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HOUSE BILL NO. 100

House Amendments in [] — January 21, 2014

A *BILL to amend and reenact §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia, relating to concealed handgun permits; records.*

Patron Prior to Engrossment—Delegate Lingamfelter

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02 and 18.2-308.011 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties. *The prohibition on public disclosure of information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit [in any order book] before July 1, 2008, [from any order book or other records maintained by the clerk however any other concealed*

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59 *handgun records maintained by the clerk shall be withheld from public disclosure] .*

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

64 **§ 18.2-308.011. Replacement permits.**

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

72 B. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon submission
73 of a notarized statement by the permit holder that the permit was lost or destroyed *or that the permit*
74 *holder has undergone a legal name change*, issue a replacement permit. The replacement permit shall
75 have the same expiration date as the permit that was lost ~~or~~, destroyed, *or issued to the permit holder*
76 *under a previous name*. The clerk shall issue the replacement permit within 10 business days of
77 receiving the notarized statement, and may charge a fee not to exceed \$5.