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HOUSE BILL NO. 736

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact §§ 18.2-308.01 through 18.2-308.04, 18.2-308.06 through 18.2-308.09, 18.2-308.011, 18.2-308.012, and 18.2-308.013 of the Code of Virginia; to amend the Code of Virginia by adding in Article 6.1 of Chapter 7 of Title 18.2 sections numbered 18.2-308.016, 18.2-308.017, and 18.2-3-08.018 and by adding a section numbered 52-4.5; and to repeal §§ 18.2-308.05 and 18.2-308.010 of the Code of Virginia, relating to lifetime concealed handgun permits; Department of State Police to issue permits; penalty.*

Patrons—Lingamfelter, Wilt, Fariss and Poindexter

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.01 through 18.2-308.04, 18.2-308.06 through 18.2-308.09, 18.2-308.011, 18.2-308.012, and 18.2-308.013 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6.1 of Chapter 7 of Title 18.2 sections numbered 18.2-308.016, 18.2-308.017, and 18.2-308.018 and by adding a section numbered 52-4.5 as follows:

§ 18.2-308.01. Carrying a concealed handgun with a permit.

A. The prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 shall not apply to a person who has a valid concealed handgun permit issued pursuant to this article.

~~The B.~~ A person who has been issued ~~the~~ a permit prior to January 1, 2015, shall have such permit on his person at all times during which he is carrying a concealed handgun and shall display the permit and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-enforcement officer.

C. A person who has been issued a permit on or after January 1, 2015, shall have such permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and shall display the permit on demand by a law-enforcement officer.

D. A person ~~to whom~~ who has been issued a nonresident permit is issued shall have such permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and shall display the permit on demand by a law-enforcement officer.

A person whose permit is extended due to deployment shall carry with him and display, upon request of a law-enforcement officer, a copy of the documents required by subsection B of § 18.2-308.010. E. A permit issued prior to January 1, 2015, to a member of the Virginia National Guard, the armed forces of the United States, or the Armed Forces Reserves of the United States, and which expires during such member's active-duty military deployment outside the member's county or city of residence, shall remain valid for 90 days after the end date of the member's deployment. In order to establish proof of continued validity of the permit, the permittee shall carry with him and display, upon request of a law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the permittee's commanding officer that order the permittee to travel outside of his county or city of residence and that indicate the start and end date of such deployment.

~~B.~~ F. Failure to display the permit and a photo identification upon demand by a law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury, provided that, as provided in subsection C, a person who has been issued a permit on or after January 1, 2015, shall only be required to display the permit upon demand by a law-enforcement officer. Any attorney for the Commonwealth of the county or city in which the alleged violation occurred may bring an action to recover the civil penalty. A court may waive such penalty upon presentation to the court of a valid permit and, for a person issued a permit before January 1, 2015, a government-issued photo identification. Any law-enforcement officer may issue a summons for the civil violation of failure to display the concealed handgun permit and, for a person issued a permit before January 1, 2015, photo identification upon demand.

~~C.~~ G. The granting of a concealed handgun permit pursuant to this article shall not thereby authorize the possession of any handgun or other weapon on property or in places where such possession is otherwise prohibited by law or is prohibited by the owner of private property.

H. The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of a process for the issuance and retention of concealed handgun permits in accordance with the provisions of this article.

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

INTRODUCED

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

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

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

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

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

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

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

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

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

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

94 9. Completing any other firearms training ~~which~~ *that the court Department of State Police* deems
95 adequate.

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

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

103 D. The clerk of court shall withhold from public disclosure the applicant's name and any other
104 information contained in a permit application *made before January 1, 2015*, or any order issuing a
105 concealed handgun permit, ~~except that made before January 1, 2015~~. *The Department of State Police*
106 *shall withhold from public disclosure the applicant's name and any other information contained in a*
107 *permit application made on or after January 1, 2015*. However, such information shall not be withheld
108 from any law-enforcement officer acting in the performance of his official duties.

