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HOUSE BILL NO. 1458

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on January 13, 2017)

(Patron Prior to Substitute—Delegate Lingamfelter)

A *BILL to amend and reenact §§ 18.2-308.03 and 53.1-120 of the Code of Virginia, relating to local law enforcement; fees for concealed handgun permits; costs assessed on conviction used for courthouse security.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.03 and 53.1-120 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.03. Fees for concealed handgun permits.

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the *concealed handgun permit* application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees *fee* to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. (Effective until July 1, 2018) No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control Board or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § 53.1-1 after completing 15 years of service.

B. (Effective July 1, 2018) No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Virginia Alcoholic Beverage Control Authority or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § 53.1-1 after completing 15 years of service.

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure

60 from violence and disruption and shall designate deputies for this purpose. A list of such designations
61 shall be forwarded to the Director of the Department of Criminal Justice Services.

62 B. The chief circuit court judge, the chief general district court judge and the chief juvenile and
63 domestic relations district court judge shall be responsible by agreement with the sheriff of the
64 jurisdiction for the designation of courtroom security deputies for their respective courts. If the
65 respective chief judges and sheriff are unable to agree on the number, type and working schedules of
66 courtroom security deputies for the court, the matter shall be referred to the Compensation Board for
67 resolution in accordance with existing budgeted funds and personnel.

68 C. The sheriff shall have the sole responsibility for the identity of the deputies designated for
69 courtroom security.

70 D. Any county or city, through its governing body, may assess a sum not in excess of ~~\$10~~ \$20 as
71 part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is
72 convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the
73 governing body of the county shall return to the town a portion of the assessments collected based on
74 the number of criminal and traffic cases originating and heard in the town. The imposition of such
75 assessment shall be by ordinance of the governing body that may provide for different sums in the
76 circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the
77 case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be
78 appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the
79 funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal
80 property used in connection with courthouse security.