

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-260, 17.1-406, 18.2-57.3, 18.2-287.01, 18.2-308, 18.2-311,*  
3 *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*  
4 *the Code of Virginia by adding in Chapter 7 of Title 18.2 an article numbered 6.1, consisting of*  
5 *sections numbered 18.2-307.1 through 18.2-308.015, relating to reorganizing and recodifying the law*  
6 *related to carrying concealed weapons and concealed handgun permits.*

7 [H 1833]  
8 Approved

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

10 **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,**  
11 **19.2-386.27, 19.2-386.28, and 24.2-643 of the Code of Virginia are amended and reenacted and that**  
12 **the Code of Virginia is amended by adding in Chapter 7 of Title 18.2 an article numbered 6.1,**  
13 **consisting of sections numbered 18.2-307.1 through 18.2-308.015, as follows:**

14 **§ 16.1-260. Intake; petition; investigation.**

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

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

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

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

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

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

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

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

114 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an  
115 adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in  
116 writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate  
117 determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic

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

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

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

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

134 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299  
 135 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;

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

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

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

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

142 6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1  
 143 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

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

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

146 9. Robbery pursuant to § 18.2-58;

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

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

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

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

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

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

155 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and  
 156 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating  
 157 surfing or any ordinance establishing curfew violations, animal control violations or littering violations.  
 158 In such cases the court may proceed on a summons issued by the officer investigating the violation in  
 159 the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle  
 160 accident may, at the scene of the accident or at any other location where a juvenile who is involved in  
 161 such an accident may be located, proceed on a summons in lieu of filing a petition.

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

164 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  
 165 commission of any other alcohol-related offense, provided the juvenile is released to the custody of a  
 166 parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of  
 167 a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons  
 168 requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the  
 169 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  
 170 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  
 171 sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to  
 172 §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed  
 173 except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be  
 174 served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to  
 175 the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons,  
 176 the juvenile shall be entitled to have the charge referred to intake for consideration of informal  
 177 proceedings pursuant to subsection B, provided such right is exercised by written notification to the  
 178 clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1

179 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge  
 180 referred to intake on a form approved by the Supreme Court and make return of such service to the  
 181 court. If the officer fails to make such service or return, the court shall dismiss the summons without  
 182 prejudice.

183 4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or  
 184 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in  
 185 § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as  
 186 provided by law for adults provided that notice of the summons to appear is mailed by the investigating  
 187 officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

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

190 **§ 17.1-406. Petitions for appeal; cases over which Court of Appeals does not have jurisdiction.**

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

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

208 **§ 18.2-57.3. Persons charged with first offense of assault and battery against a family or  
 209 household member may be placed on local community-based probation; conditions; education and  
 210 treatment programs; costs and fees; violations; discharge.**

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

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

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

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

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

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

239 E. Upon fulfillment of the terms and conditions specified in the court order, the court shall discharge

240 the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be  
 241 without adjudication of guilt and is a conviction only for the purposes of applying this section in  
 242 subsequent proceedings. No charges dismissed pursuant to this section shall be eligible for expungement  
 243 under § 19.2-392.2.

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

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

249 **§ 18.2-287.01. Carrying weapon in air carrier airport terminal.**

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

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

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

269 *Article 6.1.*

270 *Concealed Weapons and Concealed Handgun Permits.*

271 **§ 18.2-307.1. Definitions.**

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

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

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

278 *"Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,*  
 279 *law-enforcement agents of the armed forces of the United States and the Naval Criminal Investigative*  
 280 *Service, and federal agents who are otherwise authorized to carry weapons by federal law.*

281 *"Law-enforcement officer" also means any sworn full-time law-enforcement officer employed by a*  
 282 *law-enforcement agency of the United States or any state or political subdivision thereof, whose duties*  
 283 *are substantially similar to those set forth in § 9.1-101.*

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

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

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

292 **§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

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

301 subsection, he shall be is guilty of a Class 1 misdemeanor. A second violation of this section or a  
302 conviction under this section subsequent to any conviction under any substantially similar ordinance of  
303 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such  
304 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be  
305 deemed to be hidden from common observation when it is observable but is of such deceptive  
306 appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of  
307 clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid  
308 concealed handgun permit.

