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HOUSE BILL NO. 1833

Offered January 9, 2013

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A BILL to amend and reenact §§ 16.1-260, 17.1-406, 18.2-57.3, 18.2-287.01, 18.2-308, 18.2-311, 19.2-83.1, 19.2-120.1, 19.2-386.27, 19.2-386.28, and 24.2-643 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 6.1, consisting of sections numbered 18.2-307.1 through 18.2-308.015, relating to reorganizing and recodifying the law related to carrying concealed weapons and concealed handgun permits.

Patron—Lingamfelter

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-260, 17.1-406, 18.2-57.3, 18.2-287.01, 18.2-308, 18.2-311, 19.2-83.1, 19.2-120.1, 19.2-386.27, 19.2-386.28, and 24.2-643 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 7 of Title 18.2 an article numbered 6.1, consisting of sections numbered 18.2-307.1 through 18.2-308.015, as follows:

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may complete, sign and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

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

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

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

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59 the juvenile had previously been proceeded against informally by intake or had been adjudicated
60 delinquent for an offense that would be a felony if committed by an adult.

61 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
62 the attendance officer has provided documentation to the intake officer that the relevant school division
63 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
64 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
65 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not
66 previously been proceeded against informally or adjudicated in need of supervision for failure to comply
67 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,
68 guardian or other person standing in loco parentis must agree, in writing, for the development of a
69 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,
70 guardian or other person standing in loco parentis participate in such programs, cooperate in such
71 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's
72 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer
73 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an
74 interagency interdisciplinary team approach. The team may include qualified personnel who are
75 reasonably available from the appropriate department of social services, community services board, local
76 school division, court service unit and other appropriate and available public and private agencies and
77 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
78 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
79 the intake officer shall file the petition.

80 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
81 is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for
82 the juvenile, which may include restitution and the performance of community service, based upon
83 community resources and the circumstances which resulted in the complaint, (ii) create an official record
84 of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise
85 the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the
86 complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent
87 based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241
88 will result in the filing of a petition with the court.

89 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
90 visitation or support of a child is the subject of controversy or requires determination, (ii) a person has
91 deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such
92 child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment,
93 rehabilitation or other services which are required by law, (iv) family abuse has occurred and a
94 protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of
95 violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8,
96 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such
97 complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to
98 be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer
99 believes that probable cause does not exist, or that the authorization of a petition will not be in the best
100 interest of the family or juvenile or that the matter may be effectively dealt with by some agency other
101 than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a
102 person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written
103 explanation of the conditions, procedures and time limits applicable to the issuance of protective orders
104 pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant
105 to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the
106 conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to
107 § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

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

118 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an
119 adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in
120 writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate

121 determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic
 122 relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake
 123 officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate
 124 finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the
 125 juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake
 126 officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a
 127 status offense, or a misdemeanor other than Class 1, his decision is final.

128 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the
 129 intake officer shall accept and file a petition founded upon the warrant.

130 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition
 131 which alleges facts of an offense which would be a felony if committed by an adult.

132 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a
 133 report with the division superintendent of the school division in which any student who is the subject of
 134 a petition alleging that such student who is a juvenile has committed an act, wherever committed, which
 135 would be a crime if committed by an adult, or that such student who is an adult has committed a crime
 136 and is alleged to be within the jurisdiction of the court. The report shall notify the division
 137 superintendent of the filing of the petition and the nature of the offense, if the violation involves:

138 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
 139 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (~~§ 18.2-308~~ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

140 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

141 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
 142 Title 18.2;

143 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

144 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
 145 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

146 6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1
 147 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

148 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

149 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

150 9. Robbery pursuant to § 18.2-58;

151 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

152 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or

153 12. An act of violence by a mob pursuant to § 18.2-42.1.

154 The failure to provide information regarding the school in which the student who is the subject of
 155 the petition may be enrolled shall not be grounds for refusing to file a petition.

156 The information provided to a division superintendent pursuant to this section may be disclosed only
 157 as provided in § 16.1-305.2.

158 H. The filing of a petition shall not be necessary:

159 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and
 160 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating
 161 surfing or any ordinance establishing curfew violations, animal control violations or littering violations.

162 In such cases the court may proceed on a summons issued by the officer investigating the violation in
 163 the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle
 164 accident may, at the scene of the accident or at any other location where a juvenile who is involved in
 165 such an accident may be located, proceed on a summons in lieu of filing a petition.

166 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H
 167 of § 16.1-241.

