

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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*An Act to amend and reenact §§ 18.2-287.01, 18.2-287.4, 18.2-308, as it is currently effective and as it shall become effective, 18.2-308.1, and 22.1-277.07 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6.1 of Chapter 7 of Title 18.2 a section numbered 18.2-308.016, relating to retired law-enforcement officers; concealed handguns.*

[S 479]

Approved

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

**1. That §§ 18.2-287.01, 18.2-287.4, 18.2-308, as it is currently effective and as it shall become effective, 18.2-308.1, and 22.1-277.07 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6.1 of Chapter 7 of Title 18.2 a section numbered 18.2-308.016 as follows:**

**§ 18.2-287.01. Carrying weapon in air carrier airport terminal.**

It shall be unlawful for any person to possess or transport into any air carrier airport terminal in the Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, and (iii) any other dangerous weapon, including explosives, stun weapons as defined in § 18.2-308.1, and those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor. Any weapon possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or official, ~~or~~ conservation police officer, ~~or~~ conservator of the peace employed by the air carrier airport, *or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016*, nor shall the provisions of this section apply to any passenger of an airline who, to the extent otherwise permitted by law, transports a lawful firearm, weapon, or ammunition into or out of an air carrier airport terminal for the sole purposes, respectively, of (i) presenting such firearm, weapon, or ammunition to U.S. Customs agents in advance of an international flight, in order to comply with federal law, (ii) checking such firearm, weapon, or ammunition with his luggage, or (iii) retrieving such firearm, weapon, or ammunition from the baggage claim area.

Any other statute, rule, regulation, or ordinance specifically addressing the possession or transportation of weapons in any airport in the Commonwealth shall be invalid, and this section shall control.

**§ 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.**

It shall be unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that 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 that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.

The provisions of this section shall not apply to law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, or any person having a valid concealed handgun permit or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The exemptions set forth in § §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section.

**§ 18.2-308. (Effective until 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

57 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,  
58 having at least two points or pointed blades which is designed to be thrown or propelled and which may  
59 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this  
60 subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction  
61 under this section subsequent to any conviction under any substantially similar ordinance of any county,  
62 city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be  
63 punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden  
64 from common observation when it is observable but is of such deceptive appearance as to disguise the  
65 weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun,  
66 that a person had been issued, at the time of the offense, a valid concealed handgun permit.

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

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

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

71 2. Any law-enforcement officer, *or retired law-enforcement officer pursuant to § 18.2-308.016*,  
72 wherever such law-enforcement officer may travel in the Commonwealth;

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

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

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

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

84 7. Any State Police officer retired from the Department of State Police; any officer retired from the  
85 Division of Capitol Police; any local law-enforcement officer, auxiliary police officer or animal control  
86 officer retired from a police department or sheriff's office within the Commonwealth; any special agent  
87 retired from the State Corporation Commission or the Alcoholic Beverage Control Board; any  
88 conservation police officer retired from the Department of Game and Inland Fisheries; any Virginia  
89 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources  
90 Commission; any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23  
91 retired from a campus police department; any retired member of the enforcement division of the  
92 Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the  
93 security division of the Virginia Lottery, other than an officer or agent terminated for cause; (i) with a  
94 service-related disability; (ii) following at least 15 years of service with any such law-enforcement  
95 agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on  
96 long-term leave from such law-enforcement agency or board due to a service-related injury, provided  
97 such officer carries with him written proof of consultation with and favorable review of the need to  
98 carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from  
99 which the officer retired or the agency that employs the officer or, in the case of special agents, issued  
100 by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of  
101 consultation and favorable review shall be forwarded by the chief or the Board to the Department of  
102 State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer  
103 shall not without cause withhold such written proof if the retired law-enforcement officer otherwise  
104 meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of  
105 consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work  
106 or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be  
107 forwarded to the Department of State Police for entry into the Virginia Criminal Information Network.  
108 However, if such officer retires on disability because of the service-related injury, and would be eligible  
109 under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the  
110 previously issued written proof of consultation. A retired law-enforcement officer who receives proof of  
111 consultation and favorable review pursuant to this subdivision is authorized to carry a concealed  
112 handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun  
113 pursuant to subdivision 2;