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

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

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

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

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

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

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

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

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

354 7a. Any person who is eligible for retirement with at least 20 years of service with a  
355 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from  
356 such law-enforcement agency or board to accept a position covered by a retirement system that is  
357 authorized under Title 51.1, provided such person carries with him written proof of consultation with  
358 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement  
359 officer of the agency from which he resigned or, in the case of special agents, issued by the State  
360 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation  
361 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State

362 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall  
 363 not without cause withhold such written proof if the law-enforcement officer otherwise meets the  
 364 requirements of this section.

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

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

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

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

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

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

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

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

399 1. Carriers of the United States mail;

400 2. Officers or guards of any state correctional institution;

401 3. ~~[Repealed.]~~

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

408 ~~5.~~ 4. Noncustodial employees of the Department of Corrections designated to carry weapons by the  
 409 Director of the Department of Corrections pursuant to § 53.1-29; and

410 ~~6.~~ 5. Harbormaster of the City of Hopewell.

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

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

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

458 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or  
459 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

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

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

466 3. (Effective October 1, 2012) An individual who was ineligible to possess a firearm pursuant to §  
467 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five  
468 years before the date of his application for a concealed handgun permit.

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

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

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

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

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

483 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

544 5. Presenting evidence of equivalent experience with a firearm through participation in organized

545 shooting competition or current military service or proof of an honorable discharge from any branch of  
546 the armed services;

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

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

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

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

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

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

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

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

602 J. Any person convicted of an offense that would disqualify that person from obtaining a permit  
603 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and  
604 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the  
605 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a

606 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the  
 607 court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of  
 608 such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this  
 609 subsection, and shall promptly notify the State Police and the person whose permit was revoked of the  
 610 revocation.

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

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

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

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

633 K. No fee shall be charged for the issuance of such permit to a person who has retired from service  
 634 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control  
 635 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and  
 636 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the  
 637 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement  
 638 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and  
 639 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and  
 640 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals  
 641 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching  
 642 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United  
 643 States, the District of Columbia or any of the territories of the United States, after completing 15 years  
 644 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)  
 645 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or  
 646 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching  
 647 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,  
 648 including his costs associated with the consultation with law-enforcement agencies. The local  
 649 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to  
 650 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any  
 651 amount assessed by the Federal Bureau of Investigation for providing criminal history record  
 652 information, and the local law-enforcement agency shall forward the amount assessed by the Federal  
 653 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State  
 654 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.  
 655 The total amount assessed for processing an application for a permit shall not exceed \$50, with such  
 656 fees to be paid in one sum to the person who receives the application. Payment may be made by any  
 657 method accepted by that court for payment of other fees or penalties. No payment shall be required until  
 658 the application is received by the court as a complete application. The order issuing such permit, or the  
 659 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall  
 660 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police  
 661 shall enter the permittee's name and description in the Virginia Criminal Information Network so that  
 662 the permit's existence and current status will be made known to law-enforcement personnel accessing the  
 663 Network for investigative purposes. The State Police shall withhold from public disclosure permittee  
 664 information submitted to the State Police for purposes of entry into the Virginia Criminal Information  
 665 Network, except that such information shall not be withheld from any law-enforcement agency, officer,  
 666 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such

667 information be withheld from an entity that has a valid contract with any local, state, or federal  
 668 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.  
 669 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State  
 670 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)  
 671 statistical summaries, abstracts, or other records containing information in an aggregate form that does  
 672 not identify any individual permittees.

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

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

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

694 M. For purposes of this section:

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

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

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

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

710 N. As used in this article:

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

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

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

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

728 to law-enforcement officers for investigative purposes. The Superintendent of the State Police, in  
729 consultation with the Attorney General, may also enter into agreements for reciprocal recognition with  
730 any state qualifying for recognition under this subsection.

731 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the  
732 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant  
733 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified  
734 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card  
735 provided by the Department of State Police for the purpose of obtaining the applicant's state or national  
736 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall  
737 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive  
738 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the  
739 Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
740 regarding the applicant and obtaining fingerprint identification information from federal records pursuant  
741 to criminal investigations by state and local law-enforcement agencies. The application shall be made  
742 under oath before a notary or other person qualified to take oaths on a form provided by the Department  
743 of State Police, requiring only that information necessary to determine eligibility for the permit. If the  
744 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked  
745 and the person shall return the permit after being so notified by the Department of State Police. The  
746 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to  
747 the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

789 nonresident concealed handgun permit.

