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## SENATE BILL NO. 205

Offered January 13, 2016

Prefiled January 5, 2016

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

Patron—Edwards

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

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

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

A. The Department of State Police, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, and the Department of Corrections may allow any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the Department of State Police for personal duty use of an officer, may, with approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

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

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

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

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

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a

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59 minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to  
60 him.

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

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

70 **§ 59.1-148.3. (Effective July 1, 2018) Purchase of handguns of certain officers.**

71 A. The Department of State Police, the Department of Game and Inland Fisheries, the Virginia  
72 Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the  
73 Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff,  
74 any regional jail board or authority, and any local police department may allow any full-time sworn  
75 law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time  
76 sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any  
77 institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant  
78 to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, and the Department of  
79 Corrections may allow any employee with internal investigations authority designated by the Department  
80 of Corrections pursuant to subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service,  
81 (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving  
82 long-term disability payments for a service-incurred disability with no expectation of returning to the  
83 employment where he incurred the disability to purchase the service handgun issued or previously issued  
84 to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer  
85 available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to  
86 any former Superintendent of the Department of State Police who leaves service after a minimum of  
87 five years. This privilege shall also extend to any person listed in this subsection who is eligible for  
88 retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from  
89 one of the agencies listed in this section to accept a position covered by the Virginia Retirement System.  
90 Other weapons issued by the Department of State Police for personal duty use of an officer, may, with  
91 approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair  
92 market price determined as in subsection B, so long as the weapon is a type and configuration that can  
93 be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other  
94 than the instant background check.

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

103 C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn  
104 law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least  
105 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

106 D. The governing board of any institution of higher learning named in § 23-14 may allow any  
107 campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or  
108 after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's  
109 fair market value on the date of the officer's retirement. Determinations of fair market value may be  
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111 E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a  
112 state agency listed in subsection A, when the agency allows purchases of service handguns, and who  
113 retires after 10 years of state service, even if a portion of his service was with another state agency, may  
114 purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

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116 minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to  
117 him.

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

121 less than the weapon's fair market value on the date of purchase by the officer.

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

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