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HOUSE BILL NO. 51

Offered January 13, 2016

Prefiled November 28, 2015

A BILL to amend and reenact § 59.1-148.3 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to purchase of weapons other than handguns by certain officers.

Patrons—Miller and Freitas

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-148.3 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 59.1-148.3. (Effective until July 1, 2018) Purchase of handguns or other weapons of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the ~~Department of State Police~~ *agencies listed in this subsection* for personal duty use of an officer, may, with approval of the ~~Superintendent~~ *agency head*, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with ~~5~~ *five* or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to

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59 him.

60 G. Any sheriff or local police department, in accordance with written authorization or approval from
61 the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of
62 service to purchase the service handgun issued to him by the agency at a price that is equivalent to or
63 less than the weapon's fair market value on the date of purchase by the officer.

64 H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer
65 currently employed by the agency to purchase his service handgun, with the approval of the chief
66 law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the
67 agency has purchased new service handguns for its officers, and the handgun subject to the sale is no
68 longer used by the agency or officer in the course of duty.

69 **§ 59.1-148.3. (Effective July 1, 2018) Purchase of handguns of certain officers.**

70 A. The Department of State Police, the Department of Game and Inland Fisheries, the Virginia
71 Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the
72 Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff,
73 any regional jail board or authority, and any local police department may allow any full-time sworn
74 law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time
75 sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any
76 institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant
77 to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at
78 least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred
79 disability or who is receiving long-term disability payments for a service-incurred disability with no
80 expectation of returning to the employment where he incurred the disability to purchase the service
81 handgun issued or previously issued to him by the agency or institution at a price of \$1. If the
82 previously issued weapon is no longer available, a weapon of like kind may be substituted for that
83 weapon. This privilege shall also extend to any former Superintendent of the Department of State Police
84 who leaves service after a minimum of five years. This privilege shall also extend to any person listed
85 in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after
86 July 1, 1991, in good standing from one of the agencies listed in this section to accept a position
87 covered by the Virginia Retirement System. Other weapons issued by the ~~Department of State Police~~
88 *agencies listed in this subsection* for personal duty use of an officer, may, with approval of the
89 ~~Superintendent~~ *agency head*, be sold to the officer subject to the qualifications of this section at a fair
90 market price determined as in subsection B, so long as the weapon is a type and configuration that can
91 be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other
92 than the instant background check.

93 B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who
94 retires with ~~5~~ *five* or more years of service, but less than 10, to purchase the service handgun issued to
95 him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's
96 retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in
97 subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the
98 service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on
99 the date of the officer's retirement. Determinations of fair market value may be made by reference to a
100 recognized pricing guide.

101 C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn
102 law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least
103 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

104 D. The governing board of any institution of higher learning named in § 23-14 may allow any
105 campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or
106 after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's
107 fair market value on the date of the officer's retirement. Determinations of fair market value may be
108 made by reference to a recognized pricing guide.

109 E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a
110 state agency listed in subsection A, when the agency allows purchases of service handguns, and who
111 retires after 10 years of state service, even if a portion of his service was with another state agency, may
112 purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

113 F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a
114 minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to
115 him.

116 G. Any sheriff or local police department, in accordance with written authorization or approval from
117 the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of
118 service to purchase the service handgun issued to him by the agency at a price that is equivalent to or
119 less than the weapon's fair market value on the date of purchase by the officer.

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121 currently employed by the agency to purchase his service handgun, with the approval of the chief
122 law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the
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