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

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

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

803 **§ 18.2-308.01. Carrying a concealed handgun with a permit.**

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

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

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

824 **§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.**

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

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

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

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

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

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

848 5. Presenting evidence of equivalent experience with a firearm through participation in organized  
849 shooting competition or current military service or proof of an honorable discharge from any branch of

850 *the armed services;*

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

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

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

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

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

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

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

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

873 **§ 18.2-308.03. Fees for concealed handgun permits.**

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

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

901 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

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

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

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



911 *D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to*  
 912 *applicants who have submitted complete applications, for whom the criminal history records check does*  
 913 *not indicate a disqualification and, after consulting with either the sheriff or police department of the*  
 914 *county or city, about which application there are no outstanding questions or issues. The court clerk*  
 915 *shall be immune from suit arising from any acts or omissions relating to the issuance of concealed*  
 916 *handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent*  
 917 *or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any*  
 918 *defense or immunity already existing in statutory or common law, or to affect any cause of action*  
 919 *accruing prior to July 1, 2010.*

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

927 **§ 18.2-308.05. Issuance of a de facto permit.**

928 *If the court has not issued the permit or determined that the applicant is disqualified within 45 days*  
 929 *of the date of receipt noted on the application, the clerk shall certify on the application that the 45-day*  
 930 *period has expired, and mail or send via electronic mail a copy of the certified application to the*  
 931 *applicant within five business days of the expiration of the 45-day period. The certified application shall*  
 932 *serve as a de facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid*  
 933 *concealed handgun permit when presented with a valid government-issued photo identification pursuant*  
 934 *to subsection A of § 18.2-308.01, until the court issues a five-year permit or finds the applicant to be*  
 935 *disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the applicant*  
 936 *shall surrender the de facto permit to the court and the disqualification shall be deemed a denial of the*  
 937 *permit and a revocation of the de facto permit.*

938 **§ 18.2-308.06. Nonresident concealed handgun permits.**

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

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

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

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

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

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

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

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



- 972 7. Completing any firearms training or safety course or class, including an electronic, video, or  
 973 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;  
 974 8. Completing any governmental police agency firearms training course and qualifying to carry a  
 975 firearm in the course of normal police duties; or  
 976 9. Completing any other firearms training that the Virginia Department of State Police deems  
 977 adequate.
- 978 A photocopy of a certificate of completion of any such course or class; an affidavit from the  
 979 instructor, school, club, organization, or group that conducted or taught such course or class attesting  
 980 to the completion of the course or class by the applicant; or a copy of any document that shows  
 981 completion of the course or class or evidences participation in firearms competition shall satisfy the  
 982 requirement for demonstration of competence with a handgun.
- 983 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the  
 984 background check and issuance of the permit. Any fees collected shall be deposited in a special account  
 985 to be used to offset the costs of administering the nonresident concealed handgun permit program.
- 986 D. The permit to carry a concealed handgun shall contain only the following information: name,  
 987 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the  
 988 permittee; the signature of the Superintendent of the Virginia Department of State Police or his  
 989 designee; the date of issuance; and the expiration date.
- 990 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the  
 991 Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for  
 992 obtaining a nonresident concealed handgun permit.
- 993 **§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.**
- 994 A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, or the copy of the permit  
 995 application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, shall be provided to  
 996 the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The  
 997 State Police shall enter the permittee's name and description in the Virginia Criminal Information  
 998 Network so that the permit's existence and current status will be made known to law-enforcement  
 999 personnel accessing the Network for investigative purposes.
- 1000 B. The Department of State Police shall enter the name and description of a person issued a  
 1001 nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the  
 1002 permit's existence and current status are known to law-enforcement personnel accessing the Network for  
 1003 investigative purposes.
- 1004 C. The State Police shall withhold from public disclosure permittee information submitted to the  
 1005 State Police for purposes of entry into the Virginia Criminal Information Network, except that such  
 1006 information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof  
 1007 acting in the performance of official law-enforcement duties, nor shall such information be withheld  
 1008 from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the  
 1009 purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection  
 1010 shall be construed to prohibit the release of (i) records by the State Police concerning permits issued to  
 1011 nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or  
 1012 other records containing information in an aggregate form that does not identify any individual  
 1013 permittees.
- 1014 **§ 18.2-308.08. Denial of a concealed handgun permit; appeal.**
- 1015 A. Only a circuit court judge may deny issuance of a concealed handgun permit to a Virginia  
 1016 resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order denying  
 1017 issuance of a concealed handgun permit shall state the basis for the denial of the permit, including, if  
 1018 applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk shall provide  
 1019 notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and  
 1020 the requirements for perfecting an appeal of such order.
- 1021 B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket  
 1022 for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be  
 1023 appointed, and the rules of evidence shall apply. The final order of the court shall include the court's  
 1024 findings of fact and conclusions of law.
- 1025 C. Any person denied a permit to carry a concealed handgun by the circuit court may present a  
 1026 petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the  
 1027 expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested,  
 1028 within 60 days of the entry of the final order of the circuit court following the hearing. The petition  
 1029 shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the  
 1030 order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the  
 1031 decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if  
 1032 the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be