109 E. An application is deemed complete when all information required to be furnished by the applicant,
110 including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and
111 received by the ~~clerk of court~~ *Department of State Police* before or concomitant with the conduct of a
112 state ~~or~~ and national criminal history records check.

113 **§ 18.2-308.03. Fees for concealed handgun permits.**

114 A. The ~~clerk~~ *Department of State Police* shall charge a fee of ~~\$10~~ *\$100* for the processing of an
115 application or issuing of a permit; ~~including his costs associated with the consultation with~~
116 ~~law-enforcement agencies~~. The local law-enforcement agency conducting the background investigation
117 may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this
118 article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for
119 providing criminal history record information, and the local law-enforcement agency shall forward the
120 amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints

taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties the Department of State Police. No payment shall be required until the application is received by the court Department of State Police as a complete application.

B. ~~No~~ The Department of State Police shall charge a fee shall be charged of \$25 for the issuance of such a permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control Board or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; ~~(iv)~~ (iii) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; ~~(v)~~ (iv) as a law-enforcement officer with any combination of the agencies listed in ~~clauses~~ clause (ii) through ~~(iv)~~ or (iii), after completing 15 years of service; ~~(vi)~~ (v) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or ~~(vii)~~ (vi) as a correctional officer as defined in § 53.1-1, after completing 15 years of service.

C. The Department of State Police shall not charge a fee for reinstatement of a permit under subsection E of § 18.2-308.013.

D. Notwithstanding the provisions of subsection A, any person who applies for a permit who, at the time of the application, possesses an unexpired permit issued prior to January 1, 2015, shall be charged a fee of \$50 for the processing of an application or issuing of a permit.

E. The Department of State Police shall charge a fee of \$50 for the conversion of a nonresident concealed handgun permit issued in accordance with § 18.2-308.06 into a resident concealed handgun permit issued in accordance with § 18.2-308.02.

§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.

A. The clerk of court shall enter on the application the date on which the application and all other information required to be submitted by the applicant is received.

B. Upon receipt of the ~~completed~~ an application completed in accordance with § 18.2-308.02, the court Department of State Police shall consult with either the sheriff or police department of the applicant's county or city and receive a report from the Central Criminal Records Exchange initiate a search of all available information from the Department of State Police and the Federal Bureau of Investigation to determine whether or not the applicant is prohibited from possessing or transporting a firearm under state or federal law.

C. B. The court Department of State Police shall issue the permit via United States mail and notify the State Police of the issuance of the permit within 45 business days of receipt of the completed application unless it is determined that the applicant is disqualified. Any ~~order~~ letter denying issuance of the a permit shall be in accordance with § 18.2-308.08. If the applicant is later found by the court Department of State Police to be disqualified after a five-year permit has been issued, the permit shall be revoked.

D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to applicants who have submitted complete applications, for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which application there are no outstanding questions or issues. The court clerk shall be immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

E. ~~The~~ C. A permit to carry a concealed handgun issued prior to January 1, 2015, shall specify only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee; the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed handgun shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the Department of State Police.

182 *D. A permit to carry a concealed handgun issued on or after January 1, 2015, shall specify only the*
183 *following information: the permittee's name, address, date of birth, gender, height, weight, color of hair,*
184 *color of eyes, and photograph; the signature of the Superintendent of State Police or his designee; and*
185 *the date of the permit's issuance. The permit to carry a concealed handgun shall be of a uniform style*
186 *prescribed by the Department of State Police.*

187 **§ 18.2-308.06. Nonresident concealed handgun permits.**

188 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the ~~Virginia~~
189 Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a
190 nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the
191 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided
192 by the Department of State Police for the purpose of obtaining the applicant's state ~~or~~ and national
193 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall
194 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive
195 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the
196 U.S. Federal Bureau of Investigation for the purpose of obtaining criminal history record information
197 regarding the applicant and obtaining fingerprint identification information from federal records pursuant
198 to criminal investigations by state and local law-enforcement agencies. The application shall be made
199 under oath before a notary or other person qualified to take oaths on a form provided by the Department
200 of State Police, requiring only that information necessary to determine eligibility for the permit. If the
201 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked
202 and the person shall return the permit after being so notified by the Department of State Police. The
203 permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall
204 apply, mutatis mutandis, to the provisions of this subsection.