114 7a. Any person who is eligible for retirement with at least 20 years of service with a  
115 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from  
116 such law-enforcement agency or board to accept a position covered by a retirement system that is  
117 authorized under Title 51-1, provided such person carries with him written proof of consultation with

118 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement  
119 officer of the agency from which he resigned or, in the case of special agents, issued by the State  
120 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation  
121 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State  
122 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall  
123 not without cause withhold such written proof if the law-enforcement officer otherwise meets the  
124 requirements of this section.

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

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

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

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

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

152 ~~10.~~ 8. Any person who may lawfully possess a firearm and is carrying a handgun while in a  
153 personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in  
154 the vehicle or vessel; and

155 ~~11.~~ 9. Any enrolled participant of a firearms training course who is at, or going to or from, a training  
156 location, provided that the weapons are unloaded and securely wrapped while being transported.

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

- 159 1. Carriers of the United States mail;
- 160 2. Officers or guards of any state correctional institution;
- 161 3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for  
162 the Commonwealth may carry a concealed handgun pursuant to subdivision C 9 7. However, the  
163 following conservators of the peace shall not be permitted to carry a concealed handgun without  
164 obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or  
165 other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in  
166 chancery;
- 167 4. Noncustodial employees of the Department of Corrections designated to carry weapons by the  
168 Director of the Department of Corrections pursuant to § 53.1-29; and
- 169 5. Harbormaster of the City of Hopewell.

170 **§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.**

171 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,  
172 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any  
173 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,  
174 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more  
175 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun  
176 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,  
177 having at least two points or pointed blades which is designed to be thrown or propelled and which may  
178 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this

179 subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction  
 180 under this section subsequent to any conviction under any substantially similar ordinance of any county,  
 181 city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be  
 182 punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden  
 183 from common observation when it is observable but is of such deceptive appearance as to disguise the  
 184 weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun,  
 185 that a person had been issued, at the time of the offense, a valid concealed handgun permit.

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

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

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

190 2. Any law-enforcement officer, *or retired law-enforcement officer pursuant to § 18.2-308.016*,  
 191 wherever such law-enforcement officer may travel in the Commonwealth;

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

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

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

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

203 7. Any State Police officer retired from the Department of State Police, any officer retired from the  
 204 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control  
 205 officer retired from a police department or sheriff's office within the Commonwealth, any special agent  
 206 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority,  
 207 any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia  
 208 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources  
 209 Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23  
 210 retired from a campus police department, any retired member of the enforcement division of the  
 211 Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the  
 212 security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a  
 213 service-related disability; (ii) following at least 15 years of service with any such law-enforcement  
 214 agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on  
 215 long-term leave from such law-enforcement agency or board due to a service-related injury, provided  
 216 such officer carries with him written proof of consultation with and favorable review of the need to  
 217 carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from  
 218 which the officer retired or the agency that employs the officer or, in the case of special agents, issued  
 219 by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of  
 220 the proof of consultation and favorable review shall be forwarded by the chief or the Board to the  
 221 Department of State Police for entry into the Virginia Criminal Information Network. The chief  
 222 law-enforcement officer shall not without cause withhold such written proof if the retired  
 223 law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause  
 224 (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof  
 225 of consultation upon return to work or upon termination of employment with the law-enforcement  
 226 agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the  
 227 Virginia Criminal Information Network. However, if such officer retires on disability because of the  
 228 service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a  
 229 concealed handgun, he may retain the previously issued written proof of consultation. A retired  
 230 law-enforcement officer who receives proof of consultation and favorable review pursuant to this  
 231 subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer  
 232 authorized to carry a concealed handgun pursuant to subdivision 2;