168 3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the
 169 commission of any other alcohol-related offense, provided the juvenile is released to the custody of a
 170 parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of
 171 a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons
 172 requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the
 173 charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so
 174 charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a
 175 sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§
 176 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except
 177 that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served
 178 on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the
 179 court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the
 180 juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings
 181 pursuant to subsection B, provided such right is exercised by written notification to the clerk not later

182 than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the
 183 officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake
 184 on a form approved by the Supreme Court and make return of such service to the court. If the officer
 185 fails to make such service or return, the court shall dismiss the summons without prejudice.

186 4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or
 187 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in
 188 § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as
 189 provided by law for adults provided that notice of the summons to appear is mailed by the investigating
 190 officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

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

193 **§ 17.1-406. Petitions for appeal; cases over which Court of Appeals does not have jurisdiction.**

194 A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final
 195 conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been
 196 imposed, (ii) any final decision of a circuit court on an application for a concealed weapons permit
 197 pursuant to ~~subsection D of § 18.2-308~~ *Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2*, (iii)
 198 any final order of a circuit court involving involuntary treatment of prisoners pursuant to § 53.1-40.1, or
 199 (iv) any final order for declaratory or injunctive relief under § 57-2.02. The Commonwealth or any
 200 county, city or town may petition the Court of Appeals for an appeal pursuant to this subsection in any
 201 case in which such party previously could have petitioned the Supreme Court for a writ of error under
 202 § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case
 203 pursuant to § 19.2-398.

204 B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court
 205 from a conviction in which a sentence of death is imposed, from a final decision, judgment or order of
 206 a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order,
 207 or judgment of the State Corporation Commission, and from proceedings under §§ 54.1-3935 and
 208 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme
 209 Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings
 210 described in this subsection.

211 **§ 18.2-57.3. Persons charged with first offense of assault and battery against a family or
 212 household member may be placed on local community-based probation; conditions; education and
 213 treatment programs; costs and fees; violations; discharge.**

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

217 B. For a person to be eligible for such deferral, the court shall find that (i) the person was an adult
 218 at the time of the commission of the offense, (ii) the person has not previously been convicted of any
 219 offense under this article or under any statute of the United States or of any state or any ordinance of
 220 any local government relating to assault and battery against a family or household member, (iii) the
 221 person has not previously had a proceeding against him for violation of such an offense dismissed as
 222 provided in this section, (iv) the person pleads guilty to, or enters a plea of not guilty or nolo
 223 contendere and the court finds the evidence is sufficient to find the person guilty of, a violation of
 224 § 18.2-57.2, and (v) the person consents to such deferral.

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

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

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

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

242 E. Upon fulfillment of the terms and conditions specified in the court order, the court shall discharge
 243 the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be

244 without adjudication of guilt and is a conviction only for the purposes of applying this section in
 245 subsequent proceedings. No charges dismissed pursuant to this section shall be eligible for expungement
 246 under § 19.2-392.2.

247 F. Upon violation of a term or condition of supervised probation or of the period of good behavior,
 248 the court may enter an adjudication of guilt and proceed as otherwise provided by law.

249 G. Notwithstanding any other provision of this section, whenever a court places a person on
 250 probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction
 251 for purposes of ~~§ 18.2-308~~ *Article 6.1* (§ 18.2-307.1 et seq.) of Chapter 7.

252 **§ 18.2-287.01. Carrying weapon in air carrier airport terminal.**

253 It shall be unlawful for any person to possess or transport into any air carrier airport terminal in the
 254 Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of
 255 any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a
 256 dangerous weapon, and (iii) any other dangerous weapon, including explosives, stun weapons as defined
 257 in § 18.2-308.1, and those weapons specified in subsection A of § 18.2-308. Any such weapon shall be
 258 subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1
 259 misdemeanor. Any weapon possessed or transported in violation of this section shall be forfeited to the
 260 Commonwealth and disposed of as provided in ~~subsection A of § 18.2-308~~ § 19.2-386.28.

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

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

272 *Article 6.1.*

273 *Concealed Weapons and Concealed Handgun Permits.*

274 **§ 18.2-307.1. Definitions.**

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

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

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

281 *"Law-enforcement officer" means those individuals defined as a law-enforcement officer in §*
 282 *9.1-101, law-enforcement agents of the armed forces of the United States, and the Naval Criminal*
 283 *Investigative Service, and federal agents who are otherwise authorized to carry weapons by federal law.*
 284 *"Law-enforcement officer" also means any sworn full-time law-enforcement officer employed by a*
 285 *law-enforcement agency of the United States or any state or political subdivision thereof, whose duties*
 286 *are substantially similar to those set forth in § 9.1-101.*

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

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

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

295 **§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

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

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

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

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

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

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

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

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

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

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

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

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

367 requirements of this section.