1033 paid by the Commonwealth.

1034 **§ 18.2-308.09. Disqualifications for a concealed handgun permit.**

1035 The following persons shall be deemed disqualified from obtaining a permit:

1036 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or  
1037 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

1038 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was  
1039 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before  
1040 the date of his application for a concealed handgun permit.

1041 3. (Effective until October 1, 2012) An individual who was ineligible to possess a firearm pursuant  
1042 to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 37.2-1012 less than five  
1043 years before the date of his application for a concealed handgun permit.

1044 3. (Effective October 1, 2012) An individual who was ineligible to possess a firearm pursuant to  
1045 § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five  
1046 years before the date of his application for a concealed handgun permit.

1047 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released  
1048 from commitment less than five years before the date of this application for a concealed handgun  
1049 permit.

1050 5. An individual who is subject to a restraining order, or to a protective order and prohibited by  
1051 § 18.2-308.1:4 from purchasing or transporting a firearm.

1052 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except  
1053 that a permit may be obtained in accordance with subsection C of that section.

1054 7. An individual who has been convicted of two or more misdemeanors within the five-year period  
1055 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the  
1056 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.  
1057 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this  
1058 disqualification.

1059 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic  
1060 cannabinoids, or any controlled substance.

1061 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local  
1062 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other  
1063 state, the District of Columbia, the United States, or its territories within the three-year period  
1064 immediately preceding the application, or who is a habitual drunkard as determined pursuant to  
1065 § 4.1-333.

1066 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

1067 11. An individual who has been discharged from the armed forces of the United States under  
1068 dishonorable conditions.

1069 12. An individual who is a fugitive from justice.

1070 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by  
1071 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief  
1072 of police, or attorney for the Commonwealth may submit to the court a sworn, written statement  
1073 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based  
1074 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is  
1075 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief  
1076 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such  
1077 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the  
1078 specific acts, or upon a written statement made under oath before a notary public of a competent person  
1079 having personal knowledge of the specific acts.

1080 14. An individual who has been convicted of any assault, assault and battery, sexual battery,  
1081 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in  
1082 violation of § 18.2-282 within the three-year period immediately preceding the application.

1083 15. An individual who has been convicted of stalking.

1084 16. An individual whose previous convictions or adjudications of delinquency were based on an  
1085 offense that would have been at the time of conviction a felony if committed by an adult under the laws  
1086 of any state, the District of Columbia, the United States or its territories. For purposes of this  
1087 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the  
1088 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or  
1089 adjudication shall be deemed to be "previous convictions."

1090 17. An individual who has a felony charge pending or a charge pending for an offense listed in  
1091 subdivision 14 or 15.

1092 18. An individual who has received mental health treatment or substance abuse treatment in a  
1093 residential setting within five years prior to the date of his application for a concealed handgun permit.

1094 19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period  
 1095 immediately preceding the application for the permit, was found guilty of any criminal offense set forth  
 1096 in Article 1 (§ 18.2-247 et seq.) or of a criminal offense of illegal possession or distribution of  
 1097 marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District  
 1098 of Columbia, or the United States or its territories.

1099 20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the  
 1100 three-year period immediately preceding the application, upon a charge of any criminal offense set forth  
 1101 in Article 1 (§ 18.2-247 et seq.) or upon a charge of illegal possession or distribution of marijuana,  
 1102 synthetic cannabinoids, or any controlled substance under the laws of any state, the District of  
 1103 Columbia, or the United States or its territories, the trial court found that the facts of the case were  
 1104 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially  
 1105 similar law of any other state, the District of Columbia, or the United States or its territories.

