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HOUSE BILL NO. 76

Offered January 13, 2016

Prefiled December 7, 2015

A BILL to amend and reenact §§ 9.1-102, 9.1-184, 18.2-282, 18.2-308, as it is currently effective and as it shall become effective, and 18.2-308.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-279.10, relating to authorization and training for persons designated to carry concealed handguns on school property.

Patrons—Marshall, R.G. and Cole

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-184, 18.2-282, 18.2-308, as it is currently effective and as it shall become effective, and 18.2-308.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-279.10 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other

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59 institutions, whether located in or outside the Commonwealth, concerning the development of police
60 training schools and programs or courses of instruction;

61 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
62 for school operation for the specific purpose of training law-enforcement officers; but this shall not
63 prevent the holding of any such school whether approved or not;

64 14. Establish and maintain police training programs through such agencies and institutions as the
65 Board deems appropriate;

66 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
67 criminal justice training schools approved by the Department;

68 16. Conduct and stimulate research by public and private agencies which shall be designed to
69 improve police administration and law enforcement;

70 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

71 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
72 record information, nominate one or more of its members to serve upon the council or committee of any
73 such system, and participate when and as deemed appropriate in any such system's activities and
74 programs;

75 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
76 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
77 submit information, reports, and statistical data with respect to its policy and operation of information
78 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
79 information and correctional status information, and such criminal justice agencies shall submit such
80 information, reports, and data as are reasonably required;

81 20. Conduct audits as required by § 9.1-131;

82 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
83 criminal history record information and correctional status information;

84 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
85 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
86 and correctional status information;

87 23. Maintain a liaison with any board, commission, committee, or other body which may be
88 established by law, executive order, or resolution to regulate the privacy and security of information
89 collected by the Commonwealth or any political subdivision thereof;

90 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
91 dissemination of criminal history record information and correctional status information, and the privacy,
92 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
93 court orders;

94 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
95 justice information system, produce reports, provide technical assistance to state and local criminal
96 justice data system users, and provide analysis and interpretation of criminal justice statistical
97 information;

98 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
99 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
100 update that plan;

101 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
102 Commonwealth, and units of general local government, or combinations thereof, including planning
103 district commissions, in planning, developing, and administering programs, projects, comprehensive
104 plans, and other activities for improving law enforcement and the administration of criminal justice
105 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

106 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
107 activities for the Commonwealth and units of general local government, or combinations thereof, in the
108 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
109 justice at every level throughout the Commonwealth;

110 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
111 revisions or alterations to such programs, projects, and activities for the purpose of improving law
112 enforcement and the administration of criminal justice;

113 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
114 Commonwealth and of the units of general local government, or combination thereof, including planning
115 district commissions, relating to the preparation, adoption, administration, and implementation of
116 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
117 justice;

118 31. Do all things necessary on behalf of the Commonwealth and its units of general local
119 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
120 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and

programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security

182 officers, relevant state and federal laws, school and personal liability issues, security awareness in the
183 school environment, mediation and conflict resolution, disaster and emergency response, and student
184 behavioral dynamics. The Department shall establish an advisory committee consisting of local school
185 board representatives, principals, superintendents, and school security personnel to assist in the
186 development of these standards and certification requirements;

187 45. Establish training standards and publish a model policy and protocols for local and regional
188 sexual assault response teams;

189 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
190 Article 11 (§ 9.1-185 et seq.);

191 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

192 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
193 justice agencies regarding the investigation, registration, and dissemination of information requirements
194 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

195 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
196 and (iii) certification requirements for campus security officers. Such training standards shall include, but
197 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
198 school and personal liability issues, security awareness in the campus environment, and disaster and
199 emergency response. The Department shall provide technical support and assistance to campus police
200 departments and campus security departments on the establishment and implementation of policies and
201 procedures, including but not limited to: the management of such departments, investigatory procedures,
202 judicial referrals, the establishment and management of databases for campus safety and security
203 information sharing, and development of uniform record keeping for disciplinary records and statistics,
204 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
205 advisory committee consisting of college administrators, college police chiefs, college security
206 department chiefs, and local law-enforcement officials to assist in the development of the standards and
207 certification requirements and training pursuant to this subdivision;

208 50. Establish compulsory training standards and publish a model policy for law-enforcement
209 personnel regarding death notification;

210 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
211 pursuant to § 9.1-187;

212 52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for
213 law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning
214 the physical location of that individual's last consumption of an alcoholic beverage and for
215 communicating that information to the Alcoholic Beverage Control Board;

216 52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for
217 law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning
218 the physical location of that individual's last consumption of an alcoholic beverage and for
219 communicating that information to the Virginia Alcoholic Beverage Control Authority;

220 53. Establish training standards and publish a model policy for law-enforcement personnel assigned
221 to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
222 calls;

223 54. Establish training standards and publish a model policy for law-enforcement personnel involved
224 in criminal investigations that embody current best practices for conducting photographic and live
225 lineups;

226 55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
227 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
228 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The
229 Department shall publish and disseminate a model policy or guideline for law-enforcement personnel
230 involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that
231 law-enforcement personnel are sensitive to and aware of human trafficking offenses and the
232 identification of victims of human trafficking offenses;

