusable or*
281 *justifiable self-defense or the defense of others on school property.* Persons violating the provisions of
282 this section shall be guilty of a Class 1 misdemeanor or, if the violation occurs upon any public, private
283 or religious elementary, middle or high school, including buildings and grounds or upon public property
284 within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.

285 B. Any police officer in the performance of his duty, in making an arrest under the provisions of this
286 section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested
287 if he had reason to believe that the person being arrested was pointing, holding, or brandishing such
288 firearm or air or gas operated weapon, or object that was similar in appearance, with intent to induce
289 fear in the mind of another.

290 C. For purposes of this section, the word "firearm" means any weapon that will or is designed to or
291 may readily be converted to expel single or multiple projectiles by the action of an explosion of a
292 combustible material. ~~The word "ammunition," as used herein, shall mean a cartridge, pellet, ball,~~
293 ~~missile or projectile adapted for use in a firearm.~~

294 **§ 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry; penalty.**

295 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,
296 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any
297 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,
298 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more
299 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun
300 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,
301 having at least two points or pointed blades which is designed to be thrown or propelled and which may
302 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this
303 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a
304 conviction under this section subsequent to any conviction under any substantially similar ordinance of

305 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such
306 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be
307 deemed to be hidden from common observation when it is observable but is of such deceptive
308 appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of
309 clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid
310 concealed handgun permit.

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

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

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

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

317 3. Any person who is at, or going to or from, an established shooting range, provided that the
318 weapons are unloaded and securely wrapped while being transported;

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

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

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

328 7. Any State Police officer retired from the Department of State Police, any officer retired from the
329 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
330 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
331 retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
332 conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia
333 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
334 Commission, and any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23
335 retired from a campus police department, other than an officer or agent terminated for cause, (i) with a
336 service-related disability; (ii) following at least 15 years of service with any such law-enforcement
337 agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on
338 long-term leave from such law-enforcement agency or board due to a service-related injury, provided
339 such officer carries with him written proof of consultation with and favorable review of the need to
340 carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from
341 which the officer retired or the agency that employs the officer or, in the case of special agents, issued
342 by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of
343 consultation and favorable review shall be forwarded by the chief or the Board to the Department of
344 State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer
345 shall not without cause withhold such written proof if the retired law-enforcement officer otherwise
346 meets the requirements of this section. An officer set forth in clause (iv) of this subdivision who
347 receives written proof of consultation to carry a concealed handgun shall surrender such proof of
348 consultation upon return to work or upon termination of employment with the law-enforcement agency.
349 Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia
350 Criminal Information Network. However, if such officer retires on disability because of the
351 service-related injury, and would be eligible under clause (i) of this subdivision for written proof of
352 consultation to carry a concealed handgun, he may retain the previously issued written proof of
353 consultation. A retired law-enforcement officer who receives proof of consultation and favorable review
354 pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a
355 law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2.

356 7a. Any person who is eligible for retirement with at least 20 years of service with a
357 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from
358 such law-enforcement agency or board to accept a position covered by a retirement system that is
359 authorized under Title 51.1, provided such person carries with him written proof of consultation with
360 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement
361 officer of the agency from which he resigned or, in the case of special agents, issued by the State
362 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation
363 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State
364 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall
365 not without cause withhold such written proof if the law-enforcement officer otherwise meets the
366 requirements of this section.

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

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

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

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

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

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

396 11. Any enrolled participant of a firearms training course who is at, or going to or from, a training
 397 location, provided that the weapons are unloaded and securely wrapped while being transported; *and*

398 *12. For the sole purpose of carrying a concealed handgun on school grounds in accordance with his*
 399 *training and certification, any teacher, principal, or employee of a school division, or any retired*
 400 *law-enforcement officer designated under § 22.1-279.10.*

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

- 403 1. Carriers of the United States mail;
- 404 2. Officers or guards of any state correctional institution;
- 405 3. [Repealed.]

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

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

414 6. Harbormaster of the City of Hopewell.