1106 **§ 18.2-308.010. Renewal of concealed handgun permit.**

1107 A. 1. Persons who previously have held a concealed handgun permit shall be issued, upon  
 1108 application as provided in § 18.2-308.02, a new five-year permit unless it is found that the applicant is  
 1109 subject to any of the disqualifications set forth in § 18.2-308.09. Persons who previously have been  
 1110 issued a concealed handgun permit pursuant to this article shall not be required to appear in person to  
 1111 apply for a new five-year permit pursuant to this section, and the application for the new permit may be  
 1112 submitted via the United States mail. The circuit court that receives the application shall promptly notify  
 1113 an applicant if the application is incomplete or if the fee submitted for the permit pursuant to  
 1114 § 18.2-308.03 is incorrect.

1115 2. If a new five-year permit is issued while an existing permit remains valid, the new five-year permit  
 1116 shall become effective upon the expiration date of the existing permit, provided that the application is  
 1117 received by the court at least 90 days but no more than 180 days prior to the expiration of the existing  
 1118 permit.

1119 3. Any order denying issuance of the new permit shall be in accordance with subsection A of  
 1120 § 18.2-308.08.

1121 B. If a permit holder is a member of the Virginia National Guard, armed forces of the United States,  
 1122 or the Armed Forces Reserves of the United States, and his five-year permit expires during an  
 1123 active-duty military deployment outside of the permittee's county or city of residence, such permit shall  
 1124 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued  
 1125 validity of the permit, such a permittee shall carry with him and display, upon request of a  
 1126 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the  
 1127 permittee's commanding officer that order the permittee to travel outside of his county or city of  
 1128 residence and that indicate the start and end date of such deployment.

1129 **§ 18.2-308.011. Replacement permits.**

1130 A. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation  
 1131 of the valid permit and proof of a new address of residence by the permit holder, issue a replacement  
 1132 permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's  
 1133 new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and  
 1134 the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount  
 1135 assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such  
 1136 fees to be paid in one sum to the person who receives the information for the replacement permit.

1137 B. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission  
 1138 of a notarized statement by the permit holder that the permit was lost or destroyed, issue a replacement  
 1139 permit. The replacement permit shall have the same expiration date as the permit that was lost or  
 1140 destroyed. The clerk shall issue the replacement permit within 10 business days of receiving the  
 1141 notarized statement, and may charge a fee not to exceed \$5.

1142 **§ 18.2-308.012. Prohibited conduct.**

1143 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or  
 1144 illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor.  
 1145 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the  
 1146 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,  
 1147 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public  
 1148 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon  
 1149 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify  
 1150 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply  
 1151 for a concealed handgun permit for a period of five years.

1152 B. No person who carries a concealed handgun onto the premises of any restaurant or club as  
 1153 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises  
 1154 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 may

1155 consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto  
 1156 the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2  
 1157 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local  
 1158 law-enforcement officer.

1159 **§ 18.2-308.013. Suspension or revocation of permit.**

1160 A. Any person convicted of an offense that would disqualify that person from obtaining a permit  
 1161 under § 18.2-308.09 or who violates subsection C of § 18.2-308.02 shall forfeit his permit for a  
 1162 concealed handgun and surrender it to the court. Upon receipt by the Central Criminal Records  
 1163 Exchange of a record of the arrest, conviction, or occurrence of any other event that would disqualify a  
 1164 person from obtaining a concealed handgun permit under § 18.2-308.09, the Central Criminal Records  
 1165 Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction, or  
 1166 other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person  
 1167 disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose  
 1168 permit was revoked of the revocation.

1169 B. An individual who has a felony charge pending or a charge pending for an offense listed in  
 1170 subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed handgun, may have the permit  
 1171 suspended by the court before which such charge is pending or by the court that issued the permit.

1172 C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,  
 1173 possess, or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State  
 1174 Police and the person whose permit was revoked of the revocation.

