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SENATE BILL NO. 187

Offered January 13, 2016

Prefiled January 4, 2016

A BILL to amend and reenact § 18.2-308.2:2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-308.2:5, 18.2-308.2:6, and 18.2-308.2:7, relating to firearms transfer permits; penalties.

Patron—Marsden

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-308.2:5, 18.2-308.2:6, and 18.2-308.2:7 as follows:

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms; penalties.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense, and other documentation of residence. Except where the photo-identification was issued by the United States Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; other current identification allowed as evidence of residency by Part 178.124 of Title 27 of the Code of Federal Regulations and ATF Ruling 2001-5; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services, that corroborates that the prospective purchaser currently resides in Virginia. Where the photo-identification was issued by the Department of Defense, permanent orders assigning the purchaser to a duty post in Virginia, including the Pentagon, shall be the only other required documentation of residence. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. When the photo-identification presented to a dealer by the prospective purchaser is a driver's license or other photo-identification issued by the Department of Motor Vehicles,

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59 and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's
60 license or other photo-identification issued by the Department of Motor Vehicles, sell or otherwise
61 transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or
62 duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia
63 Department of Motor Vehicles driver's record showing that the original date of issue of the driver's
64 license was more than 30 days prior to the attempted purchase.

65 In addition, no dealer shall sell, rent, trade or transfer from his inventory any assault firearm to any
66 person who is not a citizen of the United States or who is not a person lawfully admitted for permanent
67 residence. To establish citizenship or lawful admission for a permanent residence for purposes of
68 purchasing an assault firearm, a dealer shall require a prospective purchaser to present a certified birth
69 certificate or a certificate of birth abroad issued by the United States State Department, a certificate of
70 citizenship or a certificate of naturalization issued by the United States Citizenship and Immigration
71 Services, an unexpired U.S. passport, a United States citizen identification card, a current voter
72 registration card, a current selective service registration card, or an immigrant visa or other
73 documentation of status as a person lawfully admitted for permanent residence issued by the United
74 States Citizenship and Immigration Services.

75 Upon receipt of the request for a criminal history record information check, the State Police shall (1)
76 review its criminal history record information to determine if the buyer or transferee is prohibited from
77 possessing or transporting a firearm by state or federal law, (2) inform the dealer if its record indicates
78 that the buyer or transferee is so prohibited, and (3) provide the dealer with a unique reference number
79 for that inquiry.

80 2. The State Police shall provide its response to the requesting dealer during the dealer's request, or
81 by return call without delay. If the criminal history record information check indicates the prospective
82 purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity
83 and committed to the custody of the Commissioner of Behavioral Health and Developmental Services,
84 the State Police shall have until the end of the dealer's next business day to advise the dealer if its
85 records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state
86 or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled
87 the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be
88 deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or
89 other circumstances beyond the control of the State Police, the dealer shall be advised immediately of
90 the reason for such delay and be given an estimate of the length of such delay. After such notification,
91 the State Police shall, as soon as possible but in no event later than the end of the dealer's next business
92 day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from
93 possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of
94 subdivision 1 and is told by the State Police that a response will not be available by the end of the
95 dealer's next business day may immediately complete the sale or transfer and shall not be deemed in
96 violation of this section with respect to such sale or transfer.

97 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer
98 than 30 days, except for multiple handgun transactions for which records shall be maintained for 12
99 months, from any dealer's request for a criminal history record information check pertaining to a buyer
100 or transferee who is not found to be prohibited from possessing and transporting a firearm under state or
101 federal law. However, the log on requests made may be maintained for a period of 12 months, and such
102 log shall consist of the name of the purchaser, the dealer identification number, the unique approval
103 number and the transaction date.

104 4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or
105 deliver the written consent form required by subsection A to the Department of State Police. The State
106 Police shall immediately initiate a search of all available criminal history record information to
107 determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal
108 law. If the search discloses information indicating that the buyer or transferee is so prohibited from
109 possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in
110 the jurisdiction where the sale or transfer occurred and the dealer without delay.

111 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by
112 persons who are citizens of the United States or persons lawfully admitted for permanent residence but
113 residents of other states under the terms of subsections A and B upon furnishing the dealer with proof
114 of citizenship or status as a person lawfully admitted for permanent residence and one
115 photo-identification form issued by a governmental agency of the person's state of residence and one
116 other form of identification determined to be acceptable by the Department of Criminal Justice Services.