368 For purposes of applying the reciprocity provisions of ~~subsection P~~ § 18.2-308.014, any person
369 granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while
370 carrying the proof of consultation and favorable review required, shall be deemed to have been issued a
371 concealed handgun permit.

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

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

389 For purposes of applying the reciprocity provisions of ~~subsection P~~ § 18.2-308.014, any person
390 granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof
391 of consultation and favorable review required, shall be deemed to have been issued a concealed handgun
392 permit;

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

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

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

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

- 402 1. Carriers of the United States mail;
- 403 2. Officers or guards of any state correctional institution;
- 404 3. ~~{Repealed.}~~

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

411 ~~5.~~ 4. Noncustodial employees of the Department of Corrections designated to carry weapons by the
412 Director of the Department of Corrections pursuant to § 53.1-29; and

413 ~~6.~~ 5. Harbormaster of the City of Hopewell.

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

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

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

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

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

466 3. (Effective until October 1, 2012) An individual who was ineligible to possess a firearm pursuant
467 to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 37.2-1012 less than five
468 years before the date of his application for a concealed handgun permit.

469 3. (Effective October 1, 2012) An individual who was ineligible to possess a firearm pursuant to
470 § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five
471 years before the date of his application for a concealed handgun permit.

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

475 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
476 § 18.2-308.1:4 from purchasing or transporting a firearm.

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

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

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

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

490 § 4.1-333.

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

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

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

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

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

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

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

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

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

519 19. An individual not otherwise ineligible pursuant to this section, who, within the three-year period
520 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
521 in Article 4 (§ 18.2-247 et seq.) of Chapter 7 or of a criminal offense of illegal possession or
522 distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any
523 state, the District of Columbia, or the United States or its territories.

524 20. An individual, not otherwise ineligible pursuant to this section, with respect to whom, within the
525 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
526 in Article 4 (§ 18.2-247 et seq.) of Chapter 7 or upon a charge of illegal possession or distribution of
527 marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District
528 of Columbia, or the United States or its territories, the trial court found that the facts of the case were
529 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially
530 similar law of any other state, the District of Columbia, or the United States or its territories.

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

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

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

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

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

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

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

550 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a

551 locality thereof, unless such license has been revoked for cause;

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

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

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

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

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

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

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

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

613 revocation.

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

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

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

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

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

674 statistical summaries, abstracts, or other records containing information in an aggregate form that does
675 not identify any individual permittees.

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

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

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

697 M. For purposes of this section:

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

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

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

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

713 N. As used in this article:

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

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

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

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

734 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the
735 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

793 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
 794 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
 795 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
 796 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the

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

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

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

806 **§ 18.2-308.01. Carrying a concealed handgun with a permit.**

807 A. The prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308
808 shall not apply to a person who has a valid concealed handgun permit issued pursuant to this article.
809 The person issued the permit shall have such permit on his person at all times during which he is
810 carrying a concealed handgun and shall display the permit and a photo identification issued by a
811 government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State
812 Department (passport) upon demand by a law-enforcement officer. A person to whom a nonresident
813 permit is issued shall have such permit on his person at all times when he is carrying a concealed
814 handgun in the Commonwealth and shall display the permit on demand by a law-enforcement officer. A
815 person whose permit is extended due to deployment shall carry with him and display, upon request of a
816 law-enforcement officer, a copy of the documents required by subsection B of § 18.2-308.010.

817 B. Failure to display the permit and a photo identification upon demand by a law-enforcement
818 officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury. Any
819 attorney for the Commonwealth of the county or city in which the alleged violation occurred may bring
820 an action to recover the civil penalty. A court may waive such penalty upon presentation to the court of
821 a valid permit and a government-issued photo identification. Any law-enforcement officer may issue a
822 summons for the civil violation of failure to display the concealed handgun permit and photo
823 identification upon demand.

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

827 **§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.**

828 A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the
829 county or city in which he resides, or if he is a member of the United States armed forces, the county or
830 city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no
831 requirement regarding the length of time an applicant has been a resident or domiciliary of the county
832 or city. The application shall be made under oath before a notary or other person qualified to take
833 oaths and shall be made only on a form prescribed by the Department of State Police, in consultation
834 with the Supreme Court, requiring only that information necessary to determine eligibility for the permit.
835 No information or documentation other than that which is allowed on the application in accordance
836 with this section may be requested or required by the clerk or the court.

837 B. The court shall require proof that the applicant has demonstrated competence with a handgun and
838 the applicant may demonstrate such competence by one of the following, but no applicant shall be
839 required to submit to any additional demonstration of competence, nor shall any proof of demonstrated
840 competence expire:

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

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

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

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

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

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

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

858 8. Completing any governmental police agency firearms training course and qualifying to carry a

859 firearm in the course of normal police duties; or

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

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

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

868 D. The clerk of court may withhold from public disclosure the social security number contained in a
869 permit application in response to a request to inspect or copy any such permit application, except that
870 such social security number shall not be withheld from any law-enforcement officer acting in the
871 performance of his official duties.