1175 **§ 18.2-308.014. Reciprocity.**

1176 A. A valid concealed handgun or concealed weapon permit or license issued by another state shall  
 1177 authorize the holder of such permit or license who is at least 21 years of age to carry a concealed  
 1178 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous  
 1179 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a  
 1180 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be  
 1181 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a  
 1182 permit or license by persons who would be denied a permit in the Commonwealth under this article.  
 1183 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General  
 1184 determine whether states meet the requirements and qualifications of this subsection, (b) maintain a  
 1185 registry of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry  
 1186 available to law-enforcement officers for investigative purposes. The Superintendent of the State Police,  
 1187 in consultation with the Attorney General, may also enter into agreements for reciprocal recognition  
 1188 with any state qualifying for recognition under this subsection.

1189 B. A valid concealed handgun permit issued by Maryland shall be valid in the Commonwealth,  
 1190 provided (i) the holder of the permit is licensed in Maryland to perform duties substantially similar to  
 1191 those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title  
 1192 54.1 and is performing such duties while in the Commonwealth, and (ii) the holder of the permit is 21  
 1193 years of age or older.

1194 C. For the purposes of participation in concealed handgun reciprocity agreements with other  
 1195 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty  
 1196 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun  
 1197 permit under this article shall be deemed a concealed handgun permit.

1198 **§ 18.2-308.015. Inclusion of Supreme Court website on application.**

1199 For the purposes of understanding the law relating to the use of deadly and lethal force, the  
 1200 Department of State Police, in consultation with the Supreme Court on the development of the  
 1201 application for a concealed handgun permit under this article, shall include a reference to the Virginia  
 1202 Supreme Court website address or the Virginia Reports on the application.

1203 **§ 18.2-311. Prohibiting the selling or having in possession blackjacks, etc.**

1204 If any person sells or barter, or exhibits for sale or for barter, or gives or furnishes, or causes to be  
 1205 sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of  
 1206 selling, bartering, giving or furnishing, any blackjack, brass or metal knucks, any disc of whatever  
 1207 configuration having at least two points or pointed blades which is designed to be thrown or propelled  
 1208 and which may be known as a throwing star or oriental dart, switchblade knife, ballistic knife as defined  
 1209 in § 18.2-307.1, or like weapons, such person shall be is guilty of a Class 4 misdemeanor. The having in  
 1210 one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator  
 1211 of the peace, of his intent to sell, barter, give or furnish the same.

1212 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

1213 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement  
 1214 officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who  
 1215 is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary

1216 teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1  
 1217 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division  
 1218 superintendent of the employing division as soon as practicable. The contents of the report required  
 1219 pursuant to this section shall be utilized by the local school division solely to implement the provisions  
 1220 of subsection B of § 22.1-296.2 and § 22.1-315.

1221 B. Every state official or agency and every sheriff, police officer, or other local law-enforcement  
 1222 officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as  
 1223 practicable, with the division superintendent of the school division in which the student is enrolled upon  
 1224 arresting a person who is known or discovered by the arresting official to be a student age 18 or older  
 1225 in any public school division in this Commonwealth for:

1226 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299  
 1227 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;

1228 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

1229 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of  
 1230 Title 18.2;

1231 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

1232 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,  
 1233 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

1234 6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1  
 1235 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

1236 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

1237 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

1238 9. Robbery pursuant to § 18.2-58;

1239 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or

1240 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

1241 **§ 19.2-120.1. Presumption of no bail for illegal aliens charged with certain crimes.**

1242 A. In addition to the presumption against the admission to bail under subsection B of § 19.2-120, the  
 1243 judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will  
 1244 reasonably assure the appearance of the person or the safety of the public if (i) the person is currently  
 1245 charged with an offense listed in subsection A of § 19.2-297.1, subsection C of § 17.1-805, any offense  
 1246 under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 except any offense under subsection A of § 18.2-57.2,  
 1247 any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under  
 1248 Article 2 (§ 18.2-266 et seq.), or any local ordinance substantially similar thereto, 4 (§ 18.2-279 et seq.),  
 1249 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  
 1250 seq.) of Chapter 7 of Title 18.2, and (ii) the person has been identified as being illegally present in the  
 1251 United States by the United States Immigration and Customs Enforcement.

1252 B. Notwithstanding subsection A, no presumption shall exist under this section as to any  
 1253 misdemeanor offense, or any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title  
 1254 18.2, unless the United States Immigration and Customs Enforcement has guaranteed that, in all such  
 1255 cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agree  
 1256 to reimburse for the cost of incarceration from the time of the issuance of the detainer.

