13104199D

1                **SENATE BILL NO. 1136**
2         AMENDMENT IN THE NATURE OF A SUBSTITUTE
3       (Proposed by the Senate Committee for Courts of Justice
4                  on January 18, 2013)
5    (Patrons Prior to Substitute—Senators McEachin and Ebbin [SB 1232])
6  *A BILL to amend the Code of Virginia by adding a section numbered 18.2-308.1:01, relating to*
7    *transfers of firearms; penalties.*
8    **Be it enacted by the General Assembly of Virginia:**
9  **1. That the Code of Virginia is amended by adding a section numbered 18.2-308.1:01 as follows:**
10    *§ 18.2-308.1:01. Firearm transfers.*
11    *A. Any person other than a licensed dealer who sells, rents, trades, or transfers any firearm to any*
12  *person other than a licensed dealer is guilty of a Class 2 misdemeanor.*
13    *B. Any person other than a licensed dealer who buys, rents, trades, or transfers any firearm from*
14  *any person other than a licensed dealer is guilty of a Class 2 misdemeanor.*
15    *C. If neither party to a prospective firearm transfer is a licensed dealer, the parties to the*
16  *transaction shall complete the transfer through a licensed dealer.*
17    *D. Notwithstanding subsection A, B, or C, unless otherwise prohibited by state or federal law, any*
18  *person may transfer a firearm to any other person if:*
19    *1. The transfer is a bona fide gift made by or to a member of a person's immediate family as defined*
20  *in § 6.2-1300;*
21    *2. The transfer occurs by operation of law;*
22    *3. The transferor is an executor or administrator of an estate or is a trustee of a trust created by a*
23  *will;*
24    *4. The transfer is temporary and occurs within the home of the transferor when:*
25    *a. The transferee is not prohibited by any other law from possessing a firearm; and*
26    *b. The transfer is necessary to prevent imminent death or great bodily harm; or*
27    *5. The transfer is temporary and occurs (i) at a shooting range, (ii) at a target shooting competition,*
28  *or (iii) while the transferor and transferee are engaged in lawful hunting.*