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

876 **§ 18.2-308.03. Fees for concealed handgun permits.**

877 A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,
878 including his costs associated with the consultation with law-enforcement agencies. The local
879 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to
880 cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any
881 amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record
882 information, and the local law-enforcement agency shall forward the amount assessed by the U.S.
883 Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident
884 applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with
885 processing the application. The total amount assessed for processing an application for a permit shall
886 not exceed \$50, with such fees to be paid in one sum to the person who receives the application.
887 Payment may be made by any method accepted by that court for payment of other fees or penalties. No
888 payment shall be required until the application is received by the court as a complete application.

889 B. No fee shall be charged for the issuance of such permit to a person who has retired from service
890 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control
891 Board or as a law-enforcement officer with the Department of State Police, the Department of Game
892 and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of
893 the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a
894 law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and
895 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
896 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals
897 Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching
898 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United
899 States, the District of Columbia, or any of the territories of the United States, after completing 15 years
900 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)
901 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or
902 boarding officer of the United States Coast Guard, after completing 15 years of service or after
903 reaching age 55.

904 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

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

907 B. Upon receipt of the completed application, the court shall consult with either the sheriff or police
908 department of the county or city and receive a report from the Central Criminal Records Exchange.

909 C. The court shall issue the permit via United States mail and notify the State Police of the issuance
910 of the permit within 45 days of receipt of the completed application unless it is determined that the
911 applicant is disqualified. Any order denying issuance of the permit shall be in accordance with
912 § 18.2-308.08. If the applicant is later found by the court to be disqualified after a five-year permit has
913 been issued, the permit shall be revoked.

914 D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to
915 applicants who have submitted complete applications, for whom the criminal history records check does
916 not indicate a disqualification and, after consulting with either the sheriff or police department of the
917 county or city, about which application there are no outstanding questions or issues. The court clerk
918 shall be immune from suit arising from any acts or omissions relating to the issuance of concealed
919 handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent

920 or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any
 921 defense or immunity already existing in statutory or common law, or to affect any cause of action
 922 accruing prior to July 1, 2010.

923 E. The permit to carry a concealed handgun shall specify only the following information: name,
 924 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the
 925 permittee; the signature of the judge issuing the permit, of the clerk of court who has been authorized to
 926 sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such
 927 permits pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a
 928 concealed handgun shall be no larger than two inches wide by three and one-fourth inches long and
 929 shall be of a uniform style prescribed by the Department of State Police.

930 **§ 18.2-308.05. Issuance of a de facto permit.**

931 If the court has not issued the permit or determined that the applicant is disqualified within 45 days
 932 of the date of receipt noted on the application, the clerk shall certify on the application that the 45-day
 933 period has expired, and mail or send via electronic mail a copy of the certified application to the
 934 applicant within five business days of the expiration of the 45-day period. The certified application shall
 935 serve as a de facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid
 936 concealed handgun permit when presented with a valid government-issued photo identification pursuant
 937 to subsection E of § 18.2-308.04, until the court issues a five-year permit or finds the applicant to be
 938 disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the applicant
 939 shall surrender the de facto permit to the court and the disqualification shall be deemed a denial of the
 940 permit and a revocation of the de facto permit.

941 **§ 18.2-308.06. Nonresident concealed handgun permits.**

942 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
 943 Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a
 944 nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the
 945 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided
 946 by the Department of State Police for the purpose of obtaining the applicant's state or national criminal
 947 history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
 948 fingerprinting by his local or state law-enforcement agency and provide personal descriptive information
 949 to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S.
 950 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
 951 regarding the applicant and obtaining fingerprint identification information from federal records
 952 pursuant to criminal investigations by state and local law-enforcement agencies. The application shall
 953 be made under oath before a notary or other person qualified to take oaths on a form provided by the
 954 Department of State Police, requiring only that information necessary to determine eligibility for the
 955 permit. If the permittee is later found by the Department of State Police to be disqualified, the permit
 956 shall be revoked and the person shall return the permit after being so notified by the Department of
 957 State Police. The permit requirement and restriction provisions of subsection C of § 18.2-308.02 and
 958 § 18.2-308.09 shall apply, mutatis mutandis, to the provisions of this subsection.