415 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the
 416 county or city in which he resides, or if he is a member of the United States Armed Forces, the county
 417 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no
 418 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or
 419 city. The application shall be made under oath before a notary or other person qualified to take oaths
 420 and shall be made only on a form prescribed by the Department of State Police, in consultation with the
 421 Supreme Court, requiring only that information necessary to determine eligibility for the permit. No
 422 information or documentation other than that which is allowed on the application in accordance with this
 423 subsection may be requested or required by the clerk or the court. The clerk shall enter on the
 424 application the date on which the application and all other information required to be submitted by the
 425 applicant is received. The court shall consult with either the sheriff or police department of the county
 426 or city and receive a report from the Central Criminal Records Exchange. The court shall issue the
 427 permit via United States mail and notify the State Police of the issuance of the permit within 45 days of

428 receipt of the completed application unless it is determined that the applicant is disqualified. A court
429 may authorize the clerk to issue concealed handgun permits, without judicial review, to applicants who
430 have submitted complete applications, for whom the criminal history records check does not indicate a
431 disqualification and, after consulting with either the sheriff or police department of the county or city,
432 about which there are no outstanding questions or issues concerning the application. The court clerk
433 shall be immune from suit arising from any acts or omissions relating to the issuance of concealed
434 handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent
435 or engaged in willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn
436 any defense or immunity already existing in statutory or common law, or to affect any cause of action
437 accruing prior to July 1, 2010. Upon denial of the application, the clerk shall provide the person with
438 notice, in writing, of his right to an ore tenus hearing. Upon request of the applicant made within 21
439 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be
440 represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The
441 final order of the court shall include the court's findings of fact and conclusions of law. Any order
442 denying issuance of the permit shall state the basis for the denial of the permit and the applicant's right
443 to and the requirements for perfecting an appeal of such order pursuant to subsection L. Only a circuit
444 court judge may deny issuance of a permit. An application is deemed complete when all information
445 required to be furnished by the applicant is delivered to and received by the clerk of court before or
446 concomitant with the conduct of a state or national criminal history records check. If the court has not
447 issued the permit or determined that the applicant is disqualified within 45 days of the date of receipt
448 noted on the application, the clerk shall certify on the application that the 45-day period has expired,
449 and mail or send via electronic mail a copy of the certified application to the applicant within five
450 business days of the expiration of the 45-day period. The certified application shall serve as a de facto
451 permit, which shall expire 90 days after issuance, and shall be recognized as a valid concealed handgun
452 permit when presented with a valid government-issued photo identification pursuant to subsection H,
453 until the court issues a five-year permit or finds the applicant to be disqualified. If the applicant is found
454 to be disqualified after the de facto permit is issued, the applicant shall surrender the de facto permit to
455 the court and the disqualification shall be deemed a denial of the permit and a revocation of the de facto
456 permit. If the applicant is later found by the court to be disqualified after a five-year permit has been
457 issued, the permit shall be revoked. The clerk of court may withhold from public disclosure the social
458 security number contained in a permit application in response to a request to inspect or copy any such
459 permit application, except that such social security number shall not be withheld from any
460 law-enforcement officer acting in the performance of his official duties.

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

462 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or
463 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

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

467 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
468 competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his
469 application for a concealed handgun permit.

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

473 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
474 § 18.2-308.1:4 from purchasing or transporting a firearm.

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

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

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

484 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
485 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
486 state, the District of Columbia, the United States, or its territories within the three-year period
487 immediately preceding the application, or who is a habitual drunkard as determined pursuant to
488 § 4.1-333.

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

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

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

493 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by
494 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief
495 of police, or attorney for the Commonwealth may submit to the court a sworn written statement
496 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
497 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is
498 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief
499 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
500 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
501 specific acts, or upon a written statement made under oath before a notary public of a competent person
502 having personal knowledge of the specific acts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

550 7. Completing any firearms training or safety course or class, including an electronic, video, or

551 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;
552 8. Completing any governmental police agency firearms training course and qualifying to carry a
553 firearm in the course of normal police duties; or

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

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

560 H. The permit to carry a concealed handgun shall specify only the following information: name,
561 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;
562 the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such
563 permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits
564 pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed
565 handgun shall be no larger than two inches wide by three and one-fourth inches long and shall be of a
566 uniform style prescribed by the Department of State Police. The person issued the permit shall have
567 such permit on his person at all times during which he is carrying a concealed handgun and shall
568 display the permit and a photo identification issued by a government agency of the Commonwealth or
569 by the United States Department of Defense or United States State Department (passport) upon demand
570 by a law-enforcement officer. Failure to display the permit and a photo identification upon demand by a
571 law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state
572 treasury. Any attorney for the Commonwealth of the county or city in which the alleged violation
573 occurred may bring an action to recover the civil penalty. A court may waive such penalty upon
574 presentation to the court of a valid permit and a government-issued photo identification. Any
575 law-enforcement officer may issue a summons for the civil violation of failure to display the concealed
576 handgun permit and photo identification upon demand.

