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HOUSE BILL NO. 1923

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend the Code of Virginia by adding a section numbered 18.2-308.2:5, relating to firearm transfers; criminal history record information checks; penalty.

Patron—Murphy

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-308.2:5 as follows:****§ 18.2-308.2:5. Criminal history record information check required to transfer firearm; penalty.**

A. No person shall sell, rent, trade, or 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 transferors 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 transferors. Any person who willfully and intentionally sells, rents, trades, or transfers a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may transfer a firearm to another person if:

1. The transfer is a bona fide gift made by or to a member of the transferor's immediate family as defined in § 6.2-1300;

2. The transfer occurs by operation of law; or

3. The transferor is an executor or administrator of an estate or is a trustee of a testamentary trust and the firearm transferred is property of such estate or trust.

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 2 of the Acts of Assembly of 2014, 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

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