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

- 960 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
 961 Game and Inland Fisheries or a similar agency of another state;
- 962 2. Completing any National Rifle Association firearms safety or training course;
- 963 3. Completing any firearms safety or training course or class available to the general public offered
 964 by a law-enforcement agency, junior college, college, or private or public institution or organization or
 965 firearms training school utilizing instructors certified by the National Rifle Association or the
 966 Department of Criminal Justice Services or a similar agency of another state;
- 967 4. Completing any law-enforcement firearms safety or training course or class offered for security
 968 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
 969 enforcement;
- 970 5. Presenting evidence of equivalent experience with a firearm through participation in organized
 971 shooting competition approved by the Department of State Police or current military service or proof of
 972 an honorable discharge from any branch of the armed services;
- 973 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
 974 locality thereof, unless such license has been revoked for cause;
- 975 7. Completing any firearms training or safety course or class, including an electronic, video, or
 976 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;
- 977 8. Completing any governmental police agency firearms training course and qualifying to carry a
 978 firearm in the course of normal police duties; or
- 979 9. Completing any other firearms training that the Virginia Department of State Police deems
 980 adequate.

981 A photocopy of a certificate of completion of any such course or class; an affidavit from the

982 instructor, school, club, organization, or group that conducted or taught such course or class attesting
 983 to the completion of the course or class by the applicant; or a copy of any document that shows
 984 completion of the course or class or evidences participation in firearms competition shall satisfy the
 985 requirement for demonstration of competence with a handgun.

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

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

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

996 **§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.**

997 A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, or the copy of the permit
 998 application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, shall be provided to
 999 the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The
 1000 State Police shall enter the permittee's name and description in the Virginia Criminal Information
 1001 Network so that the permit's existence and current status will be made known to law-enforcement
 1002 personnel accessing the Network for investigative purposes.

1003 B. The Department of State Police shall enter the name and description of a person issued a
 1004 nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the
 1005 permit's existence and current status are known to law-enforcement personnel accessing the Network for
 1006 investigative purposes.

1007 C. The State Police shall withhold from public disclosure permittee information submitted to the
 1008 State Police for purposes of entry into the Virginia Criminal Information Network, except that such
 1009 information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof
 1010 acting in the performance of official law-enforcement duties, nor shall such information be withheld
 1011 from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the
 1012 purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection
 1013 shall be construed to prohibit the release of (i) records by the State Police concerning permits issued to
 1014 nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or
 1015 other records containing information in an aggregate form that does not identify any individual
 1016 permittees.

1017 **§ 18.2-308.08. Denial of a concealed handgun permit; appeal.**

1018 A. Only a circuit court judge may deny issuance of a concealed handgun permit to a Virginia
 1019 resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order denying
 1020 issuance of a concealed handgun permit shall state the basis for the denial of the permit, including, if
 1021 applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk shall provide
 1022 notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and
 1023 the requirements for perfecting an appeal of such order.

1024 B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket
 1025 for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be
 1026 appointed, and the rules of evidence shall apply. The final order of the court shall include the court's
 1027 findings of fact and conclusions of law.

1028 C. Any person denied a permit to carry a concealed handgun by the circuit court may present a
 1029 petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the
 1030 expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested,
 1031 within 60 days of the entry of the final order of the circuit court following the hearing. The petition
 1032 shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the
 1033 order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the
 1034 decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if
 1035 the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be
 1036 paid by the Commonwealth.

1037 **§ 18.2-308.09. Disqualifications for a concealed handgun permit.**

1038 The following persons shall be deemed disqualified from obtaining a permit:

1039 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or
 1040 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

1041 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
 1042 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before

1043 *the date of his application for a concealed handgun permit.*

1044 3. (Effective until October 1, 2012) An individual who was ineligible to possess a firearm pursuant
1045 to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 37.2-1012 less than five
1046 years before the date of his application for a concealed handgun permit.

1047 3. (Effective October 1, 2012) An individual who was ineligible to possess a firearm pursuant to
1048 § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five
1049 years before the date of his application for a concealed handgun permit.

1050 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
1051 from commitment less than five years before the date of this application for a concealed handgun
1052 permit.

1053 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
1054 § 18.2-308.1:4 from purchasing or transporting a firearm.

1055 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
1056 that a permit may be obtained in accordance with subsection C of that section.

1057 7. An individual who has been convicted of two or more misdemeanors within the five-year period
1058 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
1059 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
1060 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
1061 disqualification.

1062 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic
1063 cannabinoids, or any controlled substance.

1064 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
1065 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
1066 state, the District of Columbia, the United States, or its territories within the three-year period
1067 immediately preceding the application, or who is a habitual drunkard as determined pursuant to
1068 § 4.1-333.

1069 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

1070 11. An individual who has been discharged from the armed forces of the United States under
1071 dishonorable conditions.

1072 12. An individual who is a fugitive from justice.

