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SENATE BILL NO. 186

Offered January 13, 2016

Prefiled January 4, 2016

A *BILL to amend and reenact §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia, relating to concealed handgun permits; proof of competence.*

Patron—Marsden

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

2. ~~Completing any National Rifle Association firearms safety or training course, including a synchronous online version, that focuses on the use and handling of a concealed handgun;~~

3. ~~2. Completing any firearms safety or Department of Criminal Justice Services training course or class, including a synchronous online version, that (i) focuses on the use and handling of a concealed handgun; (ii) is available to the general public; (iii) is offered by a law-enforcement agency, junior community college, college, or private or public institution or organization or firearms training school utilizing; and (iv) is conducted by firearms instructors certified by the National Rifle Association or the Department of Criminal Justice Services;~~

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

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

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

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

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

9. ~~5. Completing any other firearms training which that the court deems adequate.~~

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class ~~or evidences participation in firearms competition~~ shall constitute evidence of qualification under this subsection. *Any proof of demonstrated competence set forth in subdivision 1, 2, 4, or 5 shall expire five years from the date of completion of such course or class.*

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

D. The clerk of court shall withhold from public disclosure the applicant's name and any other

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59 information contained in a permit application or any order issuing a concealed handgun permit, except
60 that such information shall not be withheld from any law-enforcement officer acting in the performance
61 of his official duties or from the applicant with respect to his own information. The prohibition on
62 public disclosure of information under this subsection shall not apply to any reference to the issuance of
63 a concealed handgun permit in any order book before July 1, 2008; however, any other concealed
64 handgun records maintained by the clerk shall be withheld from public disclosure.

65 E. An application is deemed complete when all information required to be furnished by the applicant,
66 including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and
67 received by the clerk of court before or concomitant with the conduct of a state or national criminal
68 history records check.

69 **§ 18.2-308.06. Nonresident concealed handgun permits.**

70 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
71 Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a
72 nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the
73 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided
74 by the Department of State Police for the purpose of obtaining the applicant's state or national criminal
75 history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
76 fingerprinting by his local or state law-enforcement agency and provide personal descriptive information
77 to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S.
78 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
79 regarding the applicant and obtaining fingerprint identification information from federal records pursuant
80 to criminal investigations by state and local law-enforcement agencies. The application shall be made
81 under oath before a notary or other person qualified to take oaths on a form provided by the Department
82 of State Police, requiring only that information necessary to determine eligibility for the permit. If the
83 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked
84 and the person shall return the permit after being so notified by the Department of State Police. The
85 permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall
86 apply, mutatis mutandis, to the provisions of this subsection.

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

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

90 ~~2. Completing any National Rifle Association firearms safety or training course, including a~~
91 ~~synchronous online version, that focuses on the use and handling of a concealed handgun;~~

92 ~~3. 2. Completing any firearms safety or Department of Criminal Justice Services training course or~~
93 ~~class, including a synchronous online version, that (i) focuses on the use and handling of a concealed~~
94 ~~handgun; (ii) is available to the general public; (iii) is offered by a law-enforcement agency, junior~~
95 ~~community college, college, or private or public institution or organization or firearms training school~~
96 ~~utilizing; and is conducted by firearms instructors certified by the National Rifle Association or the~~
97 ~~Department of Criminal Justice Services or a similar agency of another state;~~

98 ~~4. Completing any law-enforcement firearms safety or training course or class offered for security~~
99 ~~guards, investigators, special deputies, or any division or subdivision of law enforcement or security~~
100 ~~enforcement;~~

101 ~~5. 3. Presenting evidence of equivalent experience with a firearm through participation in organized~~
102 ~~shooting competition approved by the Department of State Police or current United States military~~
103 ~~service or proof of an honorable discharge from any branch of the United States armed services;~~

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

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

108 ~~8. 4. Completing any governmental police agency firearms training course and qualifying to carry a~~
109 ~~firearm handgun in the course of normal police duties; or~~

110 ~~9. 5. Completing any other firearms training that the Virginia Department of State Police deems~~
111 ~~adequate.~~

112 A photocopy of a certificate of completion of any such course or class; an affidavit from the
113 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
114 the completion of the course or class by the applicant; or a copy of any document that shows
115 completion of the course or class ~~or evidences participation in firearms competition~~ shall satisfy the
116 requirement for demonstration of competence with a handgun. *Any proof of demonstrated competence*
117 *set forth in subdivision 1, 2, 4, or 5 shall expire five years from the date of completion of such course*
118 *or class.*

119 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
120 background check and issuance of the permit. Any fees collected shall be deposited in a special account

121 to be used to offset the costs of administering the nonresident concealed handgun permit program.

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

126 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
127 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a
128 nonresident concealed handgun permit.

129 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
130 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
131 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
132 **665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to**
133 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
134 **necessary appropriation is \$0 for periods of commitment to the custody of the Department of**
135 **Juvenile Justice.**