117 6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include
118 December 25.

119 C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the
120 transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of

subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the

182 privilege of residing permanently in the United States as an immigrant in accordance with the
183 immigration laws, such status not having changed.

184 H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity,
185 confidentiality and security of all records and data provided by the Department of State Police pursuant
186 to this section.

187 I. The provisions of this section shall not apply to (i) transactions between persons who are licensed
188 as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii)
189 purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth
190 or any local government, or any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of
191 Title 23; or (iii) antique firearms, curios or relics.

192 J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a
193 resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another
194 state, in which case the laws and regulations of that state and the United States governing the purchase,
195 trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS)
196 check shall be performed prior to such purchase, trade or transfer of firearms.

197 J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal
198 history record information check is required pursuant to this section, except that a fee of \$5 shall be
199 collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the
200 Department of State Police by the last day of the month following the sale for deposit in a special fund
201 for use by the State Police to offset the cost of conducting criminal history record information checks
202 under the provisions of this section.

203 K. Any person willfully and intentionally making a materially false statement on the consent form
204 required in subsection B or C or on such firearm transaction records as may be required by federal law,
205 shall be guilty of a Class 5 felony.

206 L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades
207 or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

208 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or
209 otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and
210 intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not
211 apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the
212 performance of his official duties, or other person under his direct supervision.

213 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such
214 firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise
215 receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the
216 Commonwealth to be resold or otherwise provided to another person who the transferor knows is
217 ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to
218 a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection
219 involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory
220 minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the
221 purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to
222 § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child,
223 grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

224 N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the
225 Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of
226 a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

227 O. Any mandatory minimum sentence imposed under this section shall be served consecutively with
228 any other sentence.

229 P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating
230 whether the driver's license is an original, duplicate or renewed driver's license.

231 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his
232 inventory to any other person, a dealer may require such other person to consent to have the dealer
233 obtain criminal history record information to determine if such other person is prohibited from
234 possessing or transporting a firearm by state or federal law. The Department of State Police shall
235 establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to
236 be made by the Department of State Police, and the processes established for making such
237 determinations shall conform to the provisions of this section.

238 R. *The provisions of this section shall not apply to a person who presents the dealer with (i) a*
239 *firearms transfer permit issued pursuant § 18.2-308.2:6 and (ii) one photo-identification form issued by*
240 *a governmental agency of the Commonwealth or by the U.S. Department of Defense. Nothing in this*
241 *subsection shall operate to limit the application of federal law governing the transfer of a firearm by a*
242 *dealer.*

243 **§ 18.2-308.2:5. Firearms transfer permit required to transfer firearm; penalty.**

A. A person who sells, rents, trades, or transfers a firearm shall require the prospective transferee to present (i) a firearms transfer permit and (ii) one photo-identification form issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense. Except as provided in § 18.2-308.2:1, a person who willfully and intentionally sells, rents, trades, or transfers a firearm to a person who does not present to the transferor a firearms transfer permit and (ii) one photo-identification form issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not apply to a licensed firearms dealer who complies with § 18.2-308.2:2.

B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may transfer a firearm to another person if:

1. The transfer is a bona fide gift made by or to a member of the transferor's immediate family as defined in § 6.2-1300;

2. The transfer occurs by operation of law;

3. The transferor is an executor or administrator of an estate or is a trustee of a testamentary trust and the firearm transferred is property of such estate or trust; or

4. The transfer is temporary and (i) occurs within the continuous presence of the owner of the firearm or (ii) is necessary to prevent imminent death or serious bodily injury.

C. No provisions of this section shall apply to a dealer who complies with the requirements of § 18.2-308.2:2.

§ 18.2-308.2:6. Firearms transfer permit; application, issuance, procedures.

The Department of State Police (Department) shall establish a process for issuing firearms transfer permits and may charge a fee to cover administrative costs. Any resident of the Commonwealth 21 years of age or older or who is a member of the United States Armed Forces domiciled in the Commonwealth may submit an application for a firearms transfer permit. The application shall be made on a form to be provided by the Department and shall be made under oath before a notary or other person qualified to take oaths. The form shall include written consent to have the Department obtain criminal history record information, name, birth date, gender, race, citizenship, and social security number or other identification number; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

To establish personal identification and residence in Virginia for purposes of this section, the applicant must present two photographs of a type and kind specified by the Department and other documentation of residence. Except where the photo-identification was issued by the U.S. Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services that corroborates that the applicant currently resides in Virginia. Where the photo identification was issued by the U.S. Department of Defense, permanent orders assigning the applicant to a duty post in Virginia, including the Pentagon, shall be the only other required documentation of residence. For the purposes of this section and establishment of residency, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. When the photo-identification presented by the applicant is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such photo-identification form contains a date of issue, the Department shall not, except for a renewed driver's license or other photo-identification issued by the Department of Motor Vehicles, issue a firearms transfer permit until 30 days after the date of issue of an original or duplicate driver's license unless the applicant also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days

305 prior to the date of application.