1073 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by
1074 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief
1075 of police, or attorney for the Commonwealth may submit to the court a sworn written statement
1076 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
1077 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is
1078 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief
1079 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
1080 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
1081 specific acts, or upon a written statement made under oath before a notary public of a competent person
1082 having personal knowledge of the specific acts.

1083 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
1084 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in
1085 violation of § 18.2-282 within the three-year period immediately preceding the application.

1086 15. An individual who has been convicted of stalking.

1087 16. An individual whose previous convictions or adjudications of delinquency were based on an
1088 offense that would have been at the time of conviction a felony if committed by an adult under the laws
1089 of any state, the District of Columbia, the United States or its territories. For purposes of this
1090 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
1091 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
1092 adjudication shall be deemed to be "previous convictions."

1093 17. An individual who has a felony charge pending or a charge pending for an offense listed in
1094 subdivision 14 or 15.

1095 18. An individual who has received mental health treatment or substance abuse treatment in a
1096 residential setting within five years prior to the date of his application for a concealed handgun permit.

1097 19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period
1098 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
1099 in Article 1 (§ 18.2-247 et seq.) or of a criminal offense of illegal possession or distribution of
1100 marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District
1101 of Columbia, or the United States or its territories.

1102 20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the
1103 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
1104 in Article 1 (§ 18.2-247 et seq.) or upon a charge of illegal possession or distribution of marijuana,

1105 synthetic cannabinoids, or any controlled substance under the laws of any state, the District of
 1106 Columbia, or the United States or its territories, the trial court found that the facts of the case were
 1107 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially
 1108 similar law of any other state, the District of Columbia, or the United States or its territories.

1109 **§ 18.2-308.010. Renewal of concealed handgun permit.**

1110 A. 1. Persons who previously have held a concealed handgun permit shall be issued, upon
 1111 application as provided in § 18.2-308.02, a new five-year permit unless it is found that the applicant is
 1112 subject to any of the disqualifications set forth in § 18.2-308.09. Persons who previously have been
 1113 issued a concealed handgun permit pursuant to this article shall not be required to appear in person to
 1114 apply for a new five-year permit pursuant to this section, and the application for the new permit may be
 1115 submitted via the United States mail. The circuit court that receives the application shall promptly notify
 1116 an applicant if the application is incomplete or if the fee submitted for the permit pursuant to
 1117 § 18.2-308.03 is incorrect.

1118 2. If a new five-year permit is issued while an existing permit remains valid, the new five-year permit
 1119 shall become effective upon the expiration date of the existing permit, provided that the application is
 1120 received by the court at least 90 days but no more than 180 days prior to the expiration of the existing
 1121 permit.

1122 3. Any order denying issuance of the new permit shall be in accordance with subsection A of
 1123 § 18.2-308.08.

1124 B. If a permit holder is a member of the Virginia National Guard, armed forces of the United States,
 1125 or the Armed Forces Reserves of the United States, and his five-year permit expires during an
 1126 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
 1127 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
 1128 validity of the permit, such a permittee shall carry with him and display, upon request of a
 1129 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
 1130 permittee's commanding officer that order the permittee to travel outside of his county or city of
 1131 residence and that indicate the start and end date of such deployment.

1132 **§ 18.2-308.011. Replacement permits.**

1133 A. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation
 1134 of the valid permit and proof of a new address of residence by the permit holder, issue a replacement
 1135 permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's
 1136 new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and
 1137 the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount
 1138 assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such
 1139 fees to be paid in one sum to the person who receives the information for the replacement permit.

1140 B. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission
 1141 of a notarized statement by the permit holder that the permit was lost or destroyed, issue a replacement
 1142 permit. The replacement permit shall have the same expiration date as the permit that was lost or
 1143 destroyed. The clerk shall issue the replacement permit within 10 business days of receiving the
 1144 notarized statement, and may charge a fee not to exceed \$5.

1145 **§ 18.2-308.012. Prohibited conduct.**

1146 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or
 1147 illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor.
 1148 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the
 1149 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
 1150 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
 1151 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
 1152 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
 1153 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
 1154 for a concealed handgun permit for a period of five years.

1155 B. No person who carries a concealed handgun onto the premises of any restaurant or club as
 1156 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises
 1157 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 may
 1158 consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto
 1159 the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2
 1160 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local
 1161 law-enforcement officer.

1162 **§ 18.2-308.013. Suspension or revocation of permit.**

1163 A. Any person convicted of an offense that would disqualify that person from obtaining a permit
 1164 under § 18.2-308.09 or who violates subsection C of § 18.2-308.02 shall forfeit his permit for a
 1165 concealed handgun and surrender it to the court. Upon receipt by the Central Criminal Records

1166 Exchange of a record of the arrest, conviction, or occurrence of any other event that would disqualify a
 1167 person from obtaining a concealed handgun permit under § 18.2-308.09, the Central Criminal Records
 1168 Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction, or
 1169 other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person
 1170 disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose
 1171 permit was revoked of the revocation.

