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SENATE BILL NO. 1281

Offered January 15, 2013

A BILL to amend the Code of Virginia by adding a section numbered 18.2-308.2:4 relating to firearm sales; criminal history record information checks; penalties.

Patron—Deeds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.2:4 as follows:

§ 18.2-308.2:4. *Criminal history record information check required to sell firearm; penalties.*

No person shall transfer a firearm unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser or transferee has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser or transferee is not prohibited under state or federal law from possessing a firearm. The Department of State Police shall provide a means by which sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$15 for obtaining criminal history record information checks on behalf of sellers.

Any person who did not obtain verification from a licensed firearms dealer that the Department of State Police had determined that the prospective purchaser or transferee is not prohibited under state or federal law from possessing a firearm who willfully and intentionally sells, rents, trades, or transfers a firearm to a person who is prohibited under state or federal law from possessing a firearm is guilty of a Class 6 felony.

Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by law is guilty of a Class 2 misdemeanor.

Any person who willfully and intentionally makes a materially false statement on the consent form required by § 18.2-308.2:2 is guilty of a Class 5 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB1281