233 7a. Any person who is eligible for retirement with at least 20 years of service with a  
 234 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from  
 235 such law-enforcement agency or board to accept a position covered by a retirement system that is  
 236 authorized under Title 51-1, provided such person carries with him written proof of consultation with  
 237 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement  
 238 officer of the agency from which he resigned or, in the case of special agents, issued by the State  
 239 Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of

240 consultation and favorable review shall be forwarded by the chief, Board or Commission to the  
 241 Department of State Police for entry into the Virginia Criminal Information Network. The chief  
 242 law-enforcement officer shall not without cause withhold such written proof if the law-enforcement  
 243 officer otherwise meets the requirements of this section.

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

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

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

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

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

271 ~~10.~~ 8. Any person who may lawfully possess a firearm and is carrying a handgun while in a  
 272 personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in  
 273 the vehicle or vessel; and

274 ~~11.~~ 9. Any enrolled participant of a firearms training course who is at, or going to or from, a training  
 275 location, provided that the weapons are unloaded and securely wrapped while being transported.

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

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

288 **§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.**

289 A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

- 290 1. Any State Police officer retired from the Department of State Police, any officer retired from the  
 291 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control  
 292 officer retired from a police department or sheriff's office within the Commonwealth, any special agent  
 293 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Board, any  
 294 conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia  
 295 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources  
 296 Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired  
 297 from a campus police department, any retired member of the enforcement division of the Department of  
 298 Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of  
 299 the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related  
 300 disability; (ii) following at least 15 years of service with any such law-enforcement agency, commission,

301 board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term  
302 leave from such law-enforcement agency or board due to a service-related injury, provided such officer  
303 carries with him written proof of consultation with and favorable review of the need to carry a  
304 concealed handgun issued by the chief law-enforcement officer of the last such agency from which the  
305 officer retired or the agency that employs the officer or, in the case of special agents, issued by the  
306 State Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof  
307 of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the  
308 Department of State Police for entry into the Virginia Criminal Information Network. The chief  
309 law-enforcement officer shall not without cause withhold such written proof if the retired  
310 law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause  
311 (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof  
312 of consultation upon return to work or upon termination of employment with the law-enforcement  
313 agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the  
314 Virginia Criminal Information Network. However, if such officer retires on disability because of the  
315 service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a  
316 concealed handgun, he may retain the previously issued written proof of consultation.

317 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement  
318 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such  
319 law-enforcement agency, commission, or board to accept a position covered by a retirement system that  
320 is authorized under Title 51.1, provided such person carries with him written proof of consultation with  
321 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement  
322 officer of the agency from which he resigned or, in the case of special agents, issued by the State  
323 Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof of  
324 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the  
325 Department of State Police for entry into the Virginia Criminal Information Network. The chief  
326 law-enforcement officer shall not without cause withhold such written proof if the law-enforcement  
327 officer otherwise meets the requirements of this section.

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

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

345 C. A retired or resigned law-enforcement officer who receives proof of consultation and review  
346 pursuant to this section may annually participate and meet the training and qualification standards to  
347 carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or  
348 resigned law-enforcement officer meets the training and qualification standards, the chief  
349 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the  
350 date of issuance, indicating that the retired or resigned officer has met the standards of the  
351 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned  
352 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief,  
353 Commission, or Board to the Department of State Police for entry into the Virginia Criminal  
354 Information Network.

355 D. For all purposes, including for the purpose of applying the reciprocity provisions of  
356 § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section,  
357 while carrying the proof of consultation and favorable review required, shall be deemed to have been  
358 issued a concealed handgun permit.