1172 B. An individual who has a felony charge pending or a charge pending for an offense listed in
 1173 subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed handgun, may have the permit
 1174 suspended by the court before which such charge is pending or by the court that issued the permit.

1175 C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,
 1176 possess, or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State
 1177 Police and the person whose permit was revoked of the revocation.

1178 **§ 18.2-308.014. Reciprocity.**

1179 A. A valid concealed handgun or concealed weapon permit or license issued by another state shall
 1180 authorize the holder of such permit or license who is at least 21 years of age to carry a concealed
 1181 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous
 1182 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a
 1183 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be
 1184 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a
 1185 permit or license by persons who would be denied a permit in the Commonwealth under this article.
 1186 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General
 1187 determine whether states meet the requirements and qualifications of this subsection, (b) maintain a
 1188 registry of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry
 1189 available to law-enforcement officers for investigative purposes. The Superintendent of the State Police,
 1190 in consultation with the Attorney General, may also enter into agreements for reciprocal recognition
 1191 with any state qualifying for recognition under this subsection.

1192 B. A valid concealed handgun permit issued by Maryland shall be valid in the Commonwealth,
 1193 provided (i) the holder of the permit is licensed in Maryland to perform duties substantially similar to
 1194 those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title
 1195 54.1 and is performing such duties while in the Commonwealth, and (ii) the holder of the permit is 21
 1196 years of age or older.

1197 C. For the purposes of participation in concealed handgun reciprocity agreements with other
 1198 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty
 1199 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun
 1200 permit under this article shall be deemed a concealed handgun permit.

1201 **§ 18.2-308.015. Inclusion of Supreme Court website on application.**

1202 For the purposes of understanding the law relating to the use of deadly and lethal force, the
 1203 Department of State Police, in consultation with the Supreme Court on the development of the
 1204 application for a concealed handgun permit under this article, shall include a reference to the Virginia
 1205 Supreme Court website address or the Virginia Reports on the application.

1206 **§ 18.2-311. Prohibiting the selling or having in possession blackjacks, etc.**

1207 If any person sells or barter, or exhibits for sale or for barter, or gives or furnishes, or causes to be
 1208 sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of
 1209 selling, bartering, giving or furnishing, any blackjack, brass or metal knucks, any disc of whatever
 1210 configuration having at least two points or pointed blades which is designed to be thrown or propelled
 1211 and which may be known as a throwing star or oriental dart, switchblade knife, ballistic knife as defined
 1212 in § 18.2-307.1, or like weapons, such person shall be guilty of a Class 4 misdemeanor. The having in
 1213 one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator
 1214 of the peace, of his intent to sell, barter, give or furnish the same.

1215 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

1216 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement
 1217 officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who
 1218 is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary
 1219 teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1
 1220 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division
 1221 superintendent of the employing division as soon as practicable. The contents of the report required
 1222 pursuant to this section shall be utilized by the local school division solely to implement the provisions
 1223 of subsection B of § 22.1-296.2 and § 22.1-315.

1224 B. Every state official or agency and every sheriff, police officer, or other local law-enforcement
 1225 officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as
 1226 practicable, with the division superintendent of the school division in which the student is enrolled upon
 1227 arresting a person who is known or discovered by the arresting official to be a student age 18 or older

1228 in any public school division in this Commonwealth for:

- 1229 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
1230 et seq.), *6.1* (§ 18.2-307.1 et seq.), or 7 (§ ~~18.2-308~~ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
1231 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
1232 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
1233 Title 18.2;
1234 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
1235 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
1236 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
1237 6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1
1238 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
1239 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
1240 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
1241 9. Robbery pursuant to § 18.2-58;
1242 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or
1243 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

1244 **§ 19.2-120.1. Presumption of no bail for illegal aliens charged with certain crimes.**

1245 A. In addition to the presumption against the admission to bail under subsection B of § 19.2-120, the
1246 judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will
1247 reasonably assure the appearance of the person or the safety of the public if (i) the person is currently
1248 charged with an offense listed in subsection A of § 19.2-297.1, subsection C of § 17.1-805, any offense
1249 under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 except any offense under subsection A of § 18.2-57.2,
1250 any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under
1251 Article 2 (§ 18.2-266 et seq.), or any local ordinance substantially similar thereto, 4 (§ 18.2-279 et seq.),
1252 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), *6.1* (§ 18.2-307.1 et seq.), or 7 (§ ~~18.2-308~~ 18.2-308.1 et
1253 seq.) of Chapter 7 of Title 18.2, and (ii) the person has been identified as being illegally present in the
1254 United States by the United States Immigration and Customs Enforcement.