205 B. The applicant shall demonstrate competence with a handgun by one of the following:

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

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

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

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

216 5. Presenting evidence of equivalent experience with a firearm through participation in organized
217 shooting competition approved by the Department of State Police or current military service or proof of
218 an honorable discharge from any branch of the armed services;

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

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

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

225 9. Completing any other firearms training that the ~~Virginia~~ Department of State Police deems
226 adequate.

227 A photocopy of a certificate of completion of any such course or class; an affidavit from the
228 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
229 the completion of the course or class by the applicant; or a copy of any document that shows
230 completion of the course or class or evidences participation in firearms competition shall satisfy the
231 requirement for demonstration of competence with a handgun.

232 C. The Department of State Police may charge a fee not to exceed ~~\$100~~ \$200 to cover the cost of
233 the background check and issuance of the permit. Any fees collected shall be deposited in a special
234 account to be used to offset the costs of administering the nonresident concealed handgun permit
235 program.

236 D. The permit to carry a concealed handgun shall contain only the following information: name,
237 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
238 permittee; the signature of the Superintendent of the ~~Virginia Department of~~ State Police or his designee;
239 the date of issuance; and the expiration date.

240 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
241 Process Act (§ 2-2-4000 et seq.), for the implementation of an application process for obtaining a
242 nonresident concealed handgun permit. Upon establishment of residency in the Commonwealth, the
243 holder of a valid nonresident concealed handgun permit may request the conversion of the permit into a

resident permit issued in accordance with the provisions of § 18.2-308.02, subject to the fee set out in subsection D of § 18.2-308.03.

§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.

A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, or the copy of the permit application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, shall be provided to the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The Department of State Police shall enter the permittee's name and description of a person issued a permit pursuant to § 18.2-308.02 in the Virginia Criminal Information Network so that the permit's existence and current status will be made known to law-enforcement personnel accessing the Network for investigative purposes.

B. The Department of State Police shall enter the name and description of a person issued a nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the permit's existence and current status are known to law-enforcement personnel accessing the Network for investigative purposes.

C. The Department of State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such information be withheld from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection shall be construed to prohibit the release of (i) records by the Department of State Police concerning permits issued to nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.

§ 18.2-308.08. Denial of a concealed handgun permit; appeal.

A. Only a circuit court judge may deny issuance of a concealed handgun permit to a Virginia resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order letter denying issuance of a concealed handgun permit shall state the basis for the denial of the permit, including, if applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk Department of State Police shall provide notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and the requirements for perfecting an appeal of such order denial to the Superintendent of State Police or his designee.

B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's findings of fact and conclusions of law. Superintendent of State Police or his designee shall review the application, the letter of denial, and all materials submitted by the applicant for consideration in the appeal and, within 30 days of the request for appeal, either grant the permit or issue a letter stating the basis of denial.

C. Any person denied a permit to carry a concealed handgun by the circuit court may present a petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be paid by the Commonwealth. The Superintendent of State Police or his designee who issues a denial letter pursuant to subsection B shall provide notice in writing of the applicant's right to an ore tenus hearing in circuit court and the requirements for perfecting an appeal of such denial, including identifying the circuit that is the proper venue for the appeal. Venue for such hearing shall be in the circuit court of the county or city nearest to the location of the applicant's residence where a division or administrative headquarters of the Department of State Police is located. Upon request of the applicant made within 21 days of the denial issued under subsection B, the court shall place the matter on the docket of the appropriate circuit court for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's findings of fact and conclusions of law.

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

305 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
306 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
307 the date of his application for a concealed handgun permit.

308 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
309 competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his
310 application for a concealed handgun permit.

311 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
312 from commitment less than five years before the date of this application for a concealed handgun
313 permit.

314 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
315 § 18.2-308.1:4 from purchasing or transporting a firearm.

316 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
317 that a permit may be obtained in accordance with subsection C of that section.