306 An application is deemed complete when all information required to be furnished by the applicant,
307 including the fee, is delivered to and received by the Department.

308 The Department shall search all available criminal history record information to determine if the
309 applicant is prohibited from possessing or transporting a firearm under state or federal law.

310 If the search discloses information indicating that the applicant is prohibited from possessing or
311 transporting a firearm, the State Police shall inform the applicant of the basis of the denial.

312 If an applicant is denied a permit or issued a permit which is subsequently revoked based on the
313 criminal history record information search, he may exercise his right of access to and review and
314 correction of criminal history record information under § 9.1-132 or institute a civil action as provided
315 in § 9.1-135, provided that any such action is initiated within 30 days of such denial or revocation.

316 The Department shall enter the name and description of a person issued a firearms transfer permit
317 into the Virginia Criminal Information Network.

318 If a disqualifying event occurs subsequent to the issuance of a permit, the Department shall revoke
319 the permit and shall promptly notify the person whose permit was revoked of the revocation and the
320 reason for the disqualification. The Department shall revoke the permit of anyone who establishes
321 residency outside of the Commonwealth. This provision shall not apply to (1) residents of the
322 Commonwealth who serve in the United States Armed Forces and who are stationed outside the
323 Commonwealth but who retain their permanent residency within the Commonwealth for purposes of
324 military pay or (2) any nonresident member of the United States Armed Forces while he is domiciled in
325 the Commonwealth. Any person whose permit was revoked may apply to the Department for
326 reinstatement of the permit. Such person must demonstrate (A) that the condition or preclusion that was
327 the basis of the revocation has lapsed or is no longer in effect and (B) that any administrative fees have
328 been paid, and the Department shall reissue the permit upon proof that clauses (A) and (B) have been
329 satisfied.

330 Any person who has been issued a permit in accordance with this section and whose address
331 changes from the address shown on the permit shall, within 30 business days of the change in the
332 address, notify the Department of his change of address. The Department shall issue a new permit. The
333 Department shall suspend the permit issued to any person who fails to notify the Department as
334 required. Such suspension shall occur immediately upon notice by the Department that such person is in
335 violation of this provision. The Department shall notify the permittee of such suspension, and any
336 suspended permit shall be surrendered to the Department upon notice of suspension for 180 days from
337 the date such permit is surrendered. The Department shall return any suspended permit at the
338 conclusion of such suspension.

339 The Department shall conduct a national criminal history records check on all firearms transfer
340 permittees on a periodic basis, but no less than annually, throughout the lifetime of the permit. Upon
341 notice of any reason that would be the basis of a revocation, the Department shall revoke any permit
342 issued to a disqualified person. The Department shall notify in writing any person whose permit is
343 revoked pursuant to this provision of such revocation at his last known address. Such notice shall state
344 any reason that is the basis of the revocation. Any person who receives notice of revocation pursuant to
345 this provision shall forfeit and immediately surrender his permit to the Department.

346 The provisions of this section shall not apply to (i) transactions between persons who are licensed as
347 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii)
348 purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth
349 or any local government, or any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of
350 Title 23; or (iii) antique firearms, curios or relics.

351 The definitions in subsection G of § 18.2-308.2:2 shall apply to this section.

352 **§ 18.2-308.2:7. Possession of a revoked or suspended firearms transfer permit; penalty.**

353 Any person who displays a firearms transfer permit that has been revoked or suspended knowing that
354 such permit has been revoked or suspended is guilty of a Class 1 misdemeanor.

355 **2. That the provisions of subsection R of § 18.2-308.2:2 act shall become effective only if approval**
356 **is received from the U.S. Department of Justice for the Department of State Police to implement**
357 **the policies and procedures set out in this act.**

358 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
359 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
360 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
361 **665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to**
362 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
363 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
364 **Department of Juvenile Justice.**