1255 B. Notwithstanding subsection A, no presumption shall exist under this section as to any
1256 misdemeanor offense, or any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title
1257 18.2, unless the United States Immigration and Customs Enforcement has guaranteed that, in all such
1258 cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agree
1259 to reimburse for the cost of incarceration from the time of the issuance of the detainer.

1260 **§ 19.2-386.27. Forfeiture of firearms carried in violation of Article 6.1 (§ 18.2-307.1 et seq.).**

1261 Any weapon used in the commission of a violation of ~~§ 18.2-308~~ *Article 6.1* (§ 18.2-307.1 et seq.) of
1262 *Chapter 7 of Title 18.2* shall be forfeited to the Commonwealth and may be seized by an officer as
1263 forfeited, and such as may be needed for police officers, conservators of the peace, and the Department
1264 of Forensic Science shall be devoted to that purpose, subject to any registration requirements of federal
1265 law, and the remainder shall be disposed of as provided in § 19.2-386.29.

1266 **§ 19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in
1267 violation of law.**

1268 Any firearm, stun weapon as defined by § 18.2-308.1, or any weapon concealed, possessed,
1269 transported or carried in violation of §§ § 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2,
1270 18.2-308.1:3, 18.2-308.1:4, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.7,
1271 or ~~§~~18.2-308.8 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

1272 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

1273 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers
1274 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
1275 voting booth and furnishing an official ballot to him.

1276 B. An officer of election shall ask the voter for his full name and current residence address and
1277 repeat, in a voice audible to party and candidate representatives present, the full name and address stated
1278 by the voter. The officer shall ask the voter to present any one of the following forms of identification:
1279 his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's
1280 license, his concealed handgun permit issued pursuant to ~~§ 18.2-308~~ 18.2-308.04, or any other
1281 identification card issued by a government agency of the Commonwealth, one of its political
1282 subdivisions, or the United States; any valid student identification card issued by any institution of
1283 higher education located in the Commonwealth of Virginia; any valid employee identification card
1284 containing a photograph of the voter and issued by an employer of the voter in the ordinary course of
1285 the employer's business; or a copy of a current utility bill, bank statement, government check, or
1286 paycheck that shows the name and address of the voter.

1287 Any voter who does not show one of the forms of identification specified in this subsection shall be
1288 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall

1289 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or
1290 electoral board other than matching submitted identification documents from the voter for the electoral
1291 board to make a determination on whether to count the ballot.

1292 If the voter's name is found on the pollbook, if he presents one of the forms of identification listed
1293 above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter,
1294 opposite the voter's name on the pollbook, the first or next consecutive number from the voter count
1295 form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic
1296 form; an officer shall provide the voter with the official ballot; and another officer shall admit him to
1297 the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and
1298 entitled to a ballot shall remain in the presence of the officers of election in the polling place until he
1299 has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await
1300 entry to the voting booths, the line shall not be permitted to extend outside of the room containing the
1301 voting booths and shall remain under observation by the officers of election.

1302 A voter may be accompanied into the voting booth by his child age 15 or younger.

1303 C. If the current residence address stated by the voter is different from the address shown on the
1304 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
1305 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
1306 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
1307 envelope provided for such forms for transmission to the general registrar who shall then transfer or
1308 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

1309 D. At the time the voter is asked his full name and current residence address, the officer of election
1310 shall ask any voter for whom the pollbook indicates that an identification number other than a social
1311 security number is recorded on the Virginia voter registration system if he presently has a social security
1312 number. If the voter is able to provide his social security number, he shall be furnished with a voter
1313 registration form prescribed by the State Board to update his registration information. Upon its
1314 completion, the form shall be placed by the officer of election in an envelope provided for such forms
1315 for transmission to the general registrar. Any social security numbers so provided shall be entered by the
1316 general registrar in the voter's record on the voter registration system.

1317 E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any
1318 voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of
1319 2002 to show identification the first time the voter votes in a federal election in the state. At such
1320 election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current
1321 utility bill, bank statement, government check, paycheck or other government document that shows the
1322 name and address of the voter. Such individual who desires to vote in person but who does not show
1323 one of the forms of identification specified in this subsection shall be offered a provisional ballot under
1324 the provisions of § 24.2-653. Neither the identification requirements of subsection B, nor the
1325 identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The
1326 State Board of Elections shall provide instructions to the electoral boards for the handling and counting
1327 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

1328 **2. That the provisions of this act are declaratory of existing law.**