233 56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
234 § 46.2-117;

235 57. Establish training standards and publish a model policy for missing children, missing adults, and
236 search and rescue protocol;

237 58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
238 Standards Committee by providing technical assistance and administrative support, including staffing, for
239 the Committee; and

240 59. *Establish minimum training standards for the training and certification of any person designated*
241 *under § 22.1-279.10 to carry a concealed handgun on school property. Such training standards shall*
242 *include situational assessments pertaining to the use or display of a handgun, the safe carrying and*
243 *storage of a concealed handgun, the use of a handgun, the proper response to emergency situations on*

school property until the arrival of law enforcement to the scene, and the laws pertaining to the carrying and use of concealed handguns. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, administrators of private schools, and school security personnel to assist in the development of these standards and certification requirements; and

60. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;

5. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

6. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

7. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth; ~~and~~

10. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students; *and*

11. *Provide training for and certification of any person designated under § 22.1-279.10 by a school board to carry a concealed handgun on school property.*

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 18.2-282. Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance; penalty.

A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured. However, this section shall not apply to any person (i) engaged in excusable or justifiable self-defense or (ii) *designated under § 22.1-279.10 who uses a concealed handgun in accordance with his training and certification for the purpose of excusable or justifiable self-defense or the defense of others on school property.* Persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor or, if the violation occurs upon any public, private or religious elementary, middle or high school, including buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.

B. Any police officer in the performance of his duty, in making an arrest under the provisions of this section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding, or brandishing such firearm or air or gas operated weapon, or object that was similar in appearance, with intent to induce

305 fear in the mind of another.

306 C. For purposes of this section, the word "firearm" means any weapon that will or is designed to or
307 may readily be converted to expel single or multiple projectiles by the action of an explosion of a
308 combustible material. ~~The word "ammunition," as used herein, shall mean a cartridge, pellet, ball,~~
309 ~~missile or projectile adapted for use in a firearm.~~

310 **§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.**

311 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,
312 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any
313 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,
314 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more
315 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun
316 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,
317 having at least two points or pointed blades which is designed to be thrown or propelled and which may
318 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this
319 subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction
320 under this section subsequent to any conviction under any substantially similar ordinance of any county,
321 city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be
322 punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden
323 from common observation when it is observable but is of such deceptive appearance as to disguise the
324 weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun,
325 that a person had been issued, at the time of the offense, a valid concealed handgun permit.

326 B. This section shall not apply to any person while in his own place of abode or the curtilage
327 thereof.

328 C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

329 1. Any person while in his own place of business;

330 2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the
331 Commonwealth;

332 3. Any person who is at, or going to or from, an established shooting range, provided that the
333 weapons are unloaded and securely wrapped while being transported;

334 4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or
335 from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped
336 while being transported;

337 5. Any person carrying such weapons between his place of abode and a place of purchase or repair,
338 provided the weapons are unloaded and securely wrapped while being transported;

339 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland
340 Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from
341 those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be
342 construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

343 7. Any State Police officer retired from the Department of State Police, any officer retired from the
344 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
345 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
346 retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
347 conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia
348 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
349 Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired
350 from a campus police department, any retired member of the enforcement division of the Department of
351 Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of
352 the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related
353 disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any
354 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such
355 law-enforcement agency or board due to a service-related injury, provided such officer carries with him
356 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
357 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency
358 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or
359 the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall
360 be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia
361 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such
362 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An
363 officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun
364 shall surrender such proof of consultation upon return to work or upon termination of employment with
365 the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State
366 Police for entry into the Virginia Criminal Information Network. However, if such officer retires on

disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; ~~and~~

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; ~~and~~

12. Any person designated under § 22.1-279.10 for the sole purpose of carrying a concealed handgun on school property in accordance with his training and certification.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;
3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;
4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same

manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; ~~and~~

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; ~~and~~

12. Any person designated under § 22.1-279.10 for the sole purpose of carrying a concealed handgun on school property in accordance with his training and certification.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife,

except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; ~~or~~ (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school; *or (ix) any person designated under § 22.1-279.10.* For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 22.1-279.10. Designated persons may carry handguns; training.

A school board may designate at each school in the district or an administrator of a private school may designate at the school one or more of the following who, notwithstanding any other law to the contrary, may carry a concealed handgun on school property: (i) a teacher, principal, or other employee of the school who has been employed by such school division or private school for at least three years; (ii) a person holding a valid concealed handgun permit issued in accordance with § 18.2-308 who currently volunteers and has volunteered for at least three years for the school; or (iii) a retired law-enforcement officer as defined in § 9.1-101 who has lived in the school's district or the locality in which the private school is located for at least three years. Any person designated under this section to carry a concealed handgun shall be certified and trained in the storage, use, and handling of a concealed handgun by (a) the Virginia Center for School and Campus Safety as provided in § 9.1-184 or (b) any National Rifle Association firearms safety or training course conducted pursuant to the minimum training standards established by the Department of Criminal Justice Services under § 9.1-102.