577 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
578 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an
579 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
580 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
581 validity of the permit, such a permittee shall carry with him and display, upon request of a
582 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
583 permittee's commanding officer that order the permittee to travel outside of his county or city of
584 residence and that indicate the start and end date of such deployment.

585 I. Persons who previously have held a concealed handgun permit shall be issued, upon application as
586 provided in subsection D, and upon receipt by the circuit court of criminal history record information as
587 provided in subsection D, a new five-year permit unless it is found that the applicant is subject to any
588 of the disqualifications set forth in subsection E. Persons who previously have been issued a concealed
589 handgun permit pursuant to subsection D shall not be required to appear in person to apply for a new
590 five-year permit pursuant to this subsection, and the application for the new permit may be submitted
591 via the United States mail. The circuit court that receives the application shall promptly notify an
592 applicant if the application is incomplete or if the fee submitted for the permit pursuant to subsection K
593 is incorrect. If the new five-year permit is issued while an existing permit remains valid, the new
594 five-year permit shall become effective upon the expiration date of the existing permit, provided that the
595 application is received by the court at least 90 days but no more than 180 days prior to the expiration of
596 the existing permit. If the circuit court denies the permit, the specific reasons for the denial shall be
597 stated in the order of the court denying the permit, including, if applicable, any reason under subsection
598 E which is the basis of the denial. Upon denial of the application, the clerk shall provide the person
599 with notice, in writing, of his right to an ore tenus hearing. Upon request of the applicant made within
600 21 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be
601 represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The
602 final order of the court shall include the court's findings of fact and conclusions of law.

603 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
604 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and
605 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the
606 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a
607 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the
608 court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of
609 such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this
610 subsection, and shall promptly notify the State Police and the person whose permit was revoked of the
611 revocation.

612 J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or

613 illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor.
 614 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the
 615 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
 616 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
 617 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
 618 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
 619 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
 620 for a concealed handgun permit for a period of five years.

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

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

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

634 K. No fee shall be charged for the issuance of such permit to a person who has retired from service
 635 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control
 636 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and
 637 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the
 638 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement
 639 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and
 640 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
 641 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals
 642 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching
 643 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United
 644 States, the District of Columbia or any of the territories of the United States, after completing 15 years
 645 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)
 646 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or
 647 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching
 648 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,
 649 including his costs associated with the consultation with law-enforcement agencies. The local
 650 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to
 651 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any
 652 amount assessed by the Federal Bureau of Investigation for providing criminal history record
 653 information, and the local law-enforcement agency shall forward the amount assessed by the Federal
 654 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State
 655 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.
 656 The total amount assessed for processing an application for a permit shall not exceed \$50, with such
 657 fees to be paid in one sum to the person who receives the application. Payment may be made by any
 658 method accepted by that court for payment of other fees or penalties. No payment shall be required until
 659 the application is received by the court as a complete application. The order issuing such permit, or the
 660 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall
 661 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police
 662 shall enter the permittee's name and description in the Virginia Criminal Information Network so that
 663 the permit's existence and current status will be made known to law-enforcement personnel accessing the
 664 Network for investigative purposes. The State Police shall withhold from public disclosure permittee
 665 information submitted to the State Police for purposes of entry into the Virginia Criminal Information
 666 Network, except that such information shall not be withheld from any law-enforcement agency, officer,
 667 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such
 668 information be withheld from an entity that has a valid contract with any local, state, or federal
 669 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.
 670 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State
 671 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)
 672 statistical summaries, abstracts, or other records containing information in an aggregate form that does
 673 not identify any individual permittees.

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

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

686 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
687 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
688 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if
689 an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court
690 following the hearing. The petition shall be accompanied by a copy of the original papers filed in the
691 circuit court, including a copy of the order of the circuit court denying the permit. Subject to the
692 provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final.
693 Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal,
694 taxable costs incurred by the person shall be paid by the Commonwealth.