1257 **§ 19.2-386.27. Forfeiture of firearms carried in violation of Article 6.1 (§ 18.2-307.1 et seq.).**

1258 Any weapon used in the commission of a violation of § ~~18.2-308~~ Article 6.1 (§ 18.2-307.1 et seq.) of  
 1259 Chapter 7 of Title 18.2 shall be forfeited to the Commonwealth and may be seized by an officer as  
 1260 forfeited, and such as may be needed for police officers, conservators of the peace, and the Department  
 1261 of Forensic Science shall be devoted to that purpose, subject to any registration requirements of federal  
 1262 law, and the remainder shall be disposed of as provided in § 19.2-386.29.

1263 **§ 19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in**  
 1264 **violation of law.**

1265 Any firearm, stun weapon as defined by § 18.2-308.1, or any weapon concealed, possessed,  
 1266 transported or carried in violation of §§ 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3,  
 1267 18.2-308.1:4, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, 18.2-308.7, or §  
 1268 18.2-308.8 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

1269 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

1270 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers  
 1271 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the  
 1272 voting booth and furnishing an official ballot to him.

1273 B. An officer of election shall ask the voter for his full name and current residence address and  
 1274 repeat, in a voice audible to party and candidate representatives present, the full name and address stated  
 1275 by the voter. The officer shall ask the voter to present any one of the following forms of identification:  
 1276 his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's

1277 license, his concealed handgun permit issued pursuant to § ~~18.2-308~~ 18.2-308.04, or any other  
 1278 identification card issued by a government agency of the Commonwealth, one of its political  
 1279 subdivisions, or the United States; any valid student identification card issued by any institution of  
 1280 higher education located in the Commonwealth of Virginia; any valid employee identification card  
 1281 containing a photograph of the voter and issued by an employer of the voter in the ordinary course of  
 1282 the employer's business; or a copy of a current utility bill, bank statement, government check, or  
 1283 paycheck that shows the name and address of the voter.

1284 Any voter who does not show one of the forms of identification specified in this subsection shall be  
 1285 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall  
 1286 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or  
 1287 electoral board other than matching submitted identification documents from the voter for the electoral  
 1288 board to make a determination on whether to count the ballot.

1289 If the voter's name is found on the pollbook, if he presents one of the forms of identification listed  
 1290 above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter,  
 1291 opposite the voter's name on the pollbook, the first or next consecutive number from the voter count  
 1292 form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic  
 1293 form; an officer shall provide the voter with the official ballot; and another officer shall admit him to  
 1294 the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and  
 1295 entitled to a ballot shall remain in the presence of the officers of election in the polling place until he  
 1296 has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await  
 1297 entry to the voting booths, the line shall not be permitted to extend outside of the room containing the  
 1298 voting booths and shall remain under observation by the officers of election.

1299 A voter may be accompanied into the voting booth by his child age 15 or younger.

1300 C. If the current residence address stated by the voter is different from the address shown on the  
 1301 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the  
 1302 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties  
 1303 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an  
 1304 envelope provided for such forms for transmission to the general registrar who shall then transfer or  
 1305 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

1306 D. At the time the voter is asked his full name and current residence address, the officer of election  
 1307 shall ask any voter for whom the pollbook indicates that an identification number other than a social  
 1308 security number is recorded on the Virginia voter registration system if he presently has a social security  
 1309 number. If the voter is able to provide his social security number, he shall be furnished with a voter  
 1310 registration form prescribed by the State Board to update his registration information. Upon its  
 1311 completion, the form shall be placed by the officer of election in an envelope provided for such forms  
 1312 for transmission to the general registrar. Any social security numbers so provided shall be entered by the  
 1313 general registrar in the voter's record on the voter registration system.

1314 E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any  
 1315 voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of  
 1316 2002 to show identification the first time the voter votes in a federal election in the state. At such  
 1317 election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current  
 1318 utility bill, bank statement, government check, paycheck or other government document that shows the  
 1319 name and address of the voter. Such individual who desires to vote in person but who does not show  
 1320 one of the forms of identification specified in this subsection shall be offered a provisional ballot under  
 1321 the provisions of § 24.2-653. Neither the identification requirements of subsection B, nor the  
 1322 identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The  
 1323 State Board of Elections shall provide instructions to the electoral boards for the handling and counting  
 1324 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

1325 **2. That the provisions of this act are declaratory of existing law.**