359 **§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property**  
360 **prohibited; penalty.**

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

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

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

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

380 The exemptions set out in § §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the  
 381 provisions of this section. The provisions of this section shall not apply to (i) persons who possess such  
 382 weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife  
 383 customarily used for food preparation or service and using it for such purpose; (iii) persons who possess  
 384 such weapon or weapons as a part of any program sponsored or facilitated by either the school or any  
 385 organization authorized by the school to conduct its programs either on or off the school premises; (iv)  
 386 any law-enforcement officer, *or retired law-enforcement officer qualified pursuant to subsection C of*  
 387 *§ 18.2-308.016*; (v) any person who possesses a knife or blade which he uses customarily in his trade;  
 388 (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal  
 389 blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor  
 390 vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun  
 391 while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to  
 392 the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of  
 393 Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and  
 394 employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife  
 395 having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

396 As used in this section:

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

399 **§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.**

400 A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free  
 401 Schools Act of 1994), a school board shall expel from school attendance for a period of not less than  
 402 one year any student whom such school board has determined, in accordance with the procedures set  
 403 forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as  
 404 prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection  
 405 E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4  
 406 on school property or at a school-sponsored activity. A school administrator, pursuant to school board  
 407 policy, or a school board may, however, determine, based on the facts of a particular situation, that  
 408 special circumstances exist and no disciplinary action or another disciplinary action or another term of  
 409 expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes  
 410 special circumstances. In addition, a school board may, by regulation, authorize the division  
 411 superintendent or his designee to conduct a preliminary review of such cases to determine whether a  
 412 disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a  
 413 determination is made that another disciplinary action is appropriate, any such subsequent disciplinary  
 414 action is to be taken in accordance with the procedures set forth in this article. Nothing in this section  
 415 shall be construed to require a student's expulsion regardless of the facts of the particular situation.

416 B. The Board of Education is designated as the state education agency to carry out the provisions of  
 417 the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated  
 418 to the Commonwealth under this act.

419 C. Each school board shall revise its standards of student conduct no later than three months after the  
 420 date on which this act becomes effective. Local school boards requesting moneys apportioned to the  
 421 Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the  
 422 Department of Education an application requesting such assistance. Applications for assistance shall

423 include:

424 1. Documentation that the local school board has adopted and implemented student conduct policies  
425 in compliance with this section; and

426 2. A description of the circumstances pertaining to expulsions imposed under this section, including  
427 (i) the schools from which students were expelled under this section, (ii) the number of students  
428 expelled from each such school in the school division during the school year, and (iii) the types of  
429 firearms involved in the expulsions.

430 D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the  
431 JROTC program from conducting marksmanship training when such training is a normal element of  
432 such programs. Such programs may include training in the use of pneumatic guns. The administration of  
433 a school operating a JROTC program shall cooperate with the JROTC staff in implementing such  
434 marksmanship training.

435 E. As used in this section:

436 "Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket  
437 having a propellant charge of more than four ounces, missile having an explosive or incendiary charge  
438 of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a  
439 shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name  
440 known that will, or may be readily converted to, expel a projectile by the action of an explosive or  
441 other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is  
442 homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any  
443 sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian  
444 ownership by federal law; and (iii) any combination of parts either designed or intended for use in  
445 converting any device into any destructive device described in this subsection and from which a  
446 destructive device may be readily assembled. "Destructive device" does not include any device that is  
447 not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon  
448 and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device,  
449 nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

450 "Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be  
451 converted to, expel single or multiple projectiles by the action of an explosion of a combustible material  
452 or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined  
453 in subsection E of § 15.2-915.4.

454 "One year" means 365 calendar days as required in federal regulations.

455 "School property" means any real property owned or leased by the school board or any vehicle  
456 owned or leased by the school board or operated by or on behalf of the school board.

457 F. The exemptions set out in § §§ 18.2-308 *and* 18.2-308.016 regarding concealed weapons shall  
458 apply, *mutatis mutandis*, to the provisions of this section. The provisions of this section shall not apply  
459 to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other  
460 programs sponsored by the schools in the school division or any organization permitted by the school to  
461 use its premises or to any law-enforcement officer while engaged in his duties as such.

462 G. This section shall not be construed to diminish the authority of the Board of Education or the  
463 Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the  
464 federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate  
465 and provide policy direction on official communications between the Commonwealth and the United  
466 States government.