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**SENATE BILL NO. 220**

Offered January 13, 2016

Prefiled January 5, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-308.1:01, relating to transfers of firearms; penalties.*

Patrons—McEachin, Ebbin, Favola, Howell, Locke, Saslaw and Surovell; Delegates: Bagby, Carr, Kory, Levine, Lindsey, McQuinn, Plum and Simon

Referred to Committee for Courts of Justice

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

1. **That the Code of Virginia is amended by adding a section numbered 18.2-308.1:01 as follows:**

**§ 18.2-308.1:01. Firearm transfers; penalties.**

A. Any person other than a licensed dealer who sells, rents, trades, or transfers any firearm to any person other than a licensed dealer is guilty of a Class 2 misdemeanor.

B. Any person other than a licensed dealer who buys, rents, trades, or transfers any firearm from any person other than a licensed dealer is guilty of a Class 2 misdemeanor.

C. If neither party to a prospective firearm transfer is a licensed dealer, the parties to the transaction shall complete the transfer through a licensed dealer.

D. Notwithstanding subsection A, B, or C, unless otherwise prohibited by state or federal law, any person may transfer a firearm to any other person if:

1. The transfer is a bona fide gift made by or to a member of a person'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 trust created by a will;

4. The transfer is temporary and is necessary to prevent imminent death or great bodily harm; or

5. The transfer is temporary and occurs within the continuous presence of the owner of the firearm.

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