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HOUSE BILL NO. 1849

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact § 18.2-308.04 of the Code of Virginia, relating to concealed handgun permit; permit requirements.*

Patrons—Gilbert and Villanueva

Referred to Committee on Militia, Police and Public Safety**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-308.04 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

A. The clerk of court shall enter on the application the date on which the application and all other information required to be submitted by the applicant is received.

B. Upon receipt of the completed application, the court shall consult with either the sheriff or police department of the county or city and receive a report from the Central Criminal Records Exchange.

C. The court shall issue the permit via United States mail and notify the State Police of the issuance of the permit within 45 days of receipt of the completed application unless it is determined that the applicant is disqualified. Any order denying issuance of the permit shall be in accordance with § 18.2-308.08. If the applicant is later found by the court to be disqualified after a five-year permit has been issued, the permit shall be revoked.

D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to applicants who have submitted complete applications, for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which application there are no outstanding questions or issues. The court clerk shall be immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

E. The permit to carry a concealed handgun shall specify only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee; the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed handgun shall be ~~no larger than two inches wide by three and one-fourth inches long of a size comparable to a Virginia driver's license, may be laminated or use a similar process to protect the permit,~~ and shall otherwise be of a uniform style prescribed by the Department of State Police.

INTRODUCED

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