318 7. An individual who has been convicted of two or more misdemeanors within the five-year period
319 immediately preceding the application; if one of the misdemeanors was a Class 1 misdemeanor; ~~but the~~
320 ~~judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.~~
321 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
322 disqualification.

323 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic
324 cannabinoids, or any controlled substance.

325 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
326 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
327 state, the District of Columbia, the United States, or its territories within the three-year period
328 immediately preceding the application, or who is a habitual drunkard as determined pursuant to
329 § 4.1-333.

330 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

331 11. An individual who has been discharged from the armed forces of the United States under
332 dishonorable conditions.

333 12. An individual who is a fugitive from justice.

334 13. An individual who the ~~court finds~~, by a ~~preponderance of the evidence~~ *Department of State*
335 *Police determines*, based on specific acts by the applicant, is likely to use a weapon unlawfully or
336 negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may
337 submit to the ~~court~~ *Department of State Police* a sworn, written statement indicating that, in the opinion
338 of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying
339 conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon
340 unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or ~~the~~
341 attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a
342 deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a
343 written statement made under oath before a notary public of a competent person having personal
344 knowledge of the specific acts.

345 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
346 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in
347 violation of § 18.2-282 within the three-year period immediately preceding the application.

348 15. An individual who has been convicted of stalking.

349 16. An individual whose previous convictions or adjudications of delinquency were based on an
350 offense that would have been at the time of conviction a felony if committed by an adult under the laws
351 of any state, the District of Columbia, the United States or its territories. For purposes of this
352 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
353 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
354 adjudication shall be deemed to be "previous convictions."

355 17. An individual who has a felony charge pending or a charge pending for an offense listed in
356 subdivision 14 or 15.

357 18. An individual who has received mental health treatment or substance abuse treatment in a
358 residential setting within five years prior to the date of his application for a concealed handgun permit.

359 19. An individual ~~not otherwise ineligible pursuant to this article~~, who, within the three-year period
360 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
361 in Article 1 (§ 18.2-247 et seq.) or of a criminal offense of illegal possession or distribution of
362 marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District
363 of Columbia, or the United States or its territories.

364 20. An individual, ~~not otherwise ineligible pursuant to this article~~, with respect to whom, within the
365 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
366 in Article 1 (§ 18.2-247 et seq.) or upon a charge of illegal possession or distribution of marijuana,

synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

21. *An individual who is otherwise ineligible to possess a firearm pursuant to state or federal law.*

§ 18.2-308.011. Replacement permits.

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

B. ~~The clerk of a circuit court that issued a valid concealed handgun permit~~ *Department of State Police* shall, upon submission of a notarized statement by the permit holder that the permit was lost or destroyed, issue a replacement permit. ~~The replacement permit shall have the same expiration date as the permit that was lost or destroyed.~~ The clerk *Department of State Police* shall issue the replacement permit within ~~40~~ 30 business days of receiving the notarized statement, and may charge a fee not to exceed \$5 ~~\$10~~.

§ 18.2-308.012. Prohibited conduct.

A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction ~~that court~~ *the Department of State Police* shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

§ 18.2-308.013. Revocation of permit; reinstatement.

A. ~~Any~~ *The Department of State Police shall revoke the permit of any person convicted of an offense that would disqualify that person from obtaining a permit under § 18.2-308.09 or who violates subsection C of § 18.2-308.02. Such person shall forfeit his permit for a concealed handgun and surrender it to the court* *Department of State Police*. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction, or occurrence of any other event that would disqualify a person from obtaining a concealed handgun permit under § 18.2-308.09, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction, or other event. Upon receipt of such notice of a conviction, the court *Department of State Police* shall revoke the permit of a person disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

B. ~~An~~ *The Department of State Police shall revoke the permit of any individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed handgun, may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.*

C. ~~The court~~ *Department of State Police* shall revoke the permit of any individual for whom it would be unlawful to purchase, possess, or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

D. *The Department of State Police shall revoke the permit of any individual who carries a resident permit issued in accordance with § 18.2-308.02 and who establishes residency outside the Commonwealth. This subsection shall not apply to (i) residents of the Commonwealth who serve in the United States armed forces and who are stationed outside the Commonwealth but who retain their permanent residency within the Commonwealth for purposes of military pay or (ii) any nonresident member of the United States armed forces while he is domiciled in the Commonwealth.*

428 E. Any person whose permit was revoked pursuant to this section may apply with the Department of
429 State Police for reinstatement of the permit. Such person must demonstrate that the condition or
430 preclusion that was the basis of the revocation has lapsed or is no longer in effect and that any
431 administrative fines have been paid.

