

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-295.1, relating to*
3 *law-enforcement certification of certain firearms.*

4 [H 2009]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-295.1 as follows:**8 **§ 18.2-295.1. Chief law-enforcement officer certification; certain firearms.**9 *A. For purposes of this section:*10 *"Chief law-enforcement officer" shall have the same meaning as provided in § 19.2-390. "Chief*
11 *law-enforcement" officer does not include the Superintendent of State Police.*12 *"Firearm" shall have the same meaning as provided in the National Firearms Act, 26 U.S.C.*
13 *§ 5845(a), but does not include a destructive device as defined in 26 U.S.C. § 5845(f).*14 *B. When a chief law-enforcement officer's certification is required by federal law or regulation for*
15 *the transfer of a firearm, the chief law-enforcement officer shall, within 60 days of receipt of the request*
16 *for certification, provide such certification if the applicant is not prohibited by law from receiving the*
17 *firearm. If the applicant is prohibited by law from receiving the firearm, the chief law-enforcement*
18 *officer or his designee shall provide written notification to the applicant that states the reason for the*
19 *prohibition.*20 *C. If the chief law-enforcement officer fails to provide certification pursuant to subsection B within*
21 *60 days of receipt of the request for certification, the applicant has a right to an ore tenus hearing in*
22 *the circuit court for the jurisdiction served by the chief law-enforcement officer and, upon request of the*
23 *applicant made within 21 days after expiration of the 60-day period, the court shall place the matter on*
24 *the docket. The applicant may be represented by counsel, but counsel shall not be appointed, and the*
25 *rules of evidence shall apply. Unless the evidence shows that the applicant is prohibited by law from*
26 *receiving the firearm, the court shall order the chief law-enforcement officer to issue the certification*
27 *within five business days from the date of the order.*28 *D. In making the certification decision, the chief law-enforcement officer shall require of the*
29 *applicant only such information as is necessary to identify the applicant for purposes of this section or*
30 *to determine the disposition of an arrest or proceeding relevant to the applicant's eligibility to lawfully*
31 *possess or receive a firearm.*

ENROLLED

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