695 M. For purposes of this section:

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

699 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,
700 law-enforcement agents of the Armed Forces of the United States, the Naval Criminal Investigative
701 Service, and federal agents who are otherwise authorized to carry weapons by federal law.
702 "Law-enforcement officer" shall also mean any sworn full-time law-enforcement officer employed by a
703 law-enforcement agency of the United States or any state or political subdivision thereof, whose duties
704 are substantially similar to those set forth in § 9.1-101.

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

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

711 N. As used in this article:

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

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

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

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

732 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the
733 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant
734 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified
735 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card

736 provided by the Department of State Police for the purpose of obtaining the applicant's state or national
 737 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall
 738 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive
 739 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the
 740 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
 741 regarding the applicant and obtaining fingerprint identification information from federal records pursuant
 742 to criminal investigations by state and local law-enforcement agencies. The application shall be made
 743 under oath before a notary or other person qualified to take oaths on a form provided by the Department
 744 of State Police, requiring only that information necessary to determine eligibility for the permit. If the
 745 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked
 746 and the person shall return the permit after being so notified by the Department of State Police. The
 747 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to
 748 the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

791 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
 792 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
 793 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
 794 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the
 795 holder of the permit is 21 years of age or older.

796 R. For the purposes of participation in concealed handgun reciprocity agreements with other

797 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty
798 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun
799 permit under this section shall be deemed a concealed handgun permit.

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

804 **§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property**
805 **prohibited.**

806 A. If any person possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket
807 knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like
808 kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any
809 public, private or religious elementary, middle or high school, including buildings and grounds; (b) that
810 portion of any property open to the public and then exclusively used for school-sponsored functions or
811 extracurricular activities while such functions or activities are taking place; or (c) any school bus owned
812 or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

813 B. If any person possesses any firearm designed or intended to expel a projectile by action of an
814 explosion of a combustible material while such person is upon (i) any public, private or religious
815 elementary, middle or high school, including buildings and grounds; (ii) that portion of any property
816 open to the public and then exclusively used for school-sponsored functions or extracurricular activities
817 while such functions or activities are taking place; or (iii) any school bus owned or operated by any
818 such school, he shall be guilty of a Class 6 felony.

819 C. If any person possesses any firearm designed or intended to expel a projectile by action of an
820 explosion of a combustible material within a public, private or religious elementary, middle or high
821 school building and intends to use, or attempts to use, such firearm, or displays such weapon in a
822 threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory
823 minimum term of imprisonment of five years to be served consecutively with any other sentence.

824 The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section.
825 The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a
826 part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food
827 preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons
828 as a part of any program sponsored or facilitated by either the school or any organization authorized by
829 the school to conduct its programs either on or off the school premises; (iv) any law-enforcement
830 officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a
831 person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade,
832 in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor
833 vehicle; or (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun
834 while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to
835 the school; or (viii) any person designated under § 22.1-279.10. For the purposes of this paragraph,
836 "weapon" includes a knife having a metal blade of three inches or longer and "closed container"
837 includes a locked vehicle trunk.

838 As used in this section:

839 "Stun weapon" means any device that emits a momentary or pulsed output, which is electrical,
840 audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

841 **§ 22.1-279.10. Designated persons may carry firearms; training.**

842 *Each school board shall designate at each school in the district at least one of the following who,*
843 *notwithstanding any other law to the contrary and upon application with the school board, may carry a*
844 *concealed handgun on school property: (i) a teacher, principal, or other employee of the school who*
845 *has been employed by such school division for at least three years; (ii) a person holding a valid*
846 *concealed handgun permit issued in accordance with § 18.2-308 who currently volunteers and has*
847 *volunteered for at least three years for the school; or (iii) a retired law-enforcement officer as defined*
848 *in § 9.1-101 who has lived in the school's district for at least three years. Such designation shall be at*
849 *the sole discretion of the school board. Any person designated under this section to carry a concealed*
850 *handgun shall be certified and trained in the storage, use, and handling of a concealed handgun by (i)*
851 *the Virginia Center for School Safety as provided in § 9.1-184 or (ii) any National Rifle Association*
852 *firearms safety or training course conducted pursuant to the minimum training standards established by*
853 *the Department of Criminal Justice Services under § 9.1-102.*