432 F. Any person whose permit issued prior to January 1, 2015, expires during the permit's revocation
433 period shall apply for a new permit in accordance with § 18.2-308.02.

434 **§ 18.2-308.016. Change of address.**

435 A. Any person who has been issued a permit in accordance with this article and whose address
436 changes from the address shown on the permit shall, within 30 business days of the change in the
437 address, notify the Department of State Police of his change of address. The Department of State Police
438 shall issue a new permit in accordance with § 18.2-308.011.

439 B. The Department of State Police shall suspend the permit issued to any person who fails to comply
440 with the provisions of subsection A. Such suspension shall occur immediately upon notice by the
441 Department of State Police that such person is in violation of subsection A. The Department of State
442 Police shall notify the permittee of such suspension, and any suspended permit shall be surrendered to
443 the Department of State Police upon notice of suspension for 180 days from the date such permit is
444 surrendered. The Department of State Police shall return any suspended permit at the conclusion of
445 such suspension.

446 **§ 18.2-308.017. Periodic background check.**

447 The Department of State Police shall conduct a national criminal history records check on all valid
448 concealed handgun permits issued in accordance with this article on a periodic basis throughout the
449 lifetime of the permit. Upon notice of any reason that would be the basis of a revocation under
450 § 18.2-308.013 or subsection A of § 18.2-308.012, the Superintendent of State Police or his designee
451 shall revoke any permit issued to a disqualified person. The Department of State Police shall notify in
452 writing any person whose permit is revoked pursuant to this section of such revocation at his last known
453 address. Such notice shall state any reason under § 18.2-308.09 or subsection A of § 18.2-308.012 that
454 is the basis of the revocation. Any person who receives notice of revocation pursuant to this section
455 shall forfeit and immediately surrender his permit to the Department of State Police. The provisions of
456 subsection C of § 18.2-308.08 shall apply mutatis mutandis to this section.

457 **§ 18.2-308.018. Possession of a revoked or suspended concealed handgun permit; penalty.**

458 A. Any person who knowingly possesses a permit that has been revoked or suspended is guilty of a
459 Class 1 misdemeanor.

460 B. Any person who violates subsection A while in possession of a concealed handgun is guilty of a
461 Class 6 felony.

462 **§ 52-4.5. Concealed handgun permits; statistical reports.**

463 The Department of State Police shall report to the General Assembly, by December 1 of each year,
464 statistical information regarding concealed handgun permits issued by the Department of State Police
465 pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2 for the preceding 12 months
466 complete through October 31. Such statistical information shall include (i) the number of concealed
467 handgun permits issued to residents of the Commonwealth, (ii) the number of concealed handgun
468 permits issued to nonresidents, (iii) the number of permit applications denied by the Department, (iv) the
469 average length of time for the issuance of a permit or the denial of an application, (v) the total number
470 of permits that were issued or applications that were denied by the Department in an untimely manner
471 in violation of the provisions of subsection B of § 18.2-308.04, and (vi) the total amount of fees received
472 by the Department pursuant to Article 6.1 of Chapter 7 of Title 18.2. The statistical information
473 contained in the report shall not identify individual permittees.

474 **2. That §§ 18.2-308.05 and 18.2-308.010 of the Code of Virginia are repealed.**

475 **3. That the provisions of this act shall become effective on January 1, 2015.**

476 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**
477 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
478 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
479 **806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to**
480 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
481 **necessary appropriation is \$0 for periods of commitment to the custody of the Department of**
482